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# Executive Orders

## EXECUTIVE ORDER DCT 82-11

WHEREAS, the private lending institutions in Louisiana who participate in the Guaranteed Student Loan Program have expressed considerable interest in exploring the possibilities of using the Student Loan Marketing Association as a secondary market for guaranteed student loans;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby rescind and declare null and void Executive Order 80-2 issued February 26, 1980.

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 26th day of May, A.D., 1982.

David C. Treen  
Governor of Louisiana

## EXECUTIVE ORDER DCT 82-12

WHEREAS, the Governor's Task Force on Drinking and Driving was created by the authority of Executive Order 82-2 and amended by Executive Orders 82-3, 82-6 and 82-10; and

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

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

The Task Force shall continue under the jurisdiction of the Department of Public Safety and shall be composed of 21 members rather than the 20 as previously stipulated. The additional member shall be appointed at large.

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 27th day of May, A.D., 1982.

David C. Treen  
Governor of Louisiana

## EXECUTIVE ORDER DCT 82-13

This Executive Order is issued by virtue of authority vested in me by law, in accordance with the provisions of R.S. 39, Chapter 17:1551-1736, with reference to the subject matter covered herein. Effective as of the date of my signature below, this

Order revokes and supersedes Executive Order 80-17 dated October 20, 1980.

### R.S. 39:1596: **Small Purchases**

"Any procurement not exceeding the amount established by Executive Order of the Governor may be made in accordance with Small Purchase Procedures prescribed by such Executive Order, except that procurement requirements shall not be artificially divided so as to constitute a Small Purchase under this Section."

Therefore, pursuant to the above authority, in order to discharge my duty and responsibility as directed by the above-quoted Section of the State Statutes, it is hereby ordered that all state of Louisiana agencies shall observe and abide by the following Rules and Regulations, and provided further that all purchases shall be made through the State Purchasing Office in the Division of Administration except where specific authority to purchase any materials or supplies has been delegated in writing by the Commissioner of Administration.

Therefore, pursuant to the authority vested in me by R.S. 39:1596, all departments, institutions, boards, commissions, budget units, and any other agencies under the jurisdiction of the Executive Department of the state government shall be required to observe and be guided by the following specific directives.

**Small Purchases:** Any procurement not exceeding Five Thousand Dollars (\$5000) may be made in accordance with the following small purchase procedures, except those services defined in sub parts g which shall be small purchases regardless of price and further that procurement requirements shall not be artificially divided so as to constitute a small purchase.

1. All agencies of the State Government except those exempted under R.S. 39:1572, are authorized to purchase tagable equipment where the cost does not exceed either \$500 or the amount of the agencies purchasing authority, whichever is lower. All other tagable equipment shall be requisitioned through the State Purchasing Office of the Division of Administration, with the provision that the only exceptions shall be by written permission of the Commissioner of Administration. This in no way eliminates the requirement of purchasing equipment from State Contracts in areas where those contracts exist.

2. All agencies of the state government covered by R.S. 39: Chapter 17, wherever the cost is estimated to be above \$100, regardless of whether purchases are made by the State Purchasing Office or agencies to whom purchasing has been delegated, shall observe the following Rules and Regulations on small purchases, but maximum competitive bidding shall be obtained in all cases in accordance with R.S. 39:1655. **This Executive Order in no way affects or changes the purchasing authority which has been delegated to your agency.**

**a. Purchases under \$100.** No competitive bidding is required.

**b. Purchases over \$100 but under \$500** shall be made by receiving price quotations wherever time permits, or if time does not permit, telephone and telegraph quotations may be obtained and purchases made on the basis of the lowest quotation received, however, it shall be determined in writing why time did not permit written quotations.

**c. Purchases over \$500 but under \$2,000** shall be made by soliciting written quotations from at least five (5) bonafide prospective bidders using DA 101 and FACS 101 forms.

**d. Purchases over \$2,000 but under \$5,000.** No purchases where the estimated cost is over \$2,000 but under \$5,000 shall be made except by sending out written invitations for bids to at least eight (8) bona fide, qualified bidders. In addition, the agency may advertise at their discretion. Written invitations for bids shall contain complete specifications, the quantity required, and shall stipulate that bids will be publicly opened and read at a

## EXECUTIVE ORDER DCT 82-14

specific date and time, as well as such other pertinent information such as the delivery point and other information sufficient for a supplier to make an acceptable bid. Agencies shall follow the requirements of the Purchasing Rules and Regulations established by the Commissioner of Administration in all other aspects of purchasing except as indicated above.

**e. Purchases over \$5,000.** No purchases where the estimated cost is over \$5,000 shall be made except by advertising in accordance with R.S. 39:1594C and sending out written invitations for bids to at least eight (8) bona fide, qualified bidders and where feasible use should be made of State Purchasing's computerized vendor list. In addition, all purchases must be made in accordance with the Purchasing Rules and Regulations established by the Commissioner of Administration.

### **f. Automotive, Machinery and Equipment Parts and**

Repairs and parts associated with those repairs for Automobiles and Machinery shall be obtained by either:

(1) The use of an "Authorized Dealer". (An "Authorized Dealer" is defined as a dealer certified by the manufacturer to perform maintenance on their equipment.)

(2) Obtaining competitive bids as indicated above.

### **g. Exceptions to minimum competitive requirements:**

(1) Federal Government surplus property.

(2) Livestock for slaughter when purchased at public auction sale.

(3) Purchasing or selling transactions between State budget units.

(4) Textbooks, newspapers, subscriptions, or foreign publications, and memberships.

(5) Repairs and parts associated with those repairs for heavy equipment, airplanes, and large boats shall be obtained by the use of an authorized dealer.

Repairs and parts associated with those repairs for other equipment in excess of \$5,000 require prior approval of the Chief Procurement Officer.

(6) All public utilities, governed by Louisiana Public Service.

(7) All services provided by local government. Example: Garbage Pick-up

### **h. Telephone or telegraph quotations should be obtained for the following from at least three (3) bona fide, qualified bidders wherever possible.**

(1) Farm products which include, but may not be limited to, fresh vegetables, milk, eggs, fish, or other perishable foods.

(2) Food, materials, and supplies needed for the operation of boats in isolated localities where only limited outlets of such supplies are available.

(3) Food purchased and used in Home Economics colleges courses where purchasing, preparing, and serving is part of the regularly prescribed course.

(4) Food purchases and other materials and supplies required by juvenile Detention homes where the number of the inmates is unstable and unpredictable.

(5) Convention and meeting facilities.

(6) Gasoline and fuel purchases unless covered by a competitive contract. Gasoline and fuel purchases in excess of \$5,000, unless covered by a competitive contract, require prior approval of the Chief Procurement Officer.

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 28th day of May, A.D., 1982.

David C. Treen  
Governor of Louisiana

WHEREAS, in the response to the medical malpractice insurance crisis which became manifest in 1975 with the ever increasing cost of medical malpractice insurance coverage and the unavailability of coverage due to the threatened exodus of all medical malpractice insurance carriers from the State of Louisiana, the Legislature of Louisiana enacted Act 817 of 1975, the Medical Malpractice Act; and

WHEREAS, by the enactment of Act 817 of 1975, the Legislature of Louisiana intended to encourage the prompt settlement of valid medical malpractice claims and the abandonment of invalid claims; and

WHEREAS, the Patient's Compensation Fund was established as an integral part of Act 817 of 1975; and

WHEREAS, the Legislature of Louisiana in 1975 provided the procedure for those health care providers qualified under Act 817 to fund through individual medical malpractice insurance surcharge contributions the Patient's Compensation Fund; and

WHEREAS, the balance of the Patient's Compensation Fund for the protection of the patients of the State of Louisiana presently exceeds \$15 million; and

WHEREAS, the Legislature established the medical review panel process to provide a body of experts assembled to evaluate the patient's claim and to provide the courts and the parties with an expert medical opinion; and

WHEREAS, during the seven years of Louisiana experience under Act 817 of 1975, the medical malpractice claims filed under the provisions are reaching full maturation; and

WHEREAS, both the legal and medical professions of the state have identified and recognized certain aspects of the medical review panel process which impede the legislative intent of expeditious resolution of claims and as such are in need of study and review to adequately assure the protection of all patients of Louisiana; and

WHEREAS, the integrity of the concept and the actuarial soundness of the Patient's Compensation Fund to assure a continuing source of compensation for patient claims arising out of medical malpractice must be maintained; and

WHEREAS, both the legal and medical professions of the state desire to continue to support the expressed legislative goals of prompt resolution of medical malpractice claims and the continued availability of professional medical services to the people of Louisiana; and

WHEREAS, it is in the best interests of the people of our state to undertake this worthy pursuit;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution of Louisiana and applicable statutes, do hereby create the Governor's Commission on Medical Malpractice.

Said commission shall study problems related to medical review panel procedures in order to assure the adequate protection of all medical patients. Said commission shall make proposals for legislation to the Governor prior to the first day of March of 1983.

BE IT FURTHER RESOLVED, the commission shall be located within the Office of the Governor and shall be composed of the following persons:

Gerald R. La Nasa, M.D., Past President, Louisiana State Medical Society;

Donald J. Palmisano, M.D., J.D., First Vice-President, Louisiana State Medical Society;

John C. Cooksey, M.D., Fifth District Counselor, Louisiana State Medical Society;

Henry Alsobrook, J.D., President, Louisiana Bar Association;

A. Kennon Goff, III, J.D., President, Louisiana Trial Lawyers Association;

William R. Carruth, Assistant Attorney General, Louisiana Department of Justice.

BE IT FURTHER RESOLVED, that the members of the commission shall receive no compensation for their service on the commission.

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 3rd day of June, A.D., 1982.

David C. Treen  
Governor of Louisiana

#### EXECUTIVE ORDER DCT 82-15

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

WHEREAS, in 1980, over 82,000 cases of rape were reported in the United States, 1,867 of those in Louisiana; and

WHEREAS, this problem deserves the special attention and response of the people of Louisiana;

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

- one member representing the District Attorney's Association who shall be designated by the Governor;
- one member representing the Coroners Association who shall be designated by the Governor;
- one member representing the Stop Rape Crisis Center of Baton Rouge who shall be designated by the Governor;
- one member representing the executive director of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice who shall be designated by the Governor;
- one member representing the Commander of the Louisiana State Police who shall be designated by the Governor;
- one member representing the Louisiana Sheriff's Association who shall be designated by the Governor;
- one member representing the Louisiana Association of Chiefs of Police who shall be designated by the Governor;
- one member representing the Special Agent in charge of the Federal Bureau of Investigation for Louisiana who shall be designated by the Governor;
- one member representing the Speaker of the House of Representatives from among the membership of that body;
- one member to be designated by the President of the Senate from among the membership of that body;
- one member to be designated by the Superintendent of Education;
- one member who shall be designated by the Governor from among the faculties of the public colleges and universities in Louisiana; and
- additional members who shall serve at-large and shall be designated by the Governor.

Said task force shall be located within the Department of Public Safety and shall study the facts surrounding this problem and make specific recommendations for legislation to combat this problem.

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

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 4th day of June, A.D., 1982.

David C. Treen  
Governor of Louisiana

#### EXECUTIVE ORDER DCT 82-16

WHEREAS, due to the catastrophe which occurred on July 9, 1982 at 4:10 p.m., because of the crash of Pan American World Airways Flight 759, causing the loss of life of all of the passengers and crew of Flight 759, and causing the loss of the lives of a number of persons who resided in the City of Kenner, Parish of Jefferson, Louisiana; and

WHEREAS, severe damage was caused to property and possessions owned by citizens of the City of Kenner, Parish of Jefferson; and

WHEREAS, substantial disruption of public services and utilities in the City of Kenner, and the Parish of Jefferson, Louisiana, have occurred as a result of this catastrophe; and

WHEREAS, the Chief Executive of Louisiana is required to act in the public interest in times of emergency, catastrophe, and disaster; and

WHEREAS, it is necessary and appropriate under the Constitution and the laws of this State, for the Governor, to take such action as he considers necessary and appropriate to protect lives and property to the end that existing hazards and dangers will be decreased and hopefully eliminated; and

WHEREAS, such conditions exist and valid requests have been made to him by the City of Kenner, Louisiana;

NOW, THEREFORE, by virtue of the powers vested in me to preserve law and order and to curtail and reduce the injury and danger and damage to persons and property resulting from catastrophe and disaster, I, DAVID C. TREEN, acting under the authority granted to me and the duties imposed upon me by Article 4, Section 5(A) and (J) of the Louisiana Constitution of 1974, Act 636 of 1974 as amended by Section 1 of Act 645 of 1975 (The Louisiana Disaster Act of 1974), do hereby, and for an indefinite period not to exceed 30 days from this date, order and proclaim that a state of emergency exists in the City of Kenner, Parish of Jefferson, State of Louisiana, and that the resources of all of the departments of the State of Louisiana to the extent necessary be utilized in assisting with this emergency.

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 10th day of July, A.D., 1982.

David C. Treen  
Governor of Louisiana

#### EXECUTIVE ORDER DCT 82-17

WHEREAS, the Governors of Kansas, Missouri, Arkansas, Louisiana and Oklahoma created a nonprofit corporation to act as a regional council for the purpose of performing regional planning and implementing regional governmental functions previously performed by the Ozarks Regional Commission and to perform additional future governmental functions relating to regional de-

velopment as is hereafter and from time to time authorized by the Governor members of the regional council; and

WHEREAS, the regional council created is performing functions and acting on behalf of all five member states; and

WHEREAS, the members of the organization consist exclusively of the Governors of the five states and the Board members appointed by the Governors are from among members of the Governor's cabinet or his personal staff; and

WHEREAS, there will be no private interests involved whatsoever in the control or management or decision making authority of the regional council; and

WHEREAS, the control and supervision of this organization are vested solely in the Governor members and their designated representatives; and

WHEREAS, the Governors as state members and their designated representatives have complete financial control and autonomy over the regional council and its expenditure of program and administrative funds;

NOW, THEREFORE, BE IT RESOLVED, that as of July 31, 1981, the Council of Ozarks Governors, Inc., was created to assist in developing, executing and coordinating regional programs for the states of Kansas, Missouri, Arkansas, Louisiana and Oklahoma.

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 2nd day of August, A.D., 1982.

David C. Treen  
Governor of Louisiana

#### **EXECUTIVE ORDER DCT 82-18**

WHEREAS, by Public Law 97-35, Congress established the Community Services Block Grant Program for the purpose of providing funds to the state so that it can provide a range of services having a measurable and potentially major impact on the causes of poverty; and

WHEREAS, The Congressional Act mandates that each state will provide activities designed to assist participants including the elderly poor to secure meaningful employment; to attain an adequate education; to make better use of available income; to attain adequate housing and a suitable living environment; to obtain emergency assistance through loans or grants to meet immediate needs; to remove obstacles which block self-sufficiency; and to achieve greater participation in the affairs of the community; and

WHEREAS, the Congressional Act further mandates that: the state will provide on an emergency basis supplies as may be necessary to counteract conditions of starvation among the poor; linkages with other social services programs must be established; states will encourage the private sector to help in efforts to ameliorate poverty; and

WHEREAS, all of the aforementioned are national goals and state goals which can best be accomplished by full cooperation and coordination of efforts of the federal government, the governments of the participating states, the private sector, i.e., business, industry and the communities; and

WHEREAS, this administration is aware of the urgent need to provide some coordination of the various entities involved in the attainment of these goals; and

WHEREAS, the funds have been appropriated by Congress to fund the Community Services Block Grant Program; and

WHEREAS, by participating in this program, the State of Louisiana will realize many benefits, including improved assistance to the needy and improved communications between the communities and state government;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by the power and authority vested in me by the Constitution and laws of the state, do hereby create and establish the Department of Labor Advisory Committee on Community Services Block Grant. Fiscal responsibility shall be vested in the State Department of Labor. The Committee shall be an inter-agency public body composed of the Secretary of Labor or his designee and approximately 23 representatives from labor, business and community based organizations/community action agencies. Selections from these groups shall be made by the Governor of the State of Louisiana;

The Committee shall:

1) Develop a mechanism by which regulations may be implemented without such regulations adversely affecting those employees and participants they seek to assist;

2) Provide a useful and viable forum for input into the regulatory and procedural processes of the Louisiana Department of Labor Community Services Block Grant;

3) Divide into subcommittees to discuss and make recommendations to the general body on specific areas so as to further promote the efficiency of the program and the committee;

4) Meet at least bi-monthly at a time to be determined by the committee to discuss and deal with any problems within the program;

5) Have as its chairperson the Secretary of Labor or he in his discretion may designate a chairperson to serve in his absence.

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 11th day of August, A.D., 1982.

David C. Treen  
Governor of Louisiana

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Agriculture Warehouse Commission

In accordance with the provisions of LSA 49:953 B and LSA 49:954 B (2), the Commissioner of Agriculture and the State Warehouse Commission hereby jointly give notice that the enactment of Act 657 of 1982, which became effective upon signature by the Governor, has created an emergency affecting the public welfare of the state insofar as the provisions of said Act necessitate emergency rule-making to implement the collection of assessments required under said Act.

Therefore, in order to carry into effect the provisions of Act 657 of 1982, the Commissioner of Agriculture and the State Warehouse Commission have each adopted the relevant provisions of the following Rule on an emergency basis:

1) The following assessments shall be collected by licensed grain dealers when commodities are purchased from producers and by licensed warehouses when commodities are removed from storage:

Rough rice - \$.005 per hundredweight  
Sugar - \$.005 per hundredweight  
Corn - \$.003 per bushel  
Soybeans - \$.003 per bushel  
Oats - \$.003 per bushel  
Milo or sorghum - \$.003 per bushel  
Wheat - \$.003 per bushel  
Cotton - \$.10 per bale, 1st 5,000 bales; \$.05 per bale, all over 5,000 bales  
Canned/frozen  
    fruits/juices/vegetables - \$.015 per case/carton  
Molasses/syrup - \$.05 per 100 gallons  
Oil - \$.10 per 100 gallons  
Pecans  
    Shelled - \$.01 per 30# carton  
    Unshelled - \$.20 per 130#

Peppers

Barrels - \$.24 per barrel  
Cisterns - \$.20 per barrel

2) The assessments collected as provided above by licensed grain dealers and licensed warehouses shall be due to the Louisiana Department of Agriculture no later than the fifteenth day after the close of each quarter.

3) Each licensed grain dealer and each licensed warehouse shall file a report of all assessments collected, on forms to be furnished by the Louisiana Department of Agriculture, at the same time as the assessments are due.

Bob Odom  
Commissioner

## DECLARATION OF EMERGENCY Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its meeting of July 22, 1982, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and adopted the following as an Emergency Rule:

"Regulations, Tuition Exemption Continuing Education Program for Teachers, Bulletin 1533, Revised 1982-83."

This emergency adoption is necessary because the Department of Education must print and distribute these Regulations in order to allow teachers to return to colleges and universities in the fall semester of 1982 under this program as provided by the Louisiana legislature. The effective date of this Emergency Rule is July 22, 1982.

James V. Soileau  
Executive Director

## DECLARATION OF EMERGENCY

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

The Department of Health and Human Resources, Office of Family Security, is exercising the emergency provision of the Administrative Procedure Act, R.S. 49:953B, to implement a Rule, effective September 1, 1982. The Rule will exclude the deeming of income and resources from parents and spouses to applicants who utilize any of the three Home and Community based services (Homemaker, Habilitation and Adult Day Care) in lieu of care in a Skilled Nursing Facility (SNF) or Intermediate Care Facility (ICF) (including Intermediate Care for the Mentally Retarded (ICF/MR)) which would otherwise be required. The applicants must meet all other eligibility conditions as specified in current policy.

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

This Rule will:

- 1) Allow the provision of Medical Assistance to individuals determined to be in need of home and community based services for which they would otherwise be ineligible, because of deeming of income and resources of parents or spouse; and
- 2) Allow this agency to utilize provisions for alternative care to eliminate unnecessary utilization and reduce the cost of institutional care for eligible individuals.

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

Roger P. Guissinger  
Secretary

## DECLARATION OF EMERGENCY

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

The Department of Health and Human Resources, Office of Family Security, has exercised those powers conferred by the emergency provision of the Administrative Procedure Act, R. S. 49:953B, to adopt the following as an Emergency Rule:

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

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

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

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

This action will allow the Medical Assistance Program to be in compliance with Federal Regulation 45 CFR 19.5, effective August 12, 1982, which was published in the June 28, 1982, *Federal Register* (Volume 47, Number 124, pages 27968 through 27973). Compliance with these Regulations assures continued Federal financial participation in Louisiana's Medical Assistance Program.

Roger P. Guissinger  
Secretary

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby exercise the emergency provision of the Administrative Procedure Act (R.S. 49:953B) to adopt, effective September 4, 1982 the following Rules and Regulations:

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

1. Open Area - Alligator habitat in the State of Louisiana. Harvest quotas being rigidly controlled according to alligator population estimates within all of the state's wetland habitat types. A minimum of 620,000 alligators are present in this area outside of refuges.

2. Harvest season - The open season shall run for a 30-day period beginning on September 4, 1982, and continue through October 3, 1982. Size - no alligators under four feet in length may be taken.

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

4. Licenses - An Alligator hunter must have in possession a valid commercial alligator hunter license to take or attempt to take, transport, or sell alligators or their skins. The fee for the resident license is \$25 per year and for the non-resident \$150. These licenses are non-transferable. In order to obtain a resident license, the hunter must have resided within the state for a period of 90 days immediately preceding the season and established bona fide residence in the state. A hunter must complete application forms provided by the department and furnish proof that he owns the land or has an agreement with the landowner or another authorized hunter to hunt alligators on the specified property. Information as to the location and acreage of the property must be provided (all land descriptions must include parish, township, range, and section delineation figures). Applications must be submitted beginning August 1, 1982. Property ownership and description requirements do not apply to public lake hunters. The alligator hunter license will be issued only after the hunter has satisfactorily



complied with the above requirements. Non-resident hunters and resident sport hunters must coordinate their hunt through land-owners and licensed resident hunters. A non-resident hunter may take no more than three alligators per season. A fur buyer license or fur dealer license is required for purchasing and handling raw alligator skins in Louisiana. An alligator parts dealer license is required of anyone purchasing alligator parts (other than hides) for resale, manufacturing, processing, and distribution; excluding a retailer selling canned alligator parts or a retailer purchasing alligator parts from a licensed alligator parts dealer. A restaurant selling prepared alligator meat for human consumption is not classified as an alligator parts dealer. The fee for the parts dealer license is \$50 per year. Persons or firms entering alligators or alligator skins and/or parts in interstate/foreign commerce in the course of a commercial activity must be licensed in accordance with state and federal regulations. Person shipping alligators, or alligator skins and/or parts to another state must do so in accordance with the regulations of that state.

5. Tagging - In addition to a valid commercial alligator hunting license, the hunter must also obtain from the department, and have in his possession while hunting, official tags which must be firmly attached to each alligator skin immediately upon taking. Numbered tags will be issued to license holders for a sum of \$5 (one fee charged regardless of the number of tags involved). The tags must be attached in the last six inches of the tail. The tag must remain attached to the skin until finally processed by the fabricator. It shall be illegal to possess alligator skins in Louisiana without valid official tags attached. Official alligator tags will be issued only to alligator hunters, and farmers and only to those who have authorized applications. The number of tags will be issued on the basis of the quantity and quality of the habitat, and the rate per acre will be fixed based on extensive population estimates. Tags will be issued for alligator habitat only, based on final decision of department biologists. Tags issued on public lakes are non-transferable and limited to two per hunter. No more than this fixed number of tags will be issued. Each official tag will bear a characteristic number, and the tag numbers issued to each hunter will be recorded. *Unused tags must be returned by the hunter to the department no later than 15 days following the close of the season.* Lost or stolen tags will not be replaced but must be reported within 15 days of close of season. Tags can be used only on the lands applied for and approved on the application. Tags furnished by the Louisiana Department of Wildlife and Fisheries must be attached to all alligators meat/parts upon transfer by a hunter or farmer.

6. Alligator Farmers and Breeders - Licensed alligator farmers or breeders will be issued permits to kill and skin their alligators but must follow the same Rules and Regulations which apply to wild alligators (except farm alligators can be harvested during closed season with department approval).

7. Harvest Rates - Tags will be issued on the following basis, with the exception of alligator farmers, breeders and the nuisance complaint program. (See following pages.)

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

9. Buyer/Dealer Hide Records - All buyers and dealers

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

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

11. Sale of Meat and Parts - Meat and other parts from lawfully taken alligators can only be sold according to Louisiana Health Department regulations, Louisiana Department of Wildlife and Fisheries regulations, and federal laws. Alligator meat sold for human food must be processed in a facility approved by the Louisiana Health Department. Alligator hunters, farmers, and parts dealers shall maintain records of all transactions, purchases, and sales on forms provided by the department. These forms shall be submitted to the department within 30 days following the close of the season and thereafter at 60-day intervals until all parts are sold. All alligator meat and parts, excluding hides, shall be tagged with an official alligator parts tag (Color: Blue) to be furnished by the department. Hunters, farmers, and dealers shall furnish a bill of sale to all retailers and restaurants purchasing alligator parts. This bill of sale shall be maintained for a period of six months.

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

13. Hunting on Public Lakes - The department may select public lakes for an experimental alligator hunting program. The harvest will be controlled by a tag allotment for each lake as determined by population surveys by department personnel. An alligator hunter can receive tags for and hunt on only one public lake each season. The tag quota for a public lake is two per hunter. Alligator tags issued on public lakes are non-transferable. In the event that the number of applicants for any particular public lake exceeds the number of allowable hunters, a public drawing will be held to select hunters. Applications for public lake hunting must be received at least 10 days prior to the season opening date.

Jesse J. Guidry  
Secretary

Parish	Tag Allotment/Marsh Type		
	Brackish	Intermediate	Fresh
Cameron Calcasieu	1:200	1:100	1:100
Jeff Davis			1:100
Vermilion	1:150	1:100	1:225
Iberia St. Mary	1:200	1:200	1:200
Terrebonne	1:250	1:125	1:150
Lafourche	1:400	1:225	1:100
St. Charles	1:400	1:100	1:100
St. John the Baptist			1:100
Jefferson	1:250	1:225	1:150
Orleans	1:500	1:225	1:225
Plaquemines	1:400	1:225	1:225
St. Bernard	1:475	1:225	
St. Tammany	1:150	1:150	1:150
Tangipahoa			1:200
Swamp	1:320		
Dewatered Marsh	1:500		

1982 NON-MARSH ALLIGATOR TAG ALLOTMENT BY DISTRICT AND PARISH  
LAKE REGION<sup>1</sup>

DISTRICT	PARISH	HABITAT	ACRES OF HABITAT	TAG ALLOTMENT	ACRES/TAG	REMARKS
I	Caddo	Cross Lake	500	10	50	Experimental Harvest
	Bossier	Flag Lake	500	10	50	"
	DeSoto	*Clear Lake	1,500	50	30	"
		**Smithport Lake	1,500	50	30	"
		Bayou Pierre Brake	3,000	30	100	Private Property
	DeSoto-Caddo	Wallace Lake	2,000	20	100	Experimental Harvest
II	Ouachita	Black Bayou Lake	720	15	50	Experimental (Private)
		Cheniere Brake	1,000	10	100	Experimental
III	Grant	Iatt Lake	3,000	20	150	Experimental Harvest
	Rapides	Indian Creek	500	10	50	"
		Cotile Lake	400	10	40	"
		Kincaid Lake	550	10	55	"
	Rapides- Evangeline	Cocodrie Lake	4,000	20	200	"
	Natchitoches	Black Lake	2,400	12	200	"
	Winn	Saline Lake	2,400	12	200	"

DISTRICT	PARISH	HABITAT	ACRES OF HABITAT	TAG ALLOTMENT	ACRES/TAG	REMARKS
III	Vernon	Anacoco Lake	1,000	10	100	Experimental Harvest
		Vernon Lake	400	8	50	"
IV	Caldwell	Horseshoe Lake	300	10	30	Experimental Harvest
		Jones Brake	200	10	20	"
		Dizzy Brake	160	10	16	Experimental (Private)
	Concordia	Lower Sunk Lake	600	12	50	"
	Tensas	Lake St. Joseph	500	26	20	"
402 V	Beauregard	Bundick Lake	1,750	12	150	Experimental Harvest
	Evangeline	Chicot Lake	1,625	16	100	"
		Miller's Lake	3,000	30	100	Experimental (Private)
VI	Avoyelles	Grassy Lake W.M.A.	760	15	50	Experimental Harvest
		Spring Bayou W.M.A.	3,240	32	100	"

<sup>1</sup>Any private alligator habitat determined by Dept. personnel to have a reproducing population may be issued tags at the rate of one tag per 75 acres of habitat.

\*North of La. 509 Bridge

\*South of La. 509 Bridge

## 1982 NON-MARSH ALLIGATOR TAG ALLOTMENT BY PARISH

## CYPRESS-TUPELO SWAMP REGION

DISTRICT	PARISH	ACRES OF HABITAT	TAG ALLOTMENT	ACRES/TAG	REMARKS
VI	Iberville	29,880	93	320	Tag allotment based upon night counts, alligator model and harvest rate of 7% of harvestable size animals.
	Lafayette	1,200	4	320	
	Pointe Coupee	1,000	3	320	
	W. Baton Rouge	7,040	22	320	
VII	Ascension	40,320	126	320	
	E. Baton Rouge	2,000	6	320	
	Livingston	66,720	208	320	
	St. Tammany	28,457	89	320	
	Tangipahoa	36,181	113	320	
VIII	Assumption	98,560	308	320	
	Iberia	31,550	99	320	
	LaFourche	112,350	351	320	
	St. Charles	39,340	123	320	
	St. James	76,960	241	320	
	St. John	104,320	326	320	
	St. Mary	60,190	188	320	
	Terrebonne	43,014	134	320	

1982 NON-MARSH ALLIGATOR TAG ALLOTMENT BY PARISH  
 ATCHAFALAYA BASIN REGION

DISTRICT	PARISH	ACRES OF HABITAT	TAG ALLOTMENT	ACRES/TAG	REMARKS
VI	Iberville	86,540	115	750	Tag allotment based upon night counts, alligator model and harvest rate of 7% of harvestable size animals.
	Pointe Coupee	3,700	5	750	
	St. Landry	17,240	23	750	
	St. Martin	113,550	151	750	
VIII	Iberia	39,980	53	750	
	St. Martin	80,000	107	750	
	St. Mary	13,560	18	750	

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission hereby exercises the emergency provision of the Administrative Procedure Act (R.S. 49:953B) to adopt, effective September 8, 1982 the following Rules and Regulations:

WHEREAS, the natural oyster reefs (oyster seed grounds) under the managerial supervision of the Louisiana Wildlife and Fisheries Commission must open on the first Wednesday following Labor Day, September 8, 1982, as provided for by Louisiana Law Title 56, Section 433, which also authorized the Commission to regulate the size limit and area closures after January 1 of each year on state controlled grounds, and

WHEREAS, "Oyster Seed Reservations" are small portions of the "Oyster Seed Grounds" managed and controlled for seed oyster production which are opened on alternate years.

NOW THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby open the "Hackberry Bay (Du Chene) Oyster Seed Reservation" and the "Sister Lake (Caillou Lake) Oyster Seed Reservation" in accordance with Louisiana Law Title 56, Section 433, which opens said season one-half hour before sunrise on the first Wednesday following Labor Day, September 8, 1982. Said season shall remain open with the same regulations as the regular oyster season; however, the secretary shall be authorized and empowered to close the two areas if it is deemed necessary by biological investigations and sampling.

BE IT FURTHER RESOLVED that the "Sister Lake Oyster Seed Reservation" will be operated utilizing a permit system.

Jesse J. Guidry  
Secretary

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission does hereby exercise the emergency provision of the Administrative Procedure Act (R.S. 49:953B) to adopt the following Rules and Regulations:

WHEREAS, The Louisiana Department of Wildlife and Fisheries owns the Pointe au Chein Wildlife Management Area located in Lafourche and Terrebonne Parishes, and

WHEREAS, Edaphic conditions have gradually changed to one of a more saline condition, and

WHEREAS, A water area known as Wonder Lake near the community of Montegut, Louisiana, has converted from a fresh water to a salt water lake, and

WHEREAS, This lake does support large numbers of marine organisms such as shrimp, and

WHEREAS, A portion of the lake is on private property and is open for shrimp trawling, and

WHEREAS, It is difficult to determine the boundary lines between the private property and the Department-owned property, and

WHEREAS, The harvest of shrimp from the portion of the lake on the Department of Wildlife and Fisheries' property would not adversely affect the overall management of the area, and

WHEREAS, To permit public utilization of this portion of the Game Management Area for the 1982 Fall shrimp season, scheduled to open on the third Monday of August, 1982, emergency provisions are hereby invoked:

NOW THEREFORE, BE IT RESOLVED, That the Louisiana Wildlife and Fisheries Commission does hereby amend its regulations pertaining to the Pointe au Chein Wildlife Management Area to permit daytime trawling in that portion of the Game Management Area known as Wonder Lake.

BE IT FURTHER RESOLVED, That this action is being taken under the emergency procedure provisions in order to make the area available to the public for the 1982 Fall shrimp season.

Jesse J. Guidry  
Secretary

# Rules

## RULE

### Department of Commerce Racing Commission

LAC 11-6:53.37.1

The following procedure is hereby established for the testing of a split or referee sample.

After a horse has voided and its urine collected for testing, the volume of urine collected shall be split or divided into approximately equal parts, one being processed for initial laboratory testing for the detection of the presence of prohibited drugs or substances therein. The remaining part shall be identified as the split or referee sample to be processed for future testing under the procedures hereby established. Both parts shall be treated with a proper amount of ascorbic acid to preserve the sample against deterioration of the sample ingredients.

Should blood be drawn at the test or retaining barn for testing, it shall be split or divided in approximately equal parts to be processed for testing by the initial test and the split is referee test if timely requested. If the blood is from a two year old horse, the specimen tag shall so indicate.

The veterinarian in charge of the test barn shall indicate on the specimen or sample tag sent to the chemical testing laboratory along with any sample the fact that the specimen was taken from a two year old horse.

Within five days from the date the stewards notify a trainer that the initial laboratory test on a urine or blood specimen from a horse entered and raced by him was positive for the presence of a prohibited drug or substance, the trainer must request the stewards to have the split or referee sample tested by an alternate laboratory as provided herein. At the time of his request the trainer must deposit the sum of \$300 with the stewards to cover all expenses to be incurred in testing the split or referee sample. The stewards shall forward the \$300 deposit to the state chemical testing laboratory. Failure of a trainer to make a timely request to the steward constitutes a waiver of any and all rights to have the split or referee sample tested.

A trainer timely requesting a testing of a split or referee sample may select any one of the laboratories, classified and designated as alternate laboratories, to perform the testing.

Ray Vanderhider  
Chairman

## RULE

### Board of Elementary and Secondary Education

Rule 4.01.93(1)

The Board adopted the *Standards for Compliance and Accreditation Program* for public elementary and secondary education.

Rule 4.03.01

The Board adopted the Louisiana Program Plan for the Administration of Vocational Education - Five Year Plan, 1983 - 1987.

Rule 9.00.50

The Board adopted Revised Bulletin 1191, *School Transportation Handbook* (1982).

James V. Soileau  
Executive Director

## RULE

### Board of Trustees for State Colleges and Universities

8.5D Class Attendance Regulations for the Colleges and Universities Under the Control of the Board

D. When a freshman or sophomore student receives excessive unexcused absences (ten percent of the total classes), the instructor may recommend to the student's academic dean that he be withdrawn from the rolls of that class and given an appropriate grade.

Bill Junkin  
Executive Director

## RULE

### Office of the Governor Division of Administration

#### [Policy & Procedure Memorandum No. 49 (Revised) 8-82]

Subject: General Travel Regulations

In accordance with the authority vested in the Commissioner of Administration by Section 231 of Title 39 of the Revised Statutes of 1950 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:951-968 as amended, notice is hereby given of the revision of Policy and Procedures Memorandum No. 49, the State General Travel Regulations, effective August 20, 1982. These amendments are both technical and substantive in nature and are intended to clarify certain portions of the previous regulations or provide for more efficient administration of travel policies. These regulations apply to all State departments, boards, and commissions created by the Legislature or Executive Order, with the exceptions noted below,

and operating from funds appropriated, dedicated, or self-sustaining; federal funds; or funds generated from any other source.

Legal Basis - L.R.S. 39:231 - "The Commissioner, with the approval of the Governor, shall prescribe Rules defining the conditions under which each of various forms of transportation may be used by State officers and employees and used by them in the discharge of the duties of their respective offices and positions in the State service and he shall define the conditions under which allowances will be granted for all other classes of traveling expenses and the maximum amount allowable for expenses of each class."

I. Definitions: For the purpose of this Section, the following words have the meaning indicated.

A. State Officer

1. State Elected Officials

2. Department Head as defined by Title 36 of the Louisiana Revised Statutes. (secretary, deputy secretary, under-secretary, assistant secretary, and the equivalent positions in Higher Education and the Offices of Elected Officials.)

B. State Employee - Employees below the level of state officer

C. Authorized Persons

1. Advisors and consultants who are called upon to contribute time and services to the state who are not otherwise required to be reimbursed through a contract for professional, personal, or consulting services in accordance with R.S. 39:1481 et. seq.

2. Members of boards, commissions, and advisory councils required by federal or state legislation or regulation. Travel allowance levels for all such members and any staff shall be those authorized for state employees unless specific allowances are legislatively provided.

3. Other persons performing official state business who have prior approval for travel from the Commissioner of Administration.

D. Official Domicile

1. Except where fixed by law, the official domicile of an officer or employee assigned to an office shall be, at a minimum, the city limits in which the office is located. The Department head or his designee should determine the extent of any surrounding area to be included, such as parish or region. As a guideline, a radius of at least 30 miles is recommended. The official domicile of an authorized person shall be the city in which the person resides, except when the department head has designated another location (such as the person's workplace).

2. The official domicile of a person located in the field shall be the city or town nearest to the area where the majority of work is performed, or such city, town, or area as may be designated by the department head, provided that in all cases such designation must be in the best interests of the agency and not for convenience of the person.

3. Every state officer, employee, and authorized person, except those on temporary assignment, shall be assigned an official domicile, and no travel or subsistence expenses shall be allowed at the place of official domicile unless granted under the provisions of Section II or IV. Documentation of official domicile assignments shall be readily available in the department's travel reimbursement files.

E. Temporary Assignment - Any assignment made for a period of less than thirty-one consecutive days at a place other than the official domicile.

F. Traveler - A state officer, state employee, or authorized person when performing authorized travel.

G. Travel Period - A period of time between the time of departure and the time of return.

H. In-State Travel - All travel within the borders of



Louisiana or travel through adjacent states between points within Louisiana when such is the most efficient route.

I. Out-of-State Travel - Travel to other states within the continental United States. Travel through an adjacent state when this is the most efficient route between points within Louisiana is not considered out-of-state travel for the purpose of these regulations.

J. International Travel - All travel outside the 48 contiguous states.

K. Special Meals - Reimbursement designed for those occasions when, as a matter of extraordinary courtesy or necessity, it is appropriate and in the best interest of the state to use public funds for provision of a meal to a person who is not otherwise eligible for such reimbursement. Examples include:

1. Visiting dignitaries or executive-level persons from other governmental units, and persons providing identified gratuity services to the State, when such persons are not being reimbursed from other sources for the expenditure directly or indirectly. This explicitly does not include normal visits, meetings, reviews, etc. by federal or local representatives.

2. Bona-fide official business meetings at which a meal is served and it is required to meet during a meal hour.

3. Extraordinary situations when state employees are required by their supervisors to work more than a twelve hour weekday or six hour weekend day (when such are not normal working hours) to meet crucial deadlines or to handle emergencies.

II. Exceptions to Regulations: The Travel Regulations established by the Commissioner of Administration shall govern reimbursement of travel expense (transportation, meals, lodging, and miscellaneous expenses) for all travelers with the following exceptions.

A. Where allowances are fixed by law.

B. Where the best interests of the state call for exceptions; however, no change from the established regulations will be allowed without first securing prior written approval from the Commissioner of Administration. After-the-fact approvals will be granted only under the most unusual of circumstances.

C. Department heads may establish travel regulations within their respective agencies, but such regulations shall not exceed the maximum limitations established by the Commissioner of Administration. Three copies of such regulations shall be submitted for prior review and approval by the Commissioner of Administration.

D. Department heads, may, in special instances, allow their employees to exceed the lodging and meal provisions of these regulations by no more than twenty percent on a case-by-case basis. Each case must be fully documented as to necessity (e.g., proximity to meeting place) and cost effectiveness of alternative options. Documentation must be readily available in the department's travel reimbursement files. This authority shall not be delegated to any other person.

III. Eligibility for Reimbursement of Travel Expenses:

A. Travelers are eligible to receive reimbursement for travel only when away from "official domicile" or on temporary assignment unless reimbursed under provisions of Section II or IV. Temporary assignments will be deemed to have ceased after a period of thirty-one calendar days, and after such period the place of assignment shall be deemed to be his/her official domicile. He/she shall not be allowed travel and subsistence unless permission to extend the thirty-one day period has been previously secured from the Commissioner of Administration.

B. A traveler whose residence is other than the official domicile of his/her office shall not receive travel and subsistence while at his/her official domicile nor shall he/she receive reimbursement for travel to and from his/her residence, unless exception has

been granted under Section II.

C. State Officers and others so authorized by statute or individual exception will be reimbursed on an actual expenses basis for all reasonable travel expenses except in cases where other provisions for reimbursement have been made by statute. In cases where actual expenses are claimed, all state officers and others so authorized will cooperate to the extent that all records of travel will be clear and complete. The request for reimbursement must be accompanied by a receipt or other supporting document for each item claimed, with the exceptions noted in Section VI.H. The "actual expense" status relates only to meal and lodging limitations. All other limitations, procedures, and allowances in these regulations apply to all elected and appointed state officials, unless exception has been granted by the Commissioner of Administration. Any prior exception granted is declared null and void.

IV. Authority to Incur Traveling Expenses:

A. All travel must be authorized and approved in writing by the head of the department, board, or commission from whose funds the traveler is paid. A department head may delegate this authority in writing to one designated person, except as noted in Sections II.D, IV.D and V.B.6. Additional persons within a department may be designated with approval from the Commissioner of Administration. A file shall be maintained on all approved travel authorizations.

B. Traveling expenses of travelers shall be limited to those expenses necessarily incurred by them in the performance of a public purpose authorized by law to be performed by the agency, and must be within the limitations prescribed.

C. The department head may approve an authorization for routine travel for an employee who must travel in the course of performing his/her duties; this may include domicile travel if such is a regular and necessary part of the employee's duties, but not for attendance at infrequent or irregular meetings, etc. *Within the city limits where his/her office is located, the employee may be reimbursed for mileage only. The Department head shall determine the appropriateness of reimbursement for meals if travel is outside the city limits but within the domicile and otherwise meeting the requirements of Sections VI. B. and C. This should be noted on the routine travel authorization for the employee or approved on a case by case basis.*

An authorization for routine travel shall not cover travel between an employee's home and workplace, out-of-state travel, or travel to conferences or conventions and must be renewed each fiscal year.

D. All international travel must be approved by the Commissioner of Administration prior to departure, unless specific authority for approval has been delegated to a department head pursuant to Section II.C of these regulations. Requests for approval must be accompanied by a detailed account of expected expenditures (such as room rate/day, meals, local transportation, etc.), the funding source from which reimbursement will be made, and an assessment of the adequacy of this source to meet such expenditures without curtailing subsequent travel plans. Reimbursement for international travel will not exceed the high cost area rates unless prior approval is specifically sought and granted by the Commissioner of Administration. Such requests must be documented as to the necessity to incur such expenses. (See VI.I)

E. All special meals must have prior approval from the Commissioner of Administration in order to be reimbursed, unless specific authority for approval has been delegated to a department head for a period not to exceed six months (which may be rescinded at any time). In such cases, the department head will report on a monthly basis to the Commissioner of Administration all special meal reimbursements made during the previous month. These reports must include, for each special meal, the name and title of the person requesting reimbursement, the name and title of

each recipient and the cost of each meal (noting alcohol costs not reimbursable), and an explanation as to why the meal was in the best interest of the state. Renewal of such delegation will depend upon a review of all special meals authorized and paid during the period. Documentation (all receipts, authorizations, etc.) shall be on file in the department head's office for review by DOA and the Legislative Auditor. Any prior approvals or understandings in this regard are not applicable. Requests to the Commissioner for special meal authorization must include, under signature of the department head:

1. Name and position of the state officer or employee requesting authority to incur expenses and assuming responsibility for such.
2. Clear justification of the necessity and appropriateness of the request, including why such is in the best interests of the state.
3. Names, official titles, and affiliations of all persons for whom reimbursement of meal expenses is being requested, and whether reimbursement for such is available to each person from another source.
4. Statement that reimbursement limitations found in Section VI.C.1 will be followed.

#### V. Transportation (Applicable to all travelers):

A. Travel Routes - The most direct and usually traveled route must be used by official state travelers. All mileage shall be computed on the basis of odometer readings or from point of origin to point of return on the basis of the current official state Department of Transportation and Development highway map. For out-of-state travel, mileage shall be computed on the basis of standard highway guides. Any substantial deviations from distances shown in the standard highway guides shall be documented.

B. Method of Transportation - The most cost-effective method of transportation that will accomplish the purpose of the travel shall be selected. Among the factors to be considered should be length of travel time, cost of operation of a vehicle, cost and availability of common carrier services, etc.

1. State-owned vehicles shall be utilized for travel to points within Louisiana whenever possible unless another method of transportation can be documented as more efficient.

2. When common carrier services are unavailable and time is at a premium, travel via state aircraft shall be investigated, and such investigations shall be documented and readily available in the department's travel reimbursement files.

3. A common carrier (train, bus or airplane) shall be used for out-of-state travel unless it is documented that utilization of another method of travel is more cost-efficient or practical and approved in accordance with these regulations.

4. A personally-owned vehicle may be approved for use when a state vehicle or common carrier is not available or appropriate and this has been certified by the traveler's supervisor.

5. Before travel by privately-owned aircraft is authorized by a department head, the traveler shall certify that: a) at least one hour of working time will be saved by such travel; and b) no other form of transportation, such as commercial air travel or a state plane, will serve this same purpose. Chartering a privately-owned aircraft at any rates higher than those permitted by Section VI.A.7. must have prior written approval of the Commissioner of Administration.

6. Written approval of the department head prior to departure is required for the rental of vehicles. Such approval may be given when it is shown that vehicle rental is the only or most economical means by which the purposes of the trip can be accomplished. In each instance, documentation showing cost effectiveness of available options must be readily available in the

department's travel reimbursement files. This authority shall not be delegated to any other person.

#### C. Operation of Motor Vehicles on Official State Business

1. No vehicle may be operated in violation of state or local laws. No traveler may operate a vehicle without having in his/her possession a valid state driver's license.

2. If available, safety restraints shall be used by the driver and passengers of vehicles.

3. All accidents, major and minor, shall be reported first to the local police department or appropriate law enforcement agency. An accident report form, available from the Office of Risk Management (ORM) of the Division of Administration, should be completed as soon as possible and returned to ORM, together with names and addresses of principals and witnesses. An accident report concerning state-owned vehicles shall also be filed with the insuring agency, Travelers Insurance Company, as soon as possible. The branch closest to the official domicile of the vehicle should be contacted. Any questions about this should be addressed to the Office of Risk Management of the Division of Administration. These reports shall be in addition to reporting the accident to the Department of Public Safety as required by law.

4. Unauthorized persons should not be transported in state or privately-owned vehicles during the conduction of official state business. Approval of exceptions to this policy may be made by the traveler's supervisor if he determines that the best interests of the state will be served and if the passenger (or passenger's guardian) signs a statement acknowledging the fact that the state assumes no liability for any loss, injury, or death resulting from said travel.

#### D. State-owned Automobiles

1. All purchases made on state gasoline credit cards must be signed for by the approved traveler making the purchase. The license number and the unit price and quantity of the commodity purchases must be noted on the delivery ticket by the vendor. Items incidental to the operation of the vehicle may be purchased via state gasoline credit cards only when away from official domicile on travel status. In all instances where a credit card is used to purchase items or services which are incidental to the operation of a vehicle, the tissue copy of the credit ticket along with a written explanation of the reason for the purchase will be attached to the report required in Item 3 of this Section.

2. Travelers in state-owned automobiles who purchase needed repairs and equipment while on travel status shall make use of all fleet discount allowances and state bulk purchasing contracts where applicable. Each agency/department shall familiarize itself with the existence of such allowances and/or contracts and the location of vendors by contacting the Purchasing Office, Division of Administration.

3. The user of each state-owned automobile shall submit a monthly report to the department head, board, or commission indicating the number of miles traveled, odometer readings, credit card charges, dates, and places visited. When an agency car pool vehicle is used, the traveler, upon returning the vehicle to the pool, shall report the operating condition of the vehicle to the person designated as the responsible assigning officer.

4. State-owned vehicles may be taken out of state only if permission of the department head has been given prior to departure. If a state-owned vehicle is to be used to travel to a destination more than 500 miles from its usual location, documentation that this is the most cost-effective means of travel should be readily available in the department's travel reimbursement files.

#### E. Personally-Owned Vehicles

1. No personally-owned vehicle may be used on official state business unless prior written approval by the traveler's supervisor, conforming to Section IV.A. and IV.B., has been granted.

2. When two or more persons travel in the same personal-

ly-owned vehicle, only one charge will be allowed for the expense of the vehicle. The person claiming reimbursement shall report the names of the other passengers.

F. Rented Motor Vehicles

Department heads shall send to the Commissioner of Administration a monthly report listing each instance in which a vehicle has been rented and showing the name of the renter, the type of vehicle, the location where the vehicle was rented, the number of days of rental, the total expense, and the source of funds. Non-conformance with this provision will result in suspension of the department's authority to approve vehicle rental.

VI. Reimbursement for Transportation, Lodging, Meals, and Other Expenses

A. Transportation

1. A mileage allowance shall be authorized for travelers approved to use personally-owned vehicles while in the conduct of official state business. There will be no reimbursement for mileage incurred commuting to/from one's residence to his official domicile, unless previously mentioned exception has been granted. Mileage shall be reimbursable on the basis of 21¢ per mile. Mileage shall be computed as provided for in Section V.A. When the use of a privately-owned vehicle has been approved in accordance with Sections V.B.4. or V.B.5. for out-of-state travel, the traveler will be reimbursed on the basis of 21¢ per mile not to exceed the cost of travel by coach/economy class air rates. Reimbursement shall be on the basis of the most direct route. The traveler shall be required to pay all operating expenses of the vehicle such as, but not limited to, fuel, repairs, replacement of parts and insurance.

2. Travelers using motor vehicles on official state business will be reimbursed for necessary storage and parking fees, ferry fares, and road and bridge tolls.

3. State-owned credit cards will not be issued to travelers for use in the operation of privately-owned vehicles.

4. In no case will a traveler be allowed mileage or transportation when he/she is gratuitously transported by another person.

5. When a traveler is required to regularly use his/her personally-owned vehicle for agency activities, the agency head may request authorization from the Commissioner of Administration for a lump sum allowance for transportation or reimbursement for transportation (mileage) as provided in Section VI.A.1. Request for lump sum allowance must be accompanied by a detailed account of routine travel listing exact mileage for each such route. Miscellaneous travel must be justified by at least a three-month travel history to include a complete mileage log for all travel incurred, showing all points traveled to or from and the exact mileage. Requests for lump sum allowance shall be granted for periods not to exceed one fiscal year.

6. Commercial air travel will be reimbursed only at coach or economy class rates. The difference between the air coach or economy class rates and first class air rates will be paid by the traveler, if the travel was performed at first class air rates. If space is not available in less than first class air accommodations in time to carry out the purpose of the travel, the traveler will secure a signed statement from the airline indicating this fact and attach such to the travel voucher.

7. Reimbursement for use of a privately-owned aircraft under the guidelines of Section V.B.5. will be made as provided for in VI.A.1. or the cost of coach/economy class commercial air rates, whichever is less.

B. Lodging and Meals

1. Meals only (including tips): Except as provided in Section II.D., travelers may be allowed up to the following amounts for meals:

Breakfast	\$4.00
Lunch	\$5.00
Dinner	\$9.00
	\$18.00

2. Travelers may be reimbursed for meals according to the following schedule:

Breakfast: When travel begins at/or before 6 a.m. on the first day of travel, or extends beyond 9 a.m. on the last day of travel, and for any intervening days.

Lunch: When travel begins at/or before 10 a.m. on the first day of travel, or extends beyond 2 p.m. on the last day of travel, and for any intervening days.

Dinner: When travel begins at/or before 4 p.m. on the first day of travel, or extends beyond 8 p.m. on the last day of travel, and for any intervening days.

3. Lodging only - Except as provided in Section II.D., travelers may be reimbursed actual expenses for lodging not to exceed \$40 (plus tax) per day. Receipts from a bona fide hotel or motel for lodging shall be submitted and attached to the travel voucher.

C. Lodging and Meals in High Cost Areas

1. Meals only (including tips) - Except as provided in Section II.D., travelers on official state business in high cost areas as designated in Section VI.C.5., may be reimbursed up to the following amounts for single meals, or a total of \$26 per day, if receipts are attached.

Breakfast	\$5.00
Lunch	\$7.00
Dinner	\$14.00
	\$26.00

If the request for reimbursement for meals is not over \$18.00 for a single day, receipts for that day will not be required. It is recommended that all employees in high cost and extra high cost areas who anticipate meal expenses of over \$18 per day make plans to receive receipts for all meals.

2. Travelers may be reimbursed for meals according to the same schedule as that in Section VI.B.2.

3. Lodging only - Except as provided in Section II.D., travelers may be reimbursed actual expenses for lodging not to exceed \$55 (plus tax) per day. Receipts from a bona fide hotel or motel for lodging shall be submitted and attached to the travel voucher.

4. High Cost Areas: Atlanta, Georgia; Baltimore, Maryland; Boston, Massachusetts; Chicago, Illinois; Dallas, Texas; Denver, Colorado; Detroit, Michigan; Houston, Texas; Las Vegas, Nevada; Los Angeles, California; Miami, Florida; Minneapolis-St. Paul, Minnesota; New Orleans, Louisiana; Orlando, Florida; Philadelphia, Pennsylvania; Pittsburgh, Pennsylvania; St. Louis, Missouri; Salt Lake City, Utah; San Francisco, California; Seattle, Washington.

5. The inclusion of suburbs of these cities as high cost areas shall be determined by the department head on a case-by-case basis.

D. Lodging and Meals in Extra High Cost Areas

1. Meals only (including tips): Except as provided in Section II.D., meals may be reimbursed in accordance with guidelines in Section VI.C.1,2.

2. Lodging only: Except as provided in Section II.D., employees may be reimbursed actual expenses for lodging not to exceed \$70 (plus tax) per day. Receipts from a bona fide hotel or motel for lodging shall be submitted and attached to the travel voucher. The traveler still has the responsibility to save the state money by seeking the least expensive, appropriate lodging; sharing rooms when appropriate; requesting government discounts; etc.

3. Extra-High Cost Areas: New York City, New York; Washington, D.C. (and immediate suburbs).

E. Other Expenses - Only the following expenses incidental to travel may be reimbursed.

1. Communication expense relative to official state business.

2. Conference room rental or other extraordinary expenses with prior approval from the Commissioner of Administration and when not funded from another source.

3. Registration fees at conferences (meals that are a designated integral part of the conference may be reimbursed on an actual expense basis with prior approval by the department head).

4. Charges for storage and handling of equipment.

5. Taxi and bus fares.

6. Tips (for baggage handling only).

7. Limousine services to and from terminals or stations, when a less expensive mode is not available.

8. Vehicle rental, when documented and approved as required in Section V.B.6.

(a) Only the cost of rental of sub-compact or compact models is reimbursable, unless non-availability is documented, or the vehicle will be used to transport more than three persons.

(b) Collision deductible waiver insurance is not reimbursable. Should a collision occur while on official state business, the cost of the deductible should be paid by the traveler and reimbursement claimed on a travel expense voucher. The accident should also be reported in accordance with Section V.C.3. Personal accident insurance when renting a vehicle is not reimbursable; employees are covered under workmen's compensation while on official state business.

(c) Any personal mileage on a vehicle rented for official state business is not reimbursable and shall be deducted.

F. Special Meals - All of the following must be submitted for review and approval of the department head or his designee prior to reimbursement:

1. Detailed breakdown of all expenses incurred, with appropriate receipt(s).

2. Subtraction of costs for any alcoholic beverages.

3. Copy of prior written approval from the Commissioner of Administration (Section IV.E.4).

4. Reimbursement shall be limited to the amounts indicated in Section VI.C.1.

G. Restrictions Governing Claims for Reimbursement

1. Travel allowances shall not be granted for travel accomplished on Saturday, Sunday, or holidays unless approved in writing by the head of the department or his designee. (Approval and justification must be readily available in the department's reimbursement file.)

2. No claim for reimbursement shall be made for any lodging and/or meals furnished at a state institution or other state agency, or by any other party at no cost.

3. In case an employee travels by an indirect route for his/her own convenience (including when travel by automobile instead of by available aircraft incurs additional food and/or lodging expenses), any extra cost shall be borne by the traveler and reimbursement for expenses shall be based only on such charges as would have been incurred by the most direct and usually traveled route and method.

4. Items included in any expense account which do not fully conform to these regulations will be disallowed for payment.

5. In all cases where lodging expenses are incurred, the traveler shall utilize the most economical rooms available, considering such factors as the availability and cost of transportation to the site where state business will be conducted, availability of special discount rates, and cost savings obtainable by sharing rooms.

6. Request for exceptions to the lodging rate regulations must include the names, phone numbers, and lowest available rates of at least two other nearby hotels contacted. If this is not possible, the request should explain why.

H. Receipts or Other Support - Receipts or other substantiations are required for travel expenses, except for the following:

1. Taxicab or local public transportation less than \$10.

2. Routine meals (number of meals must be shown on travel voucher) under a total of \$18 per day. Receipts are required for meals in high cost areas unless the total expenditure for the day does not exceed \$18. If meals of state officials exceed this same limitation, receipts are required. All special meals require receipts.

3. Telephone and telegraph under \$3.

4. Tips for baggage handling.

5. Parking at self-service lots when less than \$5. The location of the lot and length of time parked must be indicated on the travel voucher in these cases.

I. Reimbursement for International Travel - International travelers will be reimbursed at the high-cost area rates for lodging and meal pursuant to Sections VI.C.1 and C.3 unless the necessity for incurring higher expenses is fully documented and approved by the Commissioner of Administration prior to departure. Receipts or other substantiation are required for all travel expenses (with the exceptions noted in Section VI.H) by all international travelers requesting reimbursement.

VII. General - The traveler is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business.

A. Funds for Travel Expense - Persons traveling on official business will provide themselves with sufficient funds for all routine expenses. Advances of funds for travel shall be made only for extraordinary travel and should be punctually repaid when submitting the travel voucher covering the related travel, not later than the fifteenth day of the month following the completion of travel.

B. State Agency Credit Cards - Credit cards used in the name of the state agency are not to be used for the purpose of securing transportation, lodging, meals, or telephone and telegraph service, unless prior written permission has been obtained from the Commissioner of Administration.

C. Claims - All claims for reimbursement for travel shall be submitted on state Form BA-12, unless exception has been granted, and shall include all details provided for on the form. It must be signed by the person claiming reimbursement and approved by his/her immediate supervisor. The purpose for extra and unusual travel must be stated in the space provided on the front of the form. In all cases the date and hour of departure from and return to domicile must be shown.

Excepting where the cost of air transportation is invoiced directly to the agency/department, all expenses incurred on any official trip shall be paid by the traveler and his travel voucher shall show all such expenses in detail to the end that the total cost of the trip shall be reflected by the travel voucher. If the cost of the air transportation is paid directly by the agency/department, a notation will be indicated on the travel voucher indicating the date of travel, destination, amount, and the fact that it has been paid by the agency/department. The traveler's copy of the passenger ticket shall be attached to the travel voucher.

In all cases, and under any travel status, cost of meals and lodging shall be paid by the traveler and claimed on the travel voucher for reimbursement, and not charged to the state department.

Claims should be submitted within the month following the travel, but preferably held until a reimbursement of at least \$10 is due. In no case shall reimbursement for travel in a previous fiscal year be possible unless funds have been specifically reserved for that purpose.

D. Extended Stays - For travel assignment involving duty for extended periods at a fixed location, the reimbursement rates indicated should be adjusted downward whenever possible. Care should be exercised to prevent allowing rates in excess of those required to meet the necessary authorized subsistence expenses. It is the responsibility of each agency head to authorize only such travel allowances as are justified by the circumstances affecting the travel. The rates authorized will not exceed the reimbursable allowance stated herein, unless special approval is granted by the Commissioner of Administration.

E. Emergency Travel - Under extraordinary circumstances where the best interests of the state require that travel be undertaken not in compliance with these regulations, approval after the fact may be given if appropriate documentation is presented promptly. Each department shall establish internal procedures for authorizing travel in emergency situations.

F. Authorized Persons - Reimbursement of expenses for travel to be performed by authorized persons who are called upon to contribute time and service as defined in Section I.C. or who are requesting reimbursement in excess of state employee allowances shall require prior written approval from the Commissioner of Administration. Complete explanation and DOA approval must be shown on the travel expense form or attached thereto.

G. Fraudulent Claims - Any person who submits a claim pursuant to the aforementioned regulations, and who willfully makes and subscribes to any claim which he/she does not believe to be true and correct as to every material matter, or who willfully aids or assists in, or procures, counsels or advises the preparation or presentation of a claim which is fraudulent or is false as to any material matter shall be guilty of official misconduct. Whoever shall receive an allowance or reimbursement by means of a false claim shall be subject to immediate dismissal, as well as being criminally and civilly liable within the provisions of state law.

VIII. The Commissioner of Administration may waive in writing any provision in these regulations when the best interest of the state will be served.

E. L. Henry  
Commissioner of Administration

#### **RULE**

##### **Office of the Governor Division of Administration**

Under authority of Act No. 933 of the 1981 Legislative Session (R.S. 39:241), the Office of the Governor, Division of Administration, has adopted the following Rule relative to the establishment of a uniform fee schedule for copies of public records of the executive branch of state government.

#### **RULE**

##### **Uniform Fee Schedule For Copies of Public Records**

I. It shall not be mandatory for an agency to charge for copies of public documents, nor will there be any charge for examination or review of public records.

II. Charges for single page copies of public records on either microfiche or paper 8½ × 14 inches or smaller may be up to but no more than 15 cents for the first copy. Charges for each additional copy may be no more than one dollar. On multi-page documents, the cost shall be up to but no more than fifteen cents for the first copy of each page, and no more than one dollar for each additional copy of each page.

III. Charges for copies of public records on paper larger than 8½ × 14 inches shall be the same as the actual cost to the agency for copying same.

IV. Charges for copies of public records on preprinted computer reports shall be at the same rate specified in Parts II and III above. Each agency shall develop a uniform fee schedule for providing printouts of public records stored in a computer data base utilizing routine utility programs. Such uniform fee schedule shall first be approved by the Division of Administration, Office of Data Processing, and shall be published in the *Louisiana Register* at least annually and no later than July. An estimated cost shall be given for requests for reproduction of public records stored in a computer which require program modification or specialized programs. The requesting party shall be advised of the estimate, and that it is an estimate, but the actual cost for reproduction, including programming costs, shall be charged if it differs from the estimate.

V. Agencies that have an established fee for copying public records that is in excess of those set forth in this Rule must justify that fee in writing and have the established fee approved by the Division of Administration. This part does not apply to copies of public records, the fees for the reproduction of which are otherwise fixed by law.

VI. There shall be no charge for copies of public documents requested by indigent citizens.

Len Sanderson  
Assistant Commissioner of Administration

#### **RULE**

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

The Department of Health and Human Resources, Office of Family Security, increased the maximum allowable monthly income limit for long term care eligibility for an individual from \$794.10 to \$852.90, effective July 1, 1982. For a couple occupying the same room in a long term care facility, the double rate of \$1,705.80 would apply.

This increase allows the Medical Assistance Program to remain in compliance with Federal Regulation 42 CFR 435.1005 which sets the maximum income limit before deductions, at 300 percent of the Supplemental Security Income (SSI) payment amount.

Effective July 1, 1982 the monthly SSI payment was increased to \$284.30.

Roger P. Guissinger  
Secretary

#### **RULE**

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

In accordance with the provisions of R.S. 40:3 and R.S. 40:5, the areas as described below are closed to shellfish harvesting effective September 1, 1982:

Calcasieu Ship Channel from its intersection at the Gulf of Mexico at a point 29° 45' 30" north latitude and 93° and 20' 35" west longitude to the junction of the Intercoastal Waterway at a point 30° 45' 30" north latitude and 93° 19' 25" west longitude.

This closure includes the entire channel from the east bank to the west bank of the channel.

East Pass in its entirety from the intersection of East Pass and the Calcasieu Ship Channel at a point 29° 49' 12" north latitude and 93° 20' 55" west longitude to the intersection of East Pass and Calcasieu Lake east of St. John's Island at a point 29° 50' 25" north latitude and 93° 19' 45" west longitude.

West Pass in its entirety from the intersection with the Calcasieu Ship Channel at a point 29° 49' 10" north latitude and 93° 18' 30" west longitude to the intersection of West Pass and West Cove at a point 29° 49' 30" north latitude and 93° 20' 30" west longitude.

The area described above was found to be substandard for shellfish harvesting in the respect that fecal coliform limits were exceeded during a recent sanitary survey of the area. Specifically these standards require that all shellfish (i.e. oyster, etc.) harvesting water whose bacteriological quality has exceeded the fecal coliform median of 14 fecal coliforms per 100 ml. and for which more than 10 percent of the samples ordinarily exceed a median of 43 fecal coliforms per 100 ml. be closed to shellfish harvesting.

Additionally, the area may be so contaminated with fecal material that consumption of shellfish might be hazardous.

**(Editor's Note: A map of this oyster closure area was included with the Notice of Intent on this subject on pages 374 and 375 of the July, 1982 Louisiana Register.)**

#### ORDER OF CLOSURE

Re: Shellfish Harvesting Waters  
West Pass, East Pass, and the  
Calcasieu Ship Channel  
Lower Cameron Parish

Reference LA R.S. 40:3, 5

The Department of Health and Human Resources, Office of Health Services and Environmental Quality hereby orders that the areas described below are closed to shellfish harvesting effective September 1, 1982:

Calcasieu Ship Channel

Calcasieu Ship Channel from its intersection with the Gulf of Mexico at a point 29° 45' 30" north latitude and 93° and 20' 35" west longitude to its junction with the Intercoastal Waterway at a point 30° 45' 30" north latitude and 93° 19' 25" west longitude; this closure includes the entire channel from the east bank to the west bank of the channel.

East Pass

East Pass in its entirety from the junction of East Pass and the Calcasieu Ship Channel at a point 29° 49' 12" north latitude and 93° 20' 55" west longitude to the intersection of East Pass and Calcasieu Lake at a point 29° 19' 45" north latitude and 93° 19' 45" west longitude.

West Pass

West Pass in its entirety from the junction of West Pass and the Calcasieu Ship Channel at a point 29° 49' 10" north latitude and 93° 18' 30" west longitude to the intersection of West Pass and West Cove at a point 29° 49' 30" north latitude and 93° 20' 30" west longitude.

All areas within the described areas and/or shown on the enclosed map are closed to shellfish harvesting.

Statistical evaluation of a recent sanitary survey revealed that the water quality of these areas described above is substandard and failed to meet State/Federal guidelines governing shellfish harvesting waters.

More specifically these standards require that all shellfish harvesting waters whose bacteriological quality has exceeded a

fecal coliform median of 14 fecal coliforms per 100 ml. and of which more than 10 percent of the samples ordinarily exceed a median of 43 fecal coliforms per 100 ml. be closed to shellfish harvesting. Additionally, the area may be so contaminated with fecal material that consumption of the shellfish may be hazardous.

So ordered this first day of September, 1982.

Sarah M. Braud, M.D.  
State Health Officer and  
Acting Assistant Secretary

Roger P. Guissinger  
Secretary

#### RULE

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

The Department of Health and Human Resources, Office of Licensing and Regulation, shall implement effective August 20, 1982 the following new policies and guidelines for Section 1122 Capital Expenditure Review in accordance with 42 CFR, Part 100.106 (a) 1. (38 FR 31381, November 13, 1973, as amended at 39 FR 32030, September 4, 1974)

#### INTRODUCTION

Section 1122 of the Social Security Act, as amended by Public Law 92-603, the Social Security Amendments of 1972, requires that a health facility which proposes to make a capital expenditure obtain prior approval by a designated planning agency in order to be reimbursed for costs related to the capital expenditure under the Medicare and Medicaid Programs. The purpose of this provision is to assure that Federal funds are not used to support unnecessary capital expenditures by health care facilities.

#### DEFINITIONS

1. Certificate of Need: Louisiana conducts certificate of need reviews in accordance with Section 1122 of the Social Security Act, as amended. This process is required of health care facilities in order to receive full reimbursement under the Medicare and Medicaid Programs. (This should not be confused with state legislated certificate of need programs which Louisiana, at present, does not have enacted.)

2. Division of Health Planning and Development (DHPD): the state agency designated to carry out in Louisiana the provisions of Section 1122 and P. L. 93-641, as amended by P. L. 96-79.

3. Division of Licensing and Certification: that Division of the Department of Health and Human Resources charged with the responsibility of carrying out licensure and certification functions for the state of Louisiana.

4. Hospital: an institution which is engaged in providing to inpatients or to inpatients and outpatients by or under the supervision of physicians, diagnostic services and therapeutic services for medical diagnosis, treatment and care of injured, disabled, sick or pregnant persons, rehabilitation services for the rehabilitation of injured disabled; sick or pregnant persons; such term does include chronic care hospitals, but does not include psychiatric and tuberculosis hospitals.

5. Person: an individual, a trust or estate, a partnership, a corporation (including associations, joint-stock companies, and insurance companies, a state, or a political subdivision or instrumentality including a municipal corporation) of a state.

6. Psychiatric hospital: an institution which is primarily engaged in providing to inpatients, by or under the supervision of a



physician, psychiatric services for the diagnosis and treatment of mentally ill persons.

7. Tuberculosis hospital: an institution which is primarily engaged in providing to inpatients, by or under the supervision of a physician, medical services for the diagnosis and treatment of tuberculosis.

8. Nursing home: a licensed facility that provides nursing care, preventive health, health maintenance services, rehabilitative services, and necessary ancillary and supportive social services to persons who, by reason of illness, or physical infirmity or age, are unable to properly care for themselves.

9. Ambulatory surgical facility: a freestanding facility which is not a part of a hospital, and which provides surgical treatment to patients not requiring hospitalization. Such term does not include the offices of private physicians or dentists, whether for individual or group practice.

10. Home Health Agency: a public or private organization, or subdivision thereof, which is primarily engaged in the provision of skilled nursing services and at least one additional therapeutic health service in the place of residence used as a patient's home.

11. Change of Bed Capacity: any increase or decrease in the licensed bed capacity of a health care facility.

12. Substantial Change in Service: a capital expenditure which results in the addition of a clinically related (i.e., diagnostic, curative, or rehabilitative) service not previously provided in the facility or the termination of such a service which had previously been provided in the facility.

13. Emergency: means an unforeseen occurrence, condition or mischance or perplexing contingency or complication of circumstances bringing with it destruction or injury of life or property (movable and immovable) or the imminent threat of such destruction or injury or as the result of an order from any judicial body having jurisdiction therein to take any immediate action which requires construction, repair or acquisition of property or equipment, where the unforeseen occurrence, condition or mischance or perplexing contingency or complication of circumstances or court order will not permit a health care facility the time necessary for an application for full review under Section 1122.

14. Secretary: as used within the confines of this document, the term Secretary refers to the Secretary of the United States Department of Health and Human Services or his designee.

#### REVIEWING AGENCIES

Division of Health Planning and Development  
333 Laurel Street, Room 210

Baton Rouge, LA 70801  
Division of Licensing and Certification

333 Laurel Street, Room 610  
Baton Rouge, LA 70804

Any other agency deemed appropriate by DHPD.

#### RESPONSIBLE AGENCY

The state agency responsible for carrying out Section 1122 provisions in Louisiana is the Division of Health Planning and Development (DHPD), which is the state agency organized under P. L. 93-641, as amended by P. L. 96-79.

#### FACILITIES INCLUDED

For the purpose of Section 1122, "health care facility" includes hospitals, psychiatric hospitals, tuberculosis hospitals, skilled nursing facilities, kidney disease treatment centers including freestanding hemodialysis units, intermediate care facilities, and ambulatory surgical facilities, but does not include Christian Science sanatoriums operated or listed and certified by the First Church of Christ, Scientists, Boston, Massachusetts. Offices of physicians are also specifically excluded from such reviews.

#### EXPENDITURES SUBJECT TO REVIEW

Capital expenditures covered are those which are not pro-

perly chargeable as expenses of operation and maintenance and which either

(1) exceed \$100,000

OR

(2) change the bed capacity of the facility

OR

(3) substantially change the services of the facility.

Any questions regarding applicability of expenditures to review should be directed solely to DHPD for an official determination.

When making a determination of the total amount of any capital expenditure discussed herein, DHPD shall consider the costs of studies, surveys, designs, plans, working drawings, specifications and other activities essential to the acquisition, improvement, expansion or replacement of the plant and equipment with respect to which such expenditure is made.

Proposals for the acquisition of facilities or equipment by lease or comparable arrangement or through donation may be subject to review under Section 1122. DHPD should be contacted for a determination of applicability and assistance in computing amounts subject to Section 1122 review.

Section 1122 Certificate of Need approvals can neither be sold or transferred.

#### EFFECTIVE DATE

Any capital expenditure for which the obligation is incurred by or on behalf of a health care facility after December 31, 1972 is subject to review under these provisions.

#### EXCLUSIONS

1. A capital expenditure for which an obligation was incurred before January 1, 1973, is not subject to review requirements of Section 1122.

2. Section 1122 permits an exception to any health care facility providing services as of December 18, 1970, which as of that date was committed to a formal plan of expansion or replacement as approved by the facility's board of trustees. This can only occur if the facility spent \$100,000 or more during the three-year period ending December 17, 1970, for preliminary items on the plan including payments for studies, surveys, designs, plans, working drawings, specifications and site acquisition. In such a case, Section 1122 shall not apply to capital expenditures made in conformity with that plan. The exception shall, however, not apply to capital expenditures which are not included in the plan.

#### PRE-APPLICATION CONFERENCE

Anytime prior to submitting an application for review or a request for an election not to review individuals contemplating a Section 1122 expenditure may request a formal conference with DHPD to discuss the proposed project. A mutually acceptable meeting time and place will be established between the applicant and the agency. Pre-application conferences are encouraged.

#### ELECTION NOT TO REVIEW

The DHPD at its option, may elect not to review a proposed capital expenditure which has been determined subject to review under Section 1122 of the Social Security Act. The option of election not to review, as permitted by the applicable statute and regulation, is designed to exempt from review a few proposed capital expenditures for which a review is not necessary. In order to be considered for a DHPD decision for an elect not to review, one of the following criteria must be met:

1. Renovations to meet Life Safety Codes.
2. Capital expenditures for emergency situations.
3. Replacement or modification of equipment up to \$1,000,000.

An applicant proposing a capital expenditure by or on behalf of a health care facility, which expenditure may qualify for election not to review according to the above criteria, must submit in writing to DHPD a request for an elect not to review. After

examining the information contained in such request, and any additional information DHPD may request, a determination will be made by DHPD whether or not to elect not to review the proposed expenditure. If DHPD elects not to review the proposed project, all required notifications will contain written reasons for DHPD's determination of election not to review. If DHPD determines that such proposal shall require full or expedited review, the applicant will be notified of such decision and will be supplied with appropriated application forms to provide information adequate for such review of the proposal.

#### EXPEDITED REVIEW

The DHPD at its option may elect to perform an expedited review of a proposed capital expenditure which has been determined subject to review under Section 1122 of the Social Security Act. In order to be considered for an expedited review, one of the following criteria must be met:

1. Replacement of equipment with an expenditure in excess of \$1,000,000.
2. Sale or lease of an existing facility with no change in services or beds.
3. Renovation of an existing facility up to \$500,000 that does not result in a change in existing services or beds.
4. Addition of a new service in an existing facility that will not exceed \$300,000.
5. A change of 10 licensed beds or 10 percent over a two year period whichever is less.
6. A cost overrun on an initially approved project.
7. Addition of non-medical equipment.

In order to qualify for an expedited review the project must not be a discrete portion of a larger capital expenditure or phased project.

An applicant proposing a capital expenditure which expenditure may be eligible for an expedited review must submit in writing to DHPD a request for an expedited review. After examination by DHPD a determination will be made whether to proceed with the expedited review process. If DHPD determines the expedited or full review process is applicable, the applicant shall be so notified in writing and provided with the necessary forms to begin the process.

#### REVIEW PROCEDURES

##### A. Notification Procedures

1. Any person, agency, organization or health care facility which proposes to make a capital expenditure subject to review under the provisions of Section 1122 of the Social Security Act should submit in writing to DHPD a request for such review. At any time during the review procedure should the contact person for the project change, it is incumbent upon the applicant to notify DHPD of such a change.

2. DHPD will promptly send to the applicant necessary form(s) in addition to a copy of these policies and guidelines.

3. Upon receipt of the completed form(s), DHPD may make the following determinations:

- a. The project will require full review, or
- b. The project will require an expedited review, or
- c. The project is subject to elect not to review.
4. In the case of a full review being required:
  - a. DHPD will forward to the proponent a questionnaire and a list of those documents which will be considered in the review;

b. The applicant shall submit the application in triplicate to Division of Health Planning and Development.

c. The staff of the DHPD shall review the application for completeness within 15 calendar days from date application is received by DHPD. If DHPD fails to mail within such period a written notice advising the applicant that the application is complete or additional information is needed, the application shall be

deemed to be complete for the purpose of determining the period of review. Failure of the applicant to respond and provide the information requested within 90 days shall be considered withdrawal of the application; and

d. The applicant may not incur an obligation in less than 60 days from the date the application was considered complete by DHPD. Incumbering an obligation prior to this 60 day time frame may subject the applicant to a timely notice penalty should the project subsequently be approved. Should approval be granted at any time prior to the end of the review period, an obligation may be entered into at that point.

##### B. Review Procedures

1. When DHPD determines that an application is complete, DHPD shall notify the applicant in writing that the period for review has begun. The review period will not exceed 90 days from the date of receipt of the application if it is declared complete. Or, in the case of an incomplete application, the period for review will not exceed 90 days from the date of receipt of the additional information (if it is determined the additional information completes the application) unless the applicant agrees to a longer period of time.

2. If additional or new information is submitted to DHPD after the review process has begun, DHPD will again deem the application complete or incomplete. If the additional information is allowed, the timetable must be adjusted so the DHPD has 90 days for project review after the receipt of the additional or new information.

3. When the application is determined complete by the DHPD, the DHPD shall issue a press release of its receipt of the completed application through local newspapers, public information channels and professional organizations. Publications to be used in required press releases should include the state journal, the major urban newspaper in the affected service area, the local newspaper in the impacted service area of the projects as specified by the applicant.

4. In the case of applications being subjected to a full review as opposed to an election not to review or expedited review, on the third Wednesday of each month at 10 a.m., the Director of the Division of Health Planning and Development shall conduct a public hearing at Division headquarters. The purpose of this hearing will be to receive written (in duplicate) and oral comments on applications having been declared complete by the Division 15 days prior to the hearing date. Oral presentations shall be limited to an amount of time to be specified by the individual in charge of the hearing at the time of the hearing. The same amount of time will be allowed to those in favor and those opposed to the application. Comments shall be accepted on only those applications which have not previously been reviewed at public hearing. Notice of applications to be considered at each hearing shall be provided to interested parties and professional organizations requesting such notice at least five calendar days prior to each public hearing.

5. DHPD shall send copies of the application to the Division of Licensing and Certification (LIC) solely for review and comments.

6. Findings pursuant to Part B. 5 above shall be received by DHPD within 60 days after start of the review period (or later if mutually agreed upon). In the case of an application which specifies that an obligation to make the capital expenditure will be incurred 60 days after start of the review period, DHPD shall coordinate with LIC to establish a date by which comments will be received by DHPD. Such date should allow sufficient time for LIC review, as well as a period for consideration of those comments. Applicants may request a meeting with DHPD to discuss their application at any time during the course of the review.

7. The DHPD, after having consulted with and taken into consideration written public comments and the comments of LIC



shall provide written notification to the proponent that:

- a. Such capital expenditure has been determined to be in conformity with the criteria, standards and plans; or
- b. Such capital expenditure has been determined not to be in conformity with the criteria, standards and plans; or
- c. The failure of the DHPD to provide any such notification within the time limitations set forth below, shall have an effect of a determination by the DHPD that the capital expenditure is in conformity. This step shall be completed not more than 90 days after the date DHPD has received completed application unless the applicant has indicated an earlier date for obligation of expenditure. (However, a minimum of 60 days from the date DHPD considers the application complete must be allotted for completion of the review. At an applicant's request or concurrence, the review period may be for a longer period of time as agreed.)

Notification in accordance with federal interpretation is deemed to be given upon the date of mailing of such notification by DHPD.

8. Copies of the findings of the DHPD shall also be sent to the other reviewing agencies, interested parties and professional organizations who request such notification, and shall be publicized through local newspapers and public information channels in the form of a press release.

#### C. EXPEDITED REVIEW PROCEDURES

1. In the case of a decision by DHPD to conduct an expedited review, DHPD shall notify the applicant of its decision and forward to the applicant an application which shall be completed and returned to DHPD in duplicate.

2. When DHPD determines that the application is complete, DHPD shall notify the applicant in writing that the period for review has begun. The review period shall not exceed 30 days from date of receipt of the application if it is declared complete. Or, in the case of an incomplete application, the period for review will not exceed 30 days from the date of receipt of the additional information (if it is determined the additional information completes the application) unless the applicant agrees to a longer period of time.

3. If additional information is submitted after the review period has begun, DHPD will again confer and deem the application information complete or incomplete. If the additional information is allowed, the timetable must be adjusted so that DHPD has 30 days for project review after the receipt of the additional or new information.

4. When the application is determined complete by the DHPD, the DHPD shall issue a press release of its receipt of the completed application through local newspapers and public information channels. Publications to be used in required press releases should include the state journal, the major urban newspaper in the affected area, and the local newspaper in the impacted service area of the projects as specified by the applicant.

5. The DHPD, after having reviewed the application, shall provide written notification to the proponent that:

- a. Such capital expenditures have been determined to be in conformity with the criteria, standards and plans;
- b. Such capital expenditure has been determined not to be in conformity with the criteria, standards and plans; or
- c. The failure of the DHPD to provide any such notification within the time limitations set forth below, shall have an effect of a determination by the DHPD that the capital expenditure is in conformity. This step shall be completed not more than 30 days after the date DHPD has received the completed application unless at an applicant's request or concurrence, the review period may be for a longer period of time as agreed.

Notification in accordance with federal interpretation is deemed to be given upon the date of mailing of such notification by DHPD.

6. Copies of the findings and recommendations of the DHPD shall also be publicized through local newspapers and public information channels and sent to interested parties and professional organizations who request such notification.

#### D. Appeal Procedures

In the case of a negative finding, a fair hearing will be offered to the applicant to determine whether the proposed expenditure is consistent with the standards, criteria and plans specified in the applicable statutes. The correctness, completeness, adequacy or appropriateness of the standards, criteria, and plans against which the proposed expenditure was measured are *not* appealable, although the question of DHPD's adherence to its procedures as outlined in the federal regulations and State Health Plan and these policies may be considered. The applicant may introduce evidence and argument on the issue of whether exclusion of expenses related to the proposed expenditure would discourage the operation or expansion of the facility or organization or would discourage the operation or expansion of the facility or organization otherwise be inconsistent with the effective organization or delivery of health services or the effective administration of Titles XVIII and XIX. Whether a proposed capital expenditure is subject to review under Section 1122 will not be a question in the fair hearing. The applicant is encouraged to retain counsel for this process.

1. Should the applicant wish to appeal, he must respond in writing to DHPD not more than 30 days after the date of notification of disapproval requesting a fair hearing on his case or he forfeits his right of appeal. The hearing must begin within 30 days after receipt of the request or later at the option of the applicant. If the applicant requests an extension beyond the required 30 day time frame, the hearing must be finalized not later than six months after the date of the original request for a fair hearing or the decision of DHPD will be considered upheld.

2. DHPD will notify the Hearing Officer who is responsible for conducting the appeal. He will select a hearing date and notify all parties.

3. DHPD will issue a news release of the hearing.

4. The applicant is required to notify the hearing officer in writing at least 10 days in advance of the hearing of those witnesses whom he wishes to be subpoenaed.

5. As soon as possible, but not later than 45 days after the conclusion of the hearing, the hearing officer will notify the applicant, DHPD and Regional Health Administrator ("DHHS") of the appeal decision. Notification in accordance with federal interpretation is deemed to be given upon the date of mailing of such notification by the Hearing Officer. The exclusive options available to the hearing officer are as follows:

- a. uphold the DHPD findings.
- b. overturn the DHPD findings.
- c. revise the DHPD findings.
- d. order further action by DHPD.

6. DHPD will issue a press release of the appeal decision.

7. Copies of the decision shall be sent to interested parties requesting notification and professional organizations.

#### RECONSIDERATION BY DHPD

In any case in which the secretary of the United States Department of Health and Human Services has determined pursuant to a finding by DHPD that a proposed capital expenditure is not in conformity with the standards, criteria or plans and that costs related to such capital expenditure shall not be included in determining Federal reimbursement, the health care facility shall be entitled upon its request to DHPD in the form of revised applications as required in original submission procedures, to a reconsideration by DHPD of such finding whenever:

- a. there has been a substantial change (since the previous DHPD finding) in existing or proposed health facilities or services,

of the type proposed, in the area served; or

b. there has been a substantial change (since the previous DHPD finding) in the need for health facilities or services, of the type proposed, in the area served, as reflected in the plans, criteria or standards (see Criteria for Section 1122 Reviews); or

c. at least three years have elapsed from the date of the most recent negative finding of DHPD.

If DHPD finds, after such reconsiderations, that the facilities or services provided by the capital expenditure involved are in conformity with the applicable standards, criteria, or plans, and so notifies the secretary of DHHS, the secretary will include, in determining future payments under Titles XVIII and XIX, expenses related to such capital expenditure. However, such expenses will be included only for payments following the date of notification to the secretary of DHHS by DHPD of its reconsideration.

#### EVIDENCE OF OBLIGATION: TERMINATION OF APPROVAL

Evidence of obligation to make the capital expenditure must be received by DHPD within one year after approval of the project, or the approval will expire. As provided in the regulation, the one year approval period may be extended for up to six months at the discretion of DHPD upon showing one of the following conditions exist:

a. Delays caused by review bodies beyond control of the applicant. This includes delays caused in the process of obtaining financing due to excessive interest rates substantially greater than those projected in the application.

b. An extension may be granted at the discretion of the designated planning agency when refusal of an extension would be detrimental to the best interest of the community involved.

As provided in the regulations, an obligation to make a capital expenditure shall be incurred not more than one year following the date of approval, unless a six month extension has been granted. An obligation shall be deemed to have been incurred by or on behalf of health care facility:

a. When an enforceable contract is entered into by such facility or organization or by a person proposing such capital expenditure on behalf of such facility or organization for the construction, acquisition, lease or financing of a capital asset; or

b. Upon formal internal commitment of funds by such facility or organization for a force account expenditure which constitutes a capital expenditure; or

c. In the case of donated property, the date on which the gift is completed in accordance with applicable Louisiana law.

It is the sole responsibility of the proponent to keep DHPD informed of its progress during the one year approval period and to submit documentary evidence as proof that at least one of the above conditions have been fulfilled. The following conditions have been established regarding the acceptance of certain documents as proof of an obligation.

a. In the case of a construction contract, such document must be duly executed by the appropriate parties and filed with DHPD.

b. In the case of a purchase or lease arrangement, a purchase or lease agreement signed by lessor and lessee must be submitted.

c. In the case of a financial commitment, such commitment must be a documented binding commitment from a lending institution for permanent or interim financing accompanied by an acceptance signature from the proponent. (Loan guarantees do not fulfill the requirements set forth above).

d. In the case of bonds, an obligation is deemed to have been incurred whenever the bonds have been approved for sale or issuance by either an election or board action of an official public body acting on behalf of a health care facility.

#### EFFECT OF NEGATIVE RECOMMENDATION

If DHPD recommends that the capital expenditure not be

made, the secretary of DHHS shall, in determining the Federal payments to be made under Titles XVIII, and XIX of the Social Security Act to the health care facility, ordinarily exclude certain expenses related to such capital expenditure. However, if the secretary, after submitting the matters involved to the National Advisory Council on Health Planning and Development and after taking into consideration the recommendations of DHPD and other reviewing agencies, determines that an exclusion of costs for a capital expenditure would discourage the operation or expansion of a health care facility (or any facility of such an organization) which has demonstrated capability to provide comprehensive health care services efficiently, effectively, and economically or would otherwise be inconsistent with the effective organization and delivery of health services or the effective administration of Titles XVIII, and XIX, he shall include such expenses in Federal payments under such titles.

#### EFFECT OF FAILURE TO GIVE TIMELY NOTICE OF PROPOSED EXPENDITURE

When DHPD has good cause to believe that an obligation for a capital expenditure has been incurred by or on behalf of a health care facility and that timely notice of at least 60 days was not provided, DHPD shall send written notification to such health care facility, the secretary and all other agencies deemed appropriate by DHPD of a proposed finding that an obligation for a capital expenditure subject to review has been incurred and that timely notice was not provided. Procedures for processing such a finding shall be according to Section 100.108 (a) of the Regulations, and the policy on lack of timely notice as published in the *Federal Register* on January 26, 1977, Vol. 42, No. 17, and on December 16, 1981, Vol. 46, No. 241.

#### CRITERIA FOR SECTION 1122 REVIEWS

In making recommendations concerning projects reviewed under Section 1122 of the Social Security Act, the review body or agency at each level designated in the review process shall consider, but not be limited to, the following criteria, as required under P.L. 93-641 and 96-79 and implementing Rules and Regulations:

I. The relationship of the health services being reviewed to the applicable Health Systems Plan, Annual Implementation Plan and the State Health Plan.

II. The relationship of services reviewed to the long range development plan (if any) of the person providing or proposing such services.

III. The need that the population served or to be served by such services has for such services.

In considering the need for a proposed project, DHPD will review, but not be limited to, the following information:

A. The availability of similar facilities, services and institutional beds within the service area, including but not limited to:

1. Number of similar facilities, services and beds in the service area.

2. Ratio of institutional beds to the population, as a whole and where appropriate, to age groups.

3. Comparison of service area bed ratio with other health service areas in the state and other relevant areas.

4. Distribution of institutional beds, services, and facilities within the area.

B. Accessibility of the target population of the proposed project to existing and proposed facilities and services. (This would include physical and financial accessibility.)

C. Measures of utilization of existing facilities and services:

1. Admission rates per 1,000 persons.

2. Occupancy rate: Average Daily Census

3. Length of stay (average):  $\frac{\text{Number of beds} \times \text{Census} \times 365}{\text{Annual Admissions}}$

Number of beds

Annual Admissions

- 4. Other appropriate utilization material.
- D. Projections of utilization.
- E. A delineation of the proposed service area.
- F. Various projections of bed need.
- G. The projected population growth or lack of growth of the proposed service area.

IV. the availability of alternative, less costly, or more effective methods of providing such services.

A. Potential availability of such services.

V. The immediate and long term financial feasibility of the proposal.

VI. The relationship of the services proposed to be provided to the existing health care system of the area in which such services are proposed to be provided.

The DHPD will review, but not be limited to, the following information:

A. Documentation of coordination and/or linkage agreements between the applicant and existing or planned health care institutions and/or providers within the service area.

VII. The availability of resources (including health manpower, management personnel, and funds for capital and operating needs) for the provision of the services proposed to be provided and the availability of alternative uses of such resources for the provision of other health services.

The DHPD will review, but not be limited to, the following information regarding health care staffing:

A. Physicians

a. Availability in the service area

b. Projected availability in the service area

B. Nursing Personnel

a. Availability in the service area

b. Projected availability in the service area

c. Adequacy of proposed staffing according to required standards

C. Management and Other Personnel

a. Availability in the service area

b. Projected availability for the proposal

VIII. The relationship, including the organizational relationship, of the health services proposed to be provided to ancillary or support services.

IX. The special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the health service areas in which the entities are located or in adjacent health service areas. Such entities may include medical and other health professional schools, multi-disciplinary clinics, and specialty centers.

X. The special needs and circumstances of health maintenance organizations for which assistance may be provided under Title XIII of the Act.

XI. The special needs and circumstances of biomedical and behavioral research projects which are designed to meet a national need and for which local conditions offer special advantage.

XII. In the case of a construction project —

A. The cost and methods of the proposed construction, including the costs and methods of energy provision; and

B. The probable impact of the construction project reviewed on the cost of providing health services by the person proposing such construction project.

XIII. In the case of a new facility the applicant must specify the specific site where the facility will be located in addition to a legal property description of the site and must present evidence of ownership or option to acquire such site.

XIV. The applicant shall provide disclosure of those natural persons who are registered agents, directors, officers and prin-

cipal shareholders of the corporation proposing the capital expenditure.

XV. The extent of cooperation with other facilities in the area; and

XVI. Support of the project by the local community, including health related agencies and professional organizations.

The criteria adopted for reviews in accordance with the above may vary according to the purpose for which a particular review is being conducted or the type of health service reviewed.

In the review of proposed expenditures for new facilities or services, the following general criteria also will be considered:

1. Need

2. Accessibility

3. Availability

4. Financial Feasibility

5. Cost

#### DATA SOURCES USED IN REVIEWS

Data sources to be used in considerations of full reviews, expedited reviews and election not to reviews shall include, but not be limited to, the following:

A. Information compiled by the DHPD Bureau of Research and Information as published on a quarterly basis.

B. Population projections recognized by the State Planning Office as official projections to be used by DHPD in the conduct of its reviews.

Please be advised: An approval issued in accordance with Section 1122 of the Social Security Act in no way relieves an applicant of responsibility for fulfilling other state and/or federal requirements.

Notification of intent to make a capital expenditure subject to Section 1122 review should be addressed to DHPD at the address set forth below. Also, questions in regard to applicability of Section 1122 to proposed expenditures or in regard to statewide review policies and procedures should be directed to DHPD.

For assistance in preparing Section 1122 applications contact the Division of Health Planning and Development, 333 Laurel Street, Room 210, Baton Rouge, LA 70801 (Phone: 504/342-2001).

Roger P. Guissinger  
Secretary

#### RULE

#### Department of Health and Human Resources Board of Nursing

##### R.N. 1.077 Fees for Registration and Licensure

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

(1) Examination, registration and initial licensure . . . . .	\$35.00
(2) Renewal of license . . . . .	15.00
(3) Late renewal of license . . . . .	20.00
(4) Verification to other states . . . . .	15.00
(5) Repeat examination . . . . .	35.00
(6) Qualifying examination . . . . .	35.00
(7) Proctor service (for other state) . . . . .	35.00

Merlyn M. Maillian, R.N.  
Executive Director

8-20-82

*La. Register*

**RULE**

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

In accordance with the provisions required by Act 287 of the 1981 Regular Session, the following Eligibility Standard and Sliding Fee Scale shall be adopted for state general hospitals, effective October 1, 1982.

**SLIDING FEE SCALE AND ELIGIBILITY STANDARD**

**I. Introduction**

The following sliding fee scale and eligibility standard constitutes an amendment of the following department policies only as they apply to state general hospitals. These policies are 76-4400-01, "Admission and Billing;" 76-4600-01, "Fee Schedules for Ineligible Patient Billing." Both policies were promulgated May 1, 1977.

The Department of Health and Human Resources adopts the following sliding fee scale and annual eligibility standard for services in state general hospitals administered by the department in compliance with Act 287 of 1981.

In addition, the sliding fee scale and annual eligibility standard shall not affect unpaid accounts which are subject to currently pending litigation.

**II. Definitions**

1. **Gross Income** — As used herein means gross sum of income derived from salary, Social Security benefits, Veterans Administration benefits, pension, rent, royalty, commission, interest, self-employment or any other source which is applicable to the family unit. For purposes of these regulations, the value of liquid assets in excess of \$3,000 (Savings accounts, checking accounts, stocks, bonds, mutual funds, and all other assets easily convertible to cash) shall be used in determining gross income. (This excludes earned income of minors.)

2. **Family Unit** — As used herein, shall mean any group of individuals related by blood, marriage or adoption, against whose need the income of the patient or responsible party can be legally applied. Children over 18, emancipated minors and children living under the care of individuals not legally responsible for their support shall be considered one person families.

3. **Medically Indigent** — As used herein shall mean any patient whose family unit size and gross income is equal or less than the annually published Louisiana Income Eligibility Standard as computed by state formula.

4. **Third Party Payor** — As used herein shall mean any party other than the service recipient and/or family unit and state general hospital who is or may be legally liable for payment of all or part of incurred medical expenses.

5. **Responsible Party** — As used herein shall mean service recipient, and/or the family unit, excluding third party payors as may be legally responsible for payment or incurred medical expenses.

6. **Medical Expenses** — As used herein shall mean all bills for medical services rendered by or under the direction of a licensed practitioner, and presented to the general hospital by the responsible party.

**III. Admissions to General Hospitals**

Any bona fide resident and taxpayer of the State of Louisiana shall be eligible to be admitted for any form of treatment by any general hospital owned and operated by the State of Louisiana. Those persons who are determined not to be medically indigent shall be admitted only on a space available basis and shall be charged in accordance with Section V of this policy for any treatment or services received. However, in no event shall emergency treatment be denied to anyone. Persons seeking treatment shall furnish all information requested by the Intake Screening Department of the admitting facility.

**IV. General Regulations**

A. **Schedules for Charges** — Charges for services rendered shall be made to the patient or responsible party in accordance with Section V of this policy.

B. **Failure to Provide Information or to Assign Benefits**

1. A party responsible for the payment of charges for services rendered who refuses or fails to supply the information necessary for an accurate determination of applicable charges by the administrator or his designee, shall be presumed to be able to pay the full cost of services rendered and shall be billed accordingly.

2. If the responsible party refuses to assign benefits or execute the forms necessary to assign the benefits to the treating facility under the policy alleged by him to cover the charges for treatment and services rendered and the forms necessary to file an insurance claim in accordance with that party, that responsible party shall be presumed to be able to pay at the full cost of services rendered and shall be billed accordingly.

C. **Insurance** — All insurance companies or any other third party payor, that the responsible party alleges has issued a policy or contract covering the charges for treatment and services rendered or who is otherwise legally responsible for payment of services rendered, shall be billed the full cost of services rendered. Billings shall be made directly to the insurer or other third party payor by the treating facility after securing execution of the forms necessary, including an assignment of benefits to the treating facility, by the responsible party. The responsible party shall be charged in accordance with these Rules and Regulations and Section V of this policy. The responsible party shall be liable for the amount of charges not covered and/or paid by insurance or other third party payor up to the amount that the responsible party would have been obligated had no third party been involved.

D. **Medical Assistance** — All persons eligible to receive medical assistance benefits from any federal or state funded program shall be eligible for free treatment provided the program as administered has agreed to cover the appropriate services for treatment. In the event that the program does not cover the appropriate services for treatment, the responsible party shall be charged and billed in accordance with these Rules and Regulations.

E. **Other Medical Expenses** — The sum of all documented medical expenses payable by the responsible party incurred during the 12 months prior to admission shall be considered in computing the amount payable for services rendered in accordance with Section V of this policy.

F. **Third Party Cases and Release of Information** — For liability cases only, upon receipt of a letter from an attorney or an insurance company or other third party payor requesting a patient's records, the attorney or company shall be sent, within 30 days from receipt, a bill for charges applicable to that patient. At the same time as the mailing of that bill, a copy of that patient's file pertaining to charges for services and their collection, as well as a copy of the requesting letter, shall be forwarded to the Office of Central Collections of the Department of Health and Human Resources in Baton Rouge. Patient's records are not to be released until a properly executed consent by the patient, parent or guardian is received and the fee for copies of records is paid in advance, except to any office of the Department of Health and Human Resources for the purposes of facilitating the meeting of its responsibilities.

G. **Exceptions** — The Secretary shall be authorized to implement procedures and to approve exceptions to these Rules and Regulations for documented reasons.

**V. Sliding Billing Scale**

**I. General Hospitals**

— Any family unit who is medically indigent as defined herewith

shall be eligible for treatment in any state general hospital at no cost to the family unit.\*

— Any family unit whose gross monthly income, including liquid assets in excess of \$3,000, exceeds published Louisiana eligibility standard shall pay for medical treatment in any state general hospital in accordance with the following formula.

1. Determine gross family unit income (including liquid assets in excess of \$3,000).
2. Determine gross income of a family unit of the same size as the published Louisiana eligibility standard for that year.
3. Determine the percent by which the gross family unit income exceeds the figure stated in No. 2 above.
4. Apply percentage computed in Step 3 to the hospital bill. Multiply the percentage obtained in Step 3 by two.
5. The dollar figure which equals twice the percentage difference above eligibility standard shall be the charges borne by the responsible party up to 20 percent of the family's gross income unless previously incurred medical treatment liabilities can be documented.
6. When documented previously incurred medical treatment liabilities during the 12 months prior to admission equals to or exceeds 20 percent of the annual gross family unit income, medical treatment shall be provided at no additional cost to the family unit.\*

\* Except that such patients with third party payors or potential third party payors shall be provided uncompensated medical services for only that portion of their bill for which no third party payor is or may be liable.

**1982 - 83 LOUISIANA ELIGIBILITY STANDARD\***

Family Size	Income Ceiling
1	\$ 500
2	600
3	700
4	800
5	900
6	1000
7	1050
8	1100
Any additional dependent, add	\$50

\* The Secretary shall have the authority to adjust the Louisiana Eligibility Standard in relationship to the fluctuations of the economy. This adjustment shall take into consideration inflationary trends reflected in the Consumer Price Index.

Roger P. Guissinger  
Secretary

**RULE**

**Department of Natural Resources  
Office of Forestry**

The Office of Forestry and the State Forester, acting pursuant to R. S. 56:1476, and to Notice of Intent published July 20, 1982, have adopted the following charges for performing pre-

scribed burning for private landowners effective September 1, 1982:

Prescribed Burning	\$3/acre
Fireline Plowing only (when owner burns)	\$30/hour

D. L. McFatter  
Assistant Secretary and State Forester

**RULE**

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

The Louisiana Wildlife and Fisheries Commission at its regular meeting held in New Orleans, Louisiana, June 29, 1982 adopted the following Resolution.

WHEREAS, the Claiborne Parish Watershed District Board of Commissioners, the local regulatory body for Lake Claiborne in Claiborne Parish, passed a resolution at its meeting on March 18, 1982 requesting the Louisiana Wildlife and Fisheries Commission to prohibit gill, trammel and flagg nets in Claiborne Lake, and

WHEREAS, Lake Claiborne does not support high pound-ages of commercial species nor a true commercial fisheries, and WHEREAS, the most sought after species (catfish) can be adequately harvested by methods other than netting, and

WHEREAS, past research conducted by the department has demonstrated detrimental effects of gill, trammel and flagg nets on gamefish species in similar type impoundments as Lake Claiborne.

THEREFORE BE IT RESOLVED, the Louisiana Wildlife and Fisheries Commission hereby prohibits the use of gill, trammel and flagg nets in Lake Claiborne, Claiborne Parish, Louisiana.

Jesse J. Guidry  
Secretary

**Notices  
of  
Intent**

**NOTICE OF INTENT  
Department of Agriculture  
Seed Commission**

Notice is hereby given that, due to the widespread interest among participants at preliminary hearings, the Seed Commission has rescheduled its public hearing for Wednesday, October 13, 1982 at 1 p.m. at the State Capitol, 21st Floor, Baton Rouge.

The purpose of the hearing scheduled for October 13, 1982, will be for revising and consolidating its regulations governing the certification of seeds, including but not limited to consideration of methods of sampling, inspecting and making analyses, times for submission of samples, procedures for certification, and

other matters relevant to the certification of seeds. Revisions will be made to various standards to bring the regulations of the Seed Commission into conformance with Federal law governing the certification of seeds offered in interstate commerce. The Seed Commission will repeal existing seed certification regulations which are no longer necessary because of changed cultivation practices.

The Seed Commission may also consider adoption or amendment of regulations relative to the Seed Law at the public hearing.

Copies of the Seed Certification Standards which will be under consideration at the said public hearing may be secured by writing to Barby Carroll, Office of Agricultural and Environmental Sciences, Department of Agriculture, Box 44153, Baton Rouge 70804, or in person at his office in the Harry D. Wilson Building on the LSU Campus, Baton Rouge.

Written comments will be accepted up to and including October 13, 1982. All interested persons will be afforded a reasonable opportunity to submit data, views, or arguments, orally or in writing, at the public hearing.

Bob Odom  
Commissioner

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

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

There will be no increased cost/savings 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 would be a serious economic loss to Louisiana growers of certified seeds if Louisiana should lose its national accreditation as a seed-certifying agency. Adoption of the upgraded seed certification regulations will protect the agency's recognition nationally as a seed-certifying agency and thus protect the out-of-state markets for Louisiana growers. The effect of upgrading the Louisiana seed certification standards will be beneficial so far as Louisiana growers are concerned.

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

No effect on competition or employment in the private sector by the enactment of new regulations. Conversely, failure to upgrade the Louisiana standards, if the failure results in a loss of accreditation, would prevent Louisiana growers from making out-of-state sales of seeds and thus eliminate many jobs in the private sector. Additionally, it is important that Louisiana consumers of certified seeds have a source of quality seed of known genetic purity adapted for Louisiana growing conditions, and the loss of accreditation might also have an adverse effect on in-state sales by Louisiana growers.

John Compton, Jr.  
Deputy Commissioner

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT  
Department of Civil Service  
Board of Ethics for Elected Officials**

The Board of Ethics for Elected Officials has scheduled a public hearing to consider the adoption and amendment of Administrative Rules concerning advisory opinions, complaints, notice of Board meetings, Board procedure, summary disposition of charges, Notice of Intent to file lawsuits under the Campaign Finance Disclosure Act, and audits of Campaign Finance Disclosure Act reports.

Inquiries and comments should be addressed, in writing, to R. Gray Sexton, Counsel to the Board of Ethics for Elected Officials at 7434 Perkins Road, Suite B, Baton Rouge, LA 70808 through October 6, 1982.

The public hearing will be held at 10 a.m. October 7, 1982 in the hearing room of the Contractor's Licensing Board Building, 7434 Perkins Road, Baton Rouge, LA.

Interested persons are invited to attend.

R. Gray Sexton  
Executive Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Adm. Rules for Board of  
Ethics for Elected Officials**

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

Other than the cost of publication, the only cost to the Department of Civil Service generated by the adoption of the proposed Rules will be \$1,500 for certified mail.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Publication of the proposed Rules will have no effect on revenue collections.

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

Publication of the proposed Rules will have no effect on agencies other than the Department of Civil Service.

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

The publication of the proposed Rules by the Board will have no effect on competition and employment.

R. Gray Sexton  
Executive Secretary

Richard W. England  
Legislative Fiscal Analyst

**NOTICE OF INTENT  
Department of Civil Service  
Commission on Ethics for Public Employees**

The Commission on Ethics for Public Employees has scheduled a public hearing to consider the adoption of a proposed administrative Rule that would allow members of the Commission who are absent from a public hearing because of illness, disability, or having been newly appointed to the Commission, to participate in the decision after a review of the transcript and exhibits if the majority of the members of the Commission are unable to concur in a decision.

Inquiries and comments should be addressed, in writing, to R. Gray Sexton, Counsel to the Commission, at 7434 Perkins Road, Suite B, Baton Rouge, Louisiana 70808, through September 27, 1982.

The public hearing will be held at 11 a.m. on September 28, 1982 in the Hearing Room of the Contractors Licensing Board Building, 7434 Perkins Road, Baton Rouge, Louisiana.

Interested persons are invited to attend.

R. Gray Sexton  
Executive Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: 3.7**

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

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

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

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

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

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

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

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

R. Gray Sexton  
Executive Secretary

Richard W. England  
Legislative Fiscal Analyst

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

Ms. Frances C. Mayeaux  
Administrative Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: 8**

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

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

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

These Rules will not affect revenue collections in any manner.

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

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

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

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

W. C. Rasberry, Jr.  
Chairman

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Commerce  
Cemetery Board**

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

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

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

**NOTICE OF INTENT**

**Department of Commerce  
Office of Financial Institutions**

Under the authority granted by R.S. 6:237-B, the Commissioner of Financial Institutions intends to adopt the attached amendment to the Rule previously published in Volume 6, Number 8 of the *Louisiana Register*, dated August 20, 1980. The purpose of this amendment to the Rule is to change the form and content of the personal financial statement required of the proposed directorate, proponents and officers.

**SUMMARY**

This amendment is to give the Office of Financial Institutions additional and better information to enable us to properly analyze the proposed directorate, proponents and officers of a proposed new State-chartered bank.

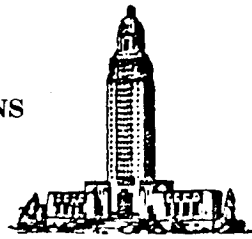


STATE OF LOUISIANA  
OFFICE OF FINANCIAL INSTITUTIONS

P. O. BOX 44095 — CAPITOL STATION

BATON ROUGE, LOUISIANA 70804

**Financial Statement**



I, \_\_\_\_\_ Name \_\_\_\_\_ Address \_\_\_\_\_

submit herewith the following information and a correct and complete statement of my financial condition as of \_\_\_\_\_ Date \_\_\_\_\_  
to the Office of Financial Institutions for its confidential use as a part of the Application of the \_\_\_\_\_

Name and address of Applicant Bank \_\_\_\_\_

for the organization of a State-chartered Bank in accordance with the provisions of Louisiana Laws relating to Banks and Banking:

**Section I**

An answer to each item is required. If the answer is "No," "None" or "Not applicable", so state. If an item of information called for is unknown, so state. If space provided on this form is inadequate, attach a separate schedule. All such schedules should be signed and dated.

ASSETS		LIABILITIES	
1) Cash on hand and in banks	\$ _____	9) Accounts payable	_____
2) Notes, loans, and other accounts receivable considered good and collectible	_____	10) Notes payable to banks — from Schedule D	_____
3) Merchandise and inventory at lower of cost or market value	_____	11) Notes payable to others — from Schedule E	_____
4) Real estate — from Schedule A	_____	12) Real estate mortgages — from Schedule F	_____
5) Machinery and equipment — at cost less depreciation	_____	13) Interest and taxes due and unpaid — from Schedule G	_____
6) Marketable securities — from Schedule B	_____	14) Other debts and liabilities — from Schedule H	_____
7) Life insurance (face amount \$ _____) cash surrender value	_____	TOTAL LIABILITIES	_____
8) Other assets — from Schedule C	_____	15) NET WORTH	_____
TOTAL ASSETS	\$ _____	TOTAL LIABILITIES AND NET WORTH	\$ _____

NOTE: Notes, accounts receivable, mortgages and other assets considered doubtful, and not included in above financial statement have an estimated value of \$ \_\_\_\_\_.

**CONTINGENT LIABILITIES (If none, so state)**

In addition to the debts and liabilities listed above, have you endorsed, guaranteed, or become otherwise indirectly or contingently liable for the debts of others?  Yes  No If "yes" give details in the following schedule.

Name and address of Debtor or Obligor	Name and address of Creditor or Oblgee	Description of Collateral	Value of Collateral	Date Obligation		Current Amount
				Incurred	Due	
_____	_____	_____	\$ _____	_____	_____	\$ _____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	TOTAL	\$ _____

**STATEMENT OF INCOME**

19\_\_\_\_ 19\_\_\_\_ 19\_\_\_\_ If more than six months CURRENT YEAR

Salaries, wages, and commissions from employment	_____	_____	_____
Income from dividends and interest	_____	_____	_____
Net income from rents, royalties and investments	_____	_____	_____
Other income	_____	_____	_____
TOTAL INCOME	_____	_____	_____
Expenses	_____	_____	_____
NET INCOME	_____	_____	_____

(If spaces provided are insufficient, please attach signed supporting schedules.)



**SUPPORTING SCHEDULES**

Schedules set forth on this page must agree in total with the appropriate item contained in the Financial Statement on Page 1 of this report. Note: Please attach a current balance sheet and statement of income relative to any investment, the value of which is not readily ascertainable (such as closely held corporations, partnership interests, etc.) when the investment exceeds 10% of total assets.

**Schedule A — Real Estate Owned**

Description and Location	Title in Whose Name	Date Acquire	Cost	Insurance	Current Value
					\$
carried forward to item 4, page 1 TOTAL					\$

**Schedule B — Marketable Securities**

Description	Amount	Description	Amount
	\$		\$
carried forward to item 6, page 1 TOTAL		\$	

**Schedule C — Other Assets**

Description and Basis for Valuation	Value
	\$
carried forward to item 8, page 1 TOTAL	\$

**Schedule D — Notes Payable to Banks**

Name of Creditor	Security	Date Due	Amount
			\$
carried forward to item 10, page 1 TOTAL			\$

**Schedule E — Notes Payable to Others**

Name of Creditor	Security	Date Due	Amount
			\$
carried forward to item 11, page 1 TOTAL			\$

**Schedule F — Real Estate Mortgages Payable**

Name of Creditor	Location of Property	Date Due	Amount
			\$
carried forward to item 12, page 1 TOTAL			\$

**Schedule G — Interest and Taxes Due and Unpaid**

Description	Payable To	Date Due	Amount
			\$
carried forward to item 13, page 1 TOTAL			\$

**Schedule H — Other Debts and Liabilities**

Description	Date Due	Amount
		\$
carried forward to item 14, page 1 TOTAL		\$

**Employment Record**  
(Include present and all past employment)

From	Date	To	Name, Location and Type of Business	Position Held and Nature of Duties

**Business Affiliations**

List all firms, companies, corporations, or other business organizations of which you are at present a director, officer, employee, partner, or owner.

Name and Location	Type of Business	Position Held

Stock of this bank owned or subscribed for:

Number of Shares \_\_\_\_\_ Par Value \$ \_\_\_\_\_ Total Cost \$ \_\_\_\_\_

Method of Payment \_\_\_\_\_

Is a loan to be made to purchase this stock?  Yes  No. If "yes" give details in the following schedule.

Name of Lender	Date	Interest Rate	Amount	Security	Repayment Terms

**PRIVACY ACT STATEMENT**

The information requested in this form, including your Social Security Number, is necessary to assist the OFI in processing certain applications and notices. The information will be used to make a legally required evaluation of your general character and financial condition as a part of the bank's management. It may be shared with the Federal agency responsible for supervising the bank. Some of the information, including your Social Security Number, may be provided to law enforcement or other governmental agencies for identity verification purposes. Should the information indicate a violation of law, this form may be referred to any agency responsible for investigating or prosecuting such a violation. In addition, in the event of litigation, the form may be presented to the appropriate court as evidence and to counsel in the course of discovery. While submission of the information is voluntary, an omission or inaccuracy may result either in a delay in processing the publication or notice, or in a denial or disapproval of the application or notice.

**CERTIFICATE**

I hereby certify that the foregoing information and statement of financial condition is true and correct to the best of my knowledge and belief and that said information and statement of financial condition are submitted voluntarily by me to the Office of Financial Institutions as essential data to be considered by them in connection with the Application of the \_\_\_\_\_

Name and address of Applicant Bank

to become an insured bank under the provisions of the Federal Deposit Insurance Act.

Date \_\_\_\_\_

Signature in full \_\_\_\_\_

**INFORMATION FOR SIGNER**

1. This form is for the use of Directors and Officers of bank making application for a State charter. Each individual Director and Officer is to submit a Financial Statement on this form in connection with said application, and is solely responsible for its contents.
2. Directors and Officers of Applicant Bank are asked to prepare Financial Statements on this form for the benefit of the Office of Financial Institutions in determining with respect to the applicant bank, the "general character of its management" in accordance with the provisions of the State Banking Laws.

**BIOGRAPHICAL INFORMATION**

**Section II**

Date of Birth

Place of Birth

Citizenship

Residence Address

Length of Residence in Community

Social Security No. or assigned Internal Revenue Identification Number

Trade names and/or other names used in place of given name

List principal civic, professional, social, or other organizations in which you have membership

Resume of Education

Have you ever been adjudged a bankrupt or had to work out a compromise with your creditors?  Yes  No

If yes, give details in the following schedule.

Title and Nature of Proceeding	Date	Name and Address of Court	Disposition

Are you involved as defendant or plaintiff in any civil litigation?  Yes  No

If yes, give details in the following schedule.

Title and Nature of Lawsuit or Proceeding	Date	Name and Address of Court Where Pending	Amount

Have you ever been indicted or convicted of or pleaded nolo contendere to any criminal matter involving dishonesty or breach of trust in any State or Federal Court?  Yes  No

If "yes" give details in the following schedule.

Nature of Charge	Date	Jurisdiction & Location	Disposition

Have you been subject to any administrative proceedings, disciplinary proceedings, or other adverse actions with respect to any professional license you hold or have held, including those involving any business or enterprise with which you have been associated as a partner, officer, director or major shareholder (owning 5% or more of the outstanding stock)?

Yes  No If "yes" give details in the following schedule.

Name of Authority	Nature of Proceedings	Disposition & Date

Has any business or enterprise with which you are or were associated as a partner, officer, director, or major shareholder (owning 5% or more of the outstanding voting stock) been the subject of an indictment, conviction, or plea of nolo contendere on any criminal matter involving dishonesty or breach of trust?  Yes  No If "yes" give details in the following schedule.

Business	Your Interest	Nature of Charge	Date	Jurisdiction & Location	Disposition

**STOCK OWNERSHIP**

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

Re: \_\_\_\_\_  
**(Applicant)**

\_\_\_\_\_  
**(Location)**

**OFFICE OF FINANCIAL INSTITUTIONS**  
P. O. BOX 44095, CAPITOL STATION  
BATON ROUGE, LOUISIANA 70804

To Whom It May Concern:

In connection with an application pending before the Office of Financial Institutions, the following information is submitted.

Name \_\_\_\_\_

Address \_\_\_\_\_

Social security account number and/or  
employer identification number \_\_\_\_\_

Date of birth \_\_\_\_\_

Place of birth \_\_\_\_\_

Occupation \_\_\_\_\_

Total number of shares subscribed \_\_\_\_\_

Total par value of shares subscribed \_\_\_\_\_

Total price of subscription \_\_\_\_\_

Amount (to be) borrowed of total subscription \_\_\_\_\_

Lending institution \_\_\_\_\_

Interest rate \_\_\_\_\_

Collateral (to be) pledged \_\_\_\_\_

Repayment terms \_\_\_\_\_

\_\_\_\_\_  
**(Signed)**

This form must be completed and signed by a director, an officer, and a subscriber to five percent or more of the stock offering.

Interested persons may submit written comments on the proposed addition to the established Rule until 4:30 p.m., September 5, 1982, at the following address: Honorable Hunter O. Wagner, Jr., Commissioner of Financial Institutions, Office of Financial Institutions, Box 44095, Capitol Station, Baton Rouge, LA 70804.

He is the person responsible for responding to inquiries concerning this proposed amendment to the Rule.

Hunter O. Wagner, Jr.  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Application to establish a new  
State Chartered Bank**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There will be no costs or savings 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 are no costs or benefits to affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no effect on competition and employment.

Hunter O. Wagner, Jr.  
Commissioner

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

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

1. Louisiana State Plan for the Nutrition Education and Training Program, FY 1983.
2. Amend Bulletin 741, pages 16 and 16a as recommended by the State Department of Education relative to "Proficiency Examinations".
3. Amend page 4C, Program Requirements: Teacher Caseload and Scheduling, Item b, of the *Regulations for the Implementation of State-funded Compensatory Remedial Programs*, Regular School Year as follows:

"The State-funded compensatory/remedial teacher shall provide each eligible student in the state compensatory/remedial program a minimum of 70 hours of instruction for language arts and 70 hours of instruction for mathematics or until the deficiencies as identified on the State Basic Skills Test have been mastered as determined by the local education agency. No more than 12 students shall be served by one compensatory/remedial teacher per instructional period. (Board Policy.) A school system which has provided 70 hours of remediation per subject area has complied with its remediation obligation."

4. The Board established a policy that it shall be mandatory for all vocational-technical schools to be covered by compre-

hensive general liability insurance and automotive liability insurance.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., September 3, 1982, at the following address: State Board of Elementary and Secondary Education, Box 44064, Capitol Station, Baton Rouge, LA 70804.

James V. Soileau  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: State Plan Amendment, 1983**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
Current projections for FY 82 are based on the assumption that we will receive funding through the Nutrition Education and Training program. If this program is not funded for FY 82-83, then the budget would be approximately \$60,000 less, which would be in the categories of Operating Expenses and Professional Services.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
This program plan is based on receipt of \$96,000 in federal funds for support of this program, including \$82,000 in Nutrition Education and Training funds and \$14,000 in federal administrative funds. If NET funds are not received the department plans to offset approximately \$20,000 of the program costs through use of other funding sources, leaving a total program reduction of \$60,000.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
There would be no estimated cost effect on the recipient agencies. Teachers, food service personnel and children would receive training and materials in the area of nutrition education; however, the level of services will depend on the level of available federal funding.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There is no estimated impact on competition and employment in the public and private sectors as a result of this action.

George B. Benton, Jr.  
Deputy Superintendent

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Amend Bulletin 741 pages 16 & 16a**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
The estimated cost to implement would be about \$225 to \$250 for printing and postage which will be absorbed in the operating budget of 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 cost to affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no effect on competition and employment.

John Dupre  
Assistant Superintendent of  
Academic Programs

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: State-Funded Compensatory/  
Remedial Education**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There are no implementation costs to the agency.
- 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 proposed amendment should not require an additional cost to the Local Education Agency. However, the amendment will allow students to be exited from the remediation program when mastery of the deficient skills is attained.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
The proposed amendment would allow for more effective use of personnel employed as state-funded compensatory/remedial teachers.

John Dupre  
Assistant Superintendent of  
Academic Programs

Mark C. Drennen  
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Vo-Tech Insurance Rule**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There will be no costs (savings) to the Board of Elementary and Secondary Education. There are now only six schools including the Vocational Curriculum Development and Research Center which do not have this general comprehensive liability coverage. The estimated annual cost for coverage is \$10,800 based on \$1,800 per school. Funds for this purpose will be requested by the agencies for 1983-84. During 1982-83 the coverage will be obtained by those agencies which can absorb the cost within their existing operating budget.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
This will have no effect on revenue collections.

- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
This Rule change will require that coverage be provided for any type of damage or injury that might occur in connection with these agencies, except student negligence.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
This will have no effect on competition and employment.

George B. Benton, Jr.  
Deputy Superintendent

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT  
Office of the Governor  
Department of Facility Planning and Control**

LOUISIANA  
CAPITAL IMPROVEMENT PROJECTS  
PROCEDURE MANUAL  
FOR DESIGN AND CONSTRUCTION

ARTICLE 1  
CONDITION OF THE CONTRACT

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

ARTICLE 2  
DEFINITIONS

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

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

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

2.4 *Consultants* are individuals or organizations engaged by the Owner or the Designer to provide professional consultant services complementing or supplementing the Designer's Services. As applicable, Consultants shall be licensed to practice in accordance with laws of the State of Louisiana. The Owner shall engage or have the Designer furnish as part of the Designer's Services the services of Consultants which are deemed necessary for the project. Normal Consultants are architects, landscape architects, civil, structural, mechanical and electrical engineers, food service, etc., compensation for which is included in Designer's basic fixed fee. Special Consultants are those, other than the above, which the

Owner shall approve as required for the Project to perform special services and for which compensation will be in accordance with Article 5.3.1

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

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

### ARTICLE 3

#### OWNER-USER AGENCY RESPONSIBILITIES

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

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

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

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

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

2) The site location of the facility;

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

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

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

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

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

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

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

### ARTICLE 4

#### TOTAL CONSTRUCTION BUDGET

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

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

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

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

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

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

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

4) Abandon or suspend the project.

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

### ARTICLE 5

#### COMPENSATION

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

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

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

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

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

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

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

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

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

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

5.2 Payment to the Designer for Additional Services, as defined in Article 7.3, shall be made on the basis of Designer's Direct Personnel Expense for performing such services multiplied by a factor of 2.75.

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

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

5.2.2 No additional compensation will be paid to the Designer for preparing normal change orders, which are those whose scope can be described in written form and/or on one or more explanatory drawings or sketches on letter size sheets.

5.2.3 *Change orders* which require one or more supplemental working drawings, Designer shall be compensated for the work involved in preparing such drawings on the same basis as Additional Services, as described above, only with prior approval of the Owner for the Designer to proceed with each such change order and with a limit on the extra compensation to be paid.

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

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

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

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

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

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

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

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

## ARTICLE 6

### PAYMENTS TO THE DESIGNER

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

6.1.1 Basic Services

1) Upon satisfactory completion of all Basic Services for each phase as described in Article 7, submission of all documents

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

Program Completion Phase	5%
Schematic Design Phase	15%
Design Development Phase	30%
Construction Documents Phase	65%
Bidding and Contract Phase	70%

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

Construction Phase	95%
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3) Upon satisfactory completion and furnishing required documents to the Owner for the following phase:

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

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

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

## ARTICLE 7

### DESIGNER'S SERVICES

#### 7.1 Basic Services

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

##### 7.1.1 Program Completion Phase

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

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

3) The Completed Program shall be submitted to the Owner and the User Agency for their written approval and thereaf-



ter only the Owner shall have authority to alter the Program. Any authorization by the Owner to alter the Completed Program shall be in writing.

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

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

#### 7.1.2 Schematic Design Phase

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

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

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

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

#### 7.1.3 Design Development Phase

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

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

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

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

#### 7.1.4 Construction Documents Phase

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

(a) Working Drawings - dimensioned plans, elevations, sections, details and schedules of all architectural, landscaping, civil, structural, mechanical and electrical work in the Project in

general conformity with Chapter 12, latest Edition, of the A.I.A. Handbook of Professional Practice or as the Owner may require.

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

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

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

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

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

#### 7.1.5 Bidding and Contract Phase

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

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

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

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

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

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

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

8) After award of the construction Contract, the Designer

shall complete and submit to the Owner a Cost Data Form, in a format provided by the Owner.

#### 7.1.6 Construction Phase

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 7.1.7 Construction Close-Out Phase

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

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

### 7.2 Project Representation Beyond Basic Services

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

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

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

### 7.3 Additional Services

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

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

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

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

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

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

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

## ARTICLE 8

### DESIGNER'S ACCOUNTING RECORDS

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

## ARTICLE 9

### TERMINATION OF CONTRACT

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

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

## ARTICLE 10

### ABANDONMENT OR SUSPENSION

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

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

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

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

## ARTICLE 11

### OWNERSHIP OF DOCUMENTS

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

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

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

## ARTICLE 12

### SUCCESSORS AND ASSIGNS

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

ARTICLE 13  
EXTENT OF AGREEMENT

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

ARTICLE 14  
GOVERNING LAW

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

ARTICLE 15  
OTHER CONDITIONS

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

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

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

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

15.1.4 Professional Liability (E & O) as follows:

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

No deductible shall be in excess of 5 percent of the limit of liability.

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

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

15.3 Liquidated Damages for Time Delays

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

15.3.2 For each calendar day past the Completion Date, as described above, that the Designer fails to make delivery of 100 percent of Construction Documents to the Owner, the Designer shall be assessed liquidated damages in the amount of 1/10 of 1 percent of the cumulative fee due on completion of Contract Documents.

15.4 Arbitration

All claims, disputes and other matters arising from the Contract shall, at the option of the Owner, be decided by arbitra-

tion. To the extent possible, such arbitration proceedings shall be conducted in accordance with the Construction Industry Association Rules of the American Arbitration Association. Any such arbitration proceeding shall, at the option of the Owner, be consolidated with or joined to other arbitration proceedings between the Owner and other persons or entities under contract with the state for the construction, repair or alterations of the project in question.

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

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

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

Be it enacted by the Legislature of Louisiana:

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

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

1721. Declaration of policy

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

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

1722. Louisiana Building Code

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

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

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

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

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

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

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

C. All of the above designated and described codes and

standards shall include all later editions and revisions as now or hereinafter provided.

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

1723. Administration; exceptions

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

1724. Building permits and Occupancy permits

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

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

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

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

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

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

(2) January, 1974.

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

(4) 1979.

(5) 1981.

Interested parties may contact the Department of Facility Planning and Control, Division of Administration, 4th Floor, Capitol Annex, Baton Rouge, LA, (William B. Smith, phone (504) 342-7226) for information. A public hearing will be held on Tuesday, September 7, 1982 at 2 p.m. in the third floor conference room, Capitol Annex.

J. Roger Magendie  
Director

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

**Rule Title: Facility Planning Procedure Manual**

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

The cost of printing the new manual will be approximately \$600; however, this amount would be required to reprint the current manual. Therefore, no additional costs will be realized.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenues.

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

With the revised procedural manual there could be a potential savings in time required for design and construction of projects due to simplification and clarification of the Rules and Regulations. This savings is indeterminable.

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

There will be no effect on competition or employment.

J. Roger Magendie  
Director

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Department of Health and Human Resources, Office of Family Security, proposes to delete from the Title XIX Medical Assistance Program, effective October 1, 1982, drugs deemed related and similar to those drugs previously listed in the Emergency Rule published in the *Louisiana Register* on November 20, 1981.

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

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

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

Identical, Similar and Related Products

1. Hydrocortisone w/iodochlorhydroxyquin Cream (Wollins)
2. Hydrocortisone w/iodochlorhydroxyquin Cream (Fougera)
3. Hydrocortisone w/iodochlorhydroxyquin Cream (CMC)
4. Bafil Cream (Scruggs)
5. Cortin Cream (C & M Pharm.)
6. Domeform-HC Cream (Dome)
7. Durel-Cort V Cream (Durel)
8. Hexaderm I.Q. Cream (Amfre-Grant)
9. Mity-Quin Cream (Reid-Provident)
10. Epiform-HC Cream (Delta Drug)
11. Idocort Cream (Ulmer)
12. Lanvisone Cream (Lannett)
13. Oxyquin Cream (Moore/Kirk)
14. Pedi-Cort-V Cream (Pedinol)
15. Vio-Hydrocort Cream (Columbia Medical)
16. Vioquin HC Cream (Scott-Alison)
17. Viotag Cream (Tutag)
18. Hysone Ointment (Mallard)
19. Dek-Quin Lotion (Truxton)
20. HC-Form Jelly (Recsei)
21. Viopramosone Cream (Ferdale)
22. Dermarex Cream (Hyrex Pharm.)

23. F-E-P Cream (Boots)
24. G.M.D. Cream (Columbia Drug)
25. Iodosone Cream (Century Pharm.)
26. Quinsonone Cream (Sutliff & Case)
27. Stera-Form Cream (Mayrand)
28. Vio Hydrosone Cream (North American)
29. Lidaform-HC Cream (Dome)
30. Pentarcort Cream (Dalín)
31. Racet LCD Cream (Lemmon)
32. H.V.B. Cream (Bowman)

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

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

Similar and Related Products

Anusol HC Suppositories and Cream (Parke-Davis)

D. Peripheral Vasodilators - Vasodilan: Isoxuprine Hydrochloride.

Identical, Similar and Related Products

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

E. Pathibamate: Meprobamate with Tridihexethyl Chloride.

Identical, Similar and Related Products

1. Meprobamate and Tridihexethyl Chloride Tablet (Purepac)
2. Meprobamate and Tridihexethyl Chloride Tablet (United Research)
3. Meprobamate and Tridihexethyl Chloride Tablet (Columbia Medical)
4. Meprobamate and Tridihexethyl Chloride Tablet (Murray Drug)
5. Meprobamate and Tridihexethyl Chloride Tablet (Bioline)
6. Meprobamate and Tridihexethyl Chloride Tablet (Dixon-Shane)
7. Meprobamate and Tridihexethyl Chloride Tablet (Stayner Div.)
8. Meprobamate and Tridihexethyl Chloride Tablet (Premo)
9. Tri-Bamate-200 and 400 Tablets (Three P Products)
10. Trihexybamate Tablet (Schein)
11. Tribamate Tablet (Parmed)
12. Tri-Bamate Tablet (Veratex Corp.)
13. Tri-Bamate Tablet (More Drug Exchange)
14. Spenpath Tablet (Spencer Mead)
15. Spasmate Tablet (Tutag)

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

Identical, Similar and Related Products

1. Clindex Capsule (Rugby)
2. Clinoxide Capsule (Geneva Generics)
3. Lidinium Capsule (Spencer-Mead)
4. Chlordinium Capsule (Bengtson-Wahl)
5. Chlordinium Capsule (Bioline)
6. Chlordinium Capsule (Bomiseco)
7. Chlordinium Capsule (Dixon-Shane)
8. Chlordinium Capsule (Gramercy)
9. Chlordinium Capsule (Moore Drug Exchange)
10. Chlordinium Capsule (Murray Drug)
11. Chlordinium Capsule (Parmed)
12. Chlordinium Capsule (Premo)

13. Chlordinium Capsule (Richie)
14. Chlordinium Capsule (Scrip-Physician Supply)
15. Chlordinium Capsule (Veratex)
16. Chlordiazepoxide Hydrochloride with Clidinium Bromide Capsule (Ascot)
17. Chlordiazepoxide Hydrochloride with Clidinium Bromide Capsule (Barr)
18. Chlordiazepoxide Hydrochloride with Clidinium Bromide Capsule (Columbia)
19. Chlordiazepoxide Hydrochloride with Clidinium Bromide Capsule (Generix)
20. Chlordiazepoxide Hydrochloride with Clidinium Bromide Capsule (Schein)
21. Chlordiazepoxide Hydrochloride with Clidinium Bromide Capsule (Regal)
22. Chlordiazepoxide Hydrochloride with Clidinium Bromide Capsule (Stayner)
23. Chlordiazepoxide Hydrochloride with Clidinium Bromide Capsule (3P Prods.)
24. Chlordiazepoxide Hydrochloride with Clidinium Bromide Capsule (Towne)
25. Chlordiazepoxide Hydrochloride with Clidinium Bromide Capsule (URL)
26. Chlordiazepoxide Hydrochloride with Clidinium Bromide Capsule (Vanguard)
27. Chlordiazepoxide Hydrochloride with Clidinium Bromide Capsule (Zenith)

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

Identical, Similar and Related Products

1. Nicotiny Alcohol Tartrate Tablet (Bioline)
2. Nicotiny Alcohol Tartrate Tablet (Bolar)
3. Nicotiny Alcohol Tartrate Tablet (Geneva Generics)
4. Nicotiny Alcohol Tartrate Tablet (Gramercy)
5. Nicotiny Alcohol Tartrate Tablet (Moore Drug Exchange)
6. Nicotiny Alcohol Tartrate Tablet (Murray)
7. Nicotiny Alcohol Tartrate Tablet (Parmed)
8. Nicotiny Alcohol Tartrate Tablet (Rosow)
9. Nicotiny Alcohol Tartrate Tablet (Rugby)
10. Nicotiny Alcohol Tartrate Tablet (Schein)
11. Nicotiny Alcohol Tartrate Tablet (Vanguard)
12. Nicotiny Alcohol Tartrate Tablet (Veratex)
13. Nicotiny Alcohol Tartrate Tablet (Elder)
14. Nicotiny Alcohol Tartrate Tablet (Pharmadyne)

H. Various Ophthalmic Preparations Containing an Antihistamine: Prefrin-A Ophthalmic Solution - Phenylephrine Hydrochloride, Pnylamine Maleate, and Antipyrine.

Identical, Similar and Related Products

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

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

Identical, Similar and Related Products

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

J. Peripheral Vasodilators - Cyclandelate

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

Interested persons may submit written comments on the proposed policy through September 3, 1982, at the following

address: R. K. Banks, Acting Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries about this proposed Rule.

Roger P. Guissinger  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Drugs Identical, Similar and  
Related to Ineffective Drugs**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
The only implementation costs are \$489.50 for printing and \$1,960 for postage.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
Only in those cases where physicians continue to prescribe drugs on the list will there be a cost to recipients.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There is no effect on competition and employment.

R. P. Guissinger  
Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Department of Health and Human Resources, Office of Family Security, proposes to implement enforcement of support orders as provided by Louisiana R.S. 46:236.3 effective October 1, 1982.

This statute provides for continued enforcement of child support orders in arrears, posting of bond and continued wage withholding at the court's discretion. With the implementation of this statute, it will be no longer necessary to institute subsequent garnishment proceedings to collect newly accrued delinquent amounts. This Rule change will become effective October 1, 1982.

Interested persons may submit written comments through September 3, 1982, at the following address: R. K. Banks, Acting Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries about this proposed Rule.

Roger P. Guissinger  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Enforcement of Support Orders**

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

Implementation of this Rule change will result in a savings to the state general fund as follows:

FY 82-83	\$193,368
FY 83-84	417,672
FY 84-85	451,086

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

It is estimated that collections will increase by 10 percent resulting in increased support payments to beneficiaries of \$837,246 in FY 82-83, \$1,808,448 in FY 83-84, and \$1,953,123 in FY 84-85.

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

Non-AFDC clients will benefit from regular child support payments.

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

There is no effect on competition and employment.

R. K. Banks  
Acting Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

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

Interested persons may submit written comments through September 3, 1982, at the following address: R. K. Banks, Acting Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries about this proposed Rule.

Roger P. Guissinger  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Withholding of Unemployment Benefits**

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

Implementation of this rule change will result in a savings to the state general fund as follows:

FY 82-83	\$18,932
FY 83-84	26,756
FY 84-85	28,361

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

Net revenue collections will increase by \$174,337 in FY 82-83, \$246,484 in FY 83-84, and \$261,273 in FY 84-85, thereby generating additional support payments to benefi-



ciaries of \$155,405, \$291,728 and \$232,212 for FY's 82-83, 83-84, and 84-85, respectively.

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

This Rule would benefit child support recipients in that child support payments would be continued even though the payor became unemployed.

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

There is no effect on competition and employment.

R. K. Banks  
Acting Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of Health and Human Resources Board of Nursing

The Louisiana State Board of Nursing hereby gives notice that the Board intends to adopt an amendment to the Rules for primary nurse associates (also known as nurse practitioners), R.N. 3.041, at 10 a.m. on November 18, 1982.

Public notification made herein indicates no final approval.

The public is made aware of the proposed changes in compliance with R.S. 49:951-968.

#### PROPOSED AMENDMENT TO LSBN RULES FOR PRIMARY NURSE ASSOCIATES

R.N. 3.041, add (3) to read as follows:

The educational requirements set forth in R.N. 3.04 shall not apply to any registered nurse who shows evidence that on or before March 20, 1981, the nurse (1) was actively pursuing a program from which national certification to practice as a primary nurse associate was received on or before September 20, 1981; or (2) was actively pursuing a formal educational program, which included didactic and clinical experience, from which certification to practice at the level of a primary nurse associate was received on or before September 20, 1981.

In the event the certifying body in (1) or (2) of this section requires recertification, evidence of same shall be made available to the Board.

Anyone wishing to qualify as a primary nurse associate under the provisions of this section must submit a formal application to the Board within six months of the effective date of this section.

Written comments may be addressed to Meryln M. Maillian, R.N., Executive Director, Louisiana State Board of Nursing, 907 Pere Marquette Building, 150 Baronne Street, New Orleans, LA 70112, until 4:30 p.m., October 29, 1982.

Merlyn M. Maillian, R.N.  
Executive Director

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

#### Rule Title: Rules for Advanced Practitioners of Nursing in La. Re: Primary Nurse Associates (R.N. 3.04-3.041)

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

This amendment will result in a saving of approx-

imately 20 hours of professional staff working time and approximately five hours of Board meeting time which would be required to perform indepth reviews of the affected persons' varied credentials.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on the revenue collections as a result of this amendment.

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

There will be no costs to the affected persons. It is expected that registered nurses who are grandfathered as primary nurse associates will be able to retain their economic status which they will otherwise lose.

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

Registered nurses who are grandfathered as primary nurse associates will retain their ability to compete for available positions for primary nurse associates.

Merlyn M. Maillian, R.N.  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of Health and Human Resources Office of Mental Health and Substance Abuse

Public Psychiatric Hospital Overflow Policy and Purchase of Emergency Private Psychiatric Hospital Services

In accordance with the authority vested in the Office of Mental Health and Substance Abuse by Title 28 of the Revised Statutes of 1950 and in accordance with Section 2121 et seq. of Title 40, notice is hereby given of intent to adopt the following policies and procedures for management of the current grave situation of public psychiatric hospital overflow and purchase of emergency private psychiatric hospital services in Louisiana.

1. Purchase of Private Psychiatric Hospitalization:

A. Purpose — To provide acute psychiatric and substance abuse care and evaluation for youth to the age of 25 years who cannot be served by state OMHSA hospitals because of lack of appropriate bed space. Purchase of services will be accomplished with private Louisiana hospitals to provide Mental Health/Substance Abuse in-patient services when, and only when:

1. A psychiatrist, who confirms the emergency, has evaluated the individual and determined him to be gravely disabled or dangerous to self or others due to psychiatric illness or substance abuse, and

2. No bed is available in any state OMHSA hospital, and

3. No less restrictive alternative is feasible that would be appropriate, such as:

a. Mental Health/Substance Abuse Center/Clinic emergency out-patient services for the youth and/or family, including day treatment

b. Residential treatment

c. Group Home

B. Monitoring — To be accomplished via continuation of the Youth and Adult Hospital Overflow Studies determining:

1. Need for Mental Health/Substance Abuse hospitalization for individuals.

2. Utilization of Funds. Routine analyses will be made of all obligations committed to by OMHSA. If appropriated funds are fully allocated prior to the end of any fiscal year no further approv-



als for private care will be made except by direct approval of the Legislative Budget Committee and/or Interim Emergency Board.

C. Procedure for Determining Eligibility for Funding

1. OMHSA Hospital Overflow procedures will be followed:

a. Upon receipt of referral by a state OMHSA hospital, the hospital will determine if the referral is appropriate and admission is required. If a bed is available, the hospital will follow its usual and customary procedures to admit the patient, in accordance with the Mental Health Law.

b. If a bed is unavailable, the state OMHSA hospital will call OMHSA State office to report the overflow situation.

c. OMHSA State Office will return the call to the referral source to determine:

- That the youth or young adult has been seen by a psychiatrist who confirms the need for emergency hospital admission.
- If the youth or young adult has been referred to the local Community Mental Health Center or Substance Abuse Clinic, and if not an emergency referral is made in order to secure a second opinion as to current status.
- Whether emergency out-patient services through the local OMHSA Centers/Clinics, including day treatment, can be utilized as an interim measure while the individual's name is placed on the state OMHSA hospital's waiting list.

d. Approval for use of private mental health/substance abuse hospital funds will only be given prior to placement, and only when the individual at the time referred is actively suicidal or homicidal due to mental illness or substance abuse.

e. Once the community OMHSA Center/Clinic has established that immediate hospitalization is needed:

- All other appropriate state OMHSA hospitals will be contacted for a vacancy. If a vacancy is found, immediate admission will occur.
- If no vacancy is found, OMHSA will initiate effort to determine Title XIX eligibility. If eligible, admission to a private Louisiana hospital accepting such payments will occur.
- If ineligible for Title XIX, admission will occur at another appropriate Louisiana private hospital.

2. Linkage with DHHR/Office of Human Development Client Placement System: Immediate Referral will be made to the appropriate Office of Human Development office to accomplish the following:

a. Referral for review by the Regional Review Committee within 60 days. This action will occur whether the individual has been referred for outpatient services and placed on a waiting list, or admitted to OMHSA hospital or private Louisiana Hospital.

b. Immediate action by the OHD case Coordinator who will contact the family to complete the family assessment, including financial information:

1. The family's ability to contribute financially will be determined according to the Client Placement fee schedule. If private hospital placement is approved, the fee established will be paid by the individual or family to the hospital, and deductions will be made from the state's liability.
2. Insurance payments to the hospital.
3. Title XIX payments to the hospital.
4. If either 2) or 3) are feasible, such financial sources will be the hospital's first reimbursement dollar.
5. SSI Eligibility and Payment to Hospital.

c. The OHD Case Coordinator will be responsible for insuring that provisions for partial payment are made in the form of:

- a. Family financial contribution to the private hospital
- b. Insurance coverage to the hospital
- c. Title XIX payments to the hospital
- d. SSI Payment to hospital

d. OMHSA State Office will be responsible for insuring that payment is made to the hospital for the remaining difference, or for the total cost if other contributions are not feasible.

3. Limitations to coverage of private hospital costs

a. Eligibility for funding must be established prior to the individual's entry into the private hospital. There will be no retroactive payment prior to establishing eligibility.

b. Funding will be approved initially for not more than 28 days. At the end of this period (or before):

1. The individual will be discharged to the home or other less restrictive setting.

2. The youth will be transferred to a state OMHSA hospital.

3. If for any reason continued private hospitalization is necessary past the 28-day limit, the hospital will be responsible for securing approval for continued funding from OMHSA State Office. Any such extension will be approved by OMHSA State Office:

- Every 28 days thereafter
- When and only when, documentation from the treating physician supports the need for the extension.
- There is continued unavailability of appropriate public OMHSA bed.

c. Once a placement in an appropriate OMHSA hospital is offered, funding for private hospitalization ceases as of designated date for admission to an OMHSA hospital, if confirmation is received by an OMHSA psychiatrist that transfer will not cause harm to the individual.

d. At any time OMHSA can request a second psychiatric opinion to confirm that hospitalization is needed for the individual's best interest.

4. Agreement Provisions

a. Private provider must be willing to accept from OMHSA State Office referrals who meet the eligibility requirements for OMHSA emergency funding, provided an appropriate bed is available.

b. Private provider must be willing to abide by the 28-day maximum stay and accept responsibility for contacting OMHSA State Office if an extension is necessary.

c. Private provider must agree to submit copies of all evaluations, but a minimum of a social, psychiatric, psychological and medical, to OMHSA State Office within 10 days of admission. Thereafter, weekly progress reports must be submitted. Payment will be withheld until appropriate reports are submitted.

d. Private provider must be willing to make further treatment recommendations upon discharge of the youth, concerning:

- a. Place of discharge
  1. Home, or other independent living situation
  2. Foster home
  3. Group home
  4. Residential treatment center
  5. State psychiatric hospital
- b. Out-patient treatment services for follow-up and to provide continuity of care.

e. Private provider must be willing to allow OMHSA, through Headquarters staff, to have on-site review privileges.

f. Private providers shall not discriminate against any proposed admission due to color, race, religion, sex or national origin.

Written comments will be accepted by Thomas H. Brittain, Jr., Ph.D., Assistant Secretary, Office of Mental Health and Substance Abuse, Box 4049, Baton Rouge, LA 70821, up to and including September 6, 1982, or may be presented in person at Dr. Brittain's office at 655 North Fifth Street, Baton Rouge, LA.

Roger P. Guissinger  
Secretary

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

**Rule Title: OMHSA Public Hospital Overflow Policy**

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

The estimated cost of the program for the current fiscal year is \$1,478,000. This is based on actual cost for the previous year and the estimated number of clients to be placed in the current year.

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

It is not anticipated that this proposed action will result in any increase in the state revenue.

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

Individuals in need of emergency care would benefit from this proposed action, provided they met the criteria.

Private providers would benefit by being reimbursed for the cost of care for patients who would otherwise be unable to pay.

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

The proposed action should not affect competition or employment in the private or public sector.

William E. Payne, Jr.  
Chief of Fiscal Services

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Insurance  
Office of Property and Casualty**

**Rule Number 8**

**Group Self-Insurers - Workmen's Compensation**

**Section 1 - Authority**

These Rules are adopted by the Commissioner of Insurance pursuant to the provisions of Louisiana R.S. 22:2 and Act 648 of the 1979 Regular Session of the Louisiana Legislature.

**Section 2 - Purpose**

The purpose of this Act is to adopt provisions and uniform guidelines for their interpretation as authorized specifically by Act 648 of the 1979 Regular Session of the Louisiana Legislature. The Rules are designed to facilitate and implement the provisions of the Act in a uniform manner. They are intended to supplement and not alter in any manner certain provisions of the Act.

**Section 3 - Applicability**

These provisions shall be applicable to any group of five or more employers who are members of the same bona-fide trade or professional association and who are engaged in the same or similar type of business and who have a minimum combined net worth of \$500,000. Such a group shall be known as a "Group Self-Insurance Fund". None of these provisions shall apply to individual self-insurers, nor to foreign employers who may, or have, applied to the Louisiana Insurance Rating Commission for approval to be self-insured under the provisions of Louisiana 23:1181 and 1182.

**Section 4 - Definitions**

A. "Certified Audit" or "Certified Financial Statement" means an audit or financial statement upon which an independent certified public accountant expresses his professional opinion that the accompanying statements present fairly the financial position

of the self-insurer or fund in conformity with generally accepted accounting principles and generally accepted auditing standards consistently applied.

B. "Commissioner" means the Commissioner of Insurance.

C. "Current Ratio" means the ratio of current assets to current liabilities in the most recent financial statement.

D. "Fund" means Self-Insurer's Fund.

E. "Affiliated Company" means any company that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with, the applicant company.

F. "Modified premiums" means the total manual premiums as defined in that manual of the National Council on Compensation Insurance, as approved for use in Louisiana, modified by the applicable experience rating plan.

G. "Self Insurers Fund" means the monetary fund or account created by a group self-insurer to pay workmen's compensation claims under Title 23, Louisiana Revised Statutes of 1950.

H. "Self-Insurer" means both individual and group self-insurers unless the context clearly indicates a more restrictive definition.

I. "Workmen's Compensation Service Company" shall mean any firm or individual contracting to provide claims adjusting, underwriting, safety engineering, loss control and/or administrative services other than bookkeeping or auditing services.

J. "Workmen's Compensation Act" shall mean Title 23, Louisiana Revised Statutes of 1950 as amended.

K. "Fund Year" for group self-insurers shall mean that period of time which the group self-insurer shall designate for the purposes of collecting premiums from its members and for determining any deficit or surplus; such period of time shall correspond with the fiscal year of the group. Any claim arising within the accident year upon which the fund year is based shall be included in that fund year.

L. "Control", including the terms "controlling", "controlled by" and "under common control with" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, ten percent or more of the voting securities of any other person.

M. "Surplus" as regards the Group Self-Insurer's Fund shall mean the excess of all fund monies over the amount necessary to fulfill all obligations under the Workmen's Compensation Act for all fund years that the group has been in operation.

N. "Deficit" as regards the Group Self-Insurer's Fund shall mean the excess of the amount necessary to fulfill all obligations under the Workmen's Compensation Act for all fund years that the group has been in operation over all fund monies.

O. "Classification" shall mean the classification as determined by the manual of the National Council on Compensation Insurance, as approved for use in Louisiana.

**Section 5 - Acceptable Securities and Surety Bonds**

A. Acceptable securities and surety bonds for the purposes of Act 648 of 1979 shall be:

1. U. S. Government bonds;

2. Any bonds or securities which are issued by the State of Louisiana and which are secured by the full faith and credit of this state;

3. Certificates of deposit issued by a bank in the State of

Louisiana, which has deposits insured by the Federal Deposit Insurance Corporation;

4. Savings certificates issued by any savings and loan association in the state of Louisiana which has deposits insured by the Federal Savings and Loan Insurance Corporation;

5. Surety bonds issued by a corporate surety authorized by the commissioner to transact such business in the State of Louisiana;

6. Any guarantee from the United States government whereby the payment of the Workmen's Compensation liability of a self-insurer is guaranteed.

B. All securities shall be deposited as provided by law and surety bonds shall be filed with the commissioner.

C. Securities must bear the following assignment which shall be signed by an officer, partner, or owner: Assigned to the State of Louisiana for the benefit of injured employees of the self-insured employer under the Louisiana Workmen's Compensation Act.

D. Interest accruing on any negotiable securities so deposited transmitted to the depositor provided that the depositor is not in default in payment of compensation benefits.

E. All surety bonds shall conform to the bond form set forth in Appendix I.

F. All deposits and surety bonds shall remain in the custody of the commissioner for a period of time as the applicable Statute of Limitations provided in the Workmen's Compensation Act dictates.

G. No securities on deposit shall be released without an order from the commissioner.

H. Any securities deposited or surety bonds held by the commissioner may be exchanged or replaced by the depositor with other acceptable securities or surety bonds of like amount so long as the market value of the securities or amount of the surety bonds exceeds the amount of deposit required.

#### Section 6 - Filing of Reports

A. Incurred losses, paid and unpaid, specifying both indemnity and medical losses by classification, and payroll by classification, and current estimated outstanding liability for workmen's compensation shall be reported to the commissioner by each self-insurer on forms acceptable to the commissioner. Such information shall be reported on a calendar year basis and must be filed by April 1 of the following year, beginning April 1, 1982.

B. Each self-insurer shall under oath, attest to the accuracy of each report submitted pursuant to subdivision A above. Upon sufficient cause, the commissioner shall require the self-insurer to submit a certified audit of payroll and claim records conducted by an independent auditor approved by the commissioner, based on generally accepted accounting principles and generally accepted auditing standards, and supported by an actuarial review and opinion of the future contingent liabilities. The basis for sufficient cause shall include the following factors: where the losses reported appear significantly different from similar type businesses, where major changes in the reports exist from year to year which are not solely attributable to economic factors, or where the commissioner has reason to believe that the losses and payroll in the report do not accurately reflect the losses and payroll of the employer. If any discrepancy is found, the commissioner shall require changes in the self-insurer's or workmen's compensation service company record keeping practices.

C. Each self-insurer shall report to the commissioner any workmen's compensation claim where the full, undiscounted value is estimated to exceed \$50,000 within ten days of obtaining knowledge that the claim may exceed \$50,000.

D. Each individual self-insurer shall, within four months after the end of its fiscal year, annually file with the commissioner its latest 10K Report required by the Securities and Exchange

Commission. If an individual self-insurer does not prepare a 10K Report, it shall file an annual certified financial statement, together with such other financial information as the commissioner may require to substantiate data in the financial statement.

E. Each group self-insurer shall, within four months after the end of the fiscal year for that group, annually file a statement showing the combined net worth of its members based upon each individual member's annual certified financial statement, together with such other financial information the commissioner may require to substantiate data in the group's summary statement.

F. In addition to the financial statements required by subdivisions D and E above, interim financial statements, or 10Q Reports required by the Securities and Exchange commission may be required by the commissioner upon an indication that there has been deterioration in the self-insurer's financial condition, including a worsening of current ratio, lessening of net worth, net loss of income, the downgrading of the company's bond rating or any other significant change that may adversely affect the self-insurers' ability to pay expected losses. Any self-insurer which files an 8K Report with the Securities and Exchange Commission shall also file a copy of the report with the commissioner within 30 days of the filing with the Securities and Exchange Commission.

#### Section 7 - Requirements for Group Self-Insurers

A. Five or more employers in the same industry may apply to the commissioner for the authority to self-insure as a group. This initial application shall be accompanied by a copy of the bylaws or plan of operation adopted by the group. The commissioner shall approve or disapprove the bylaws within 30 days.

B. After the initial application along with the bylaws or plan of operation have been approved by the commissioner, or at the time of the initial application, the group shall then submit: the names of employers that will be members of the group; and indemnity agreement providing for joint and several liability for all group members for any and all workmen's compensation claims incurred by any member of the group signed by an officer of each member; and a certified financial statement of each member.

C. A group proposing to self-insure shall have and maintain:

1. A combined net worth of all of the members of at least \$500,000. The requirement of this subdivision shall not be modified.

2. Sufficient assets, net worth, reinsurance and liquidity to promptly and completely meet all obligations of its members under the Workmen's Compensation Act. In determining whether a group is in sound financial condition, consideration shall be given to: the combined net worth of the member companies; the consolidated long-term and short-term debt to equity ratios of the member companies; the particular industry that the member companies are engaged in; any excess insurance purchased by the group from an insurer licensed in Louisiana or from an authorized surplus line carrier; other financial data requested by the commissioner or submitted by the group; and the combined workmen's compensation experience of the group for the last four years.

D. Five or more employers shall be deemed to be engaged in the same industry under Act 648 of 1979 (1) if the commissioner finds that all of the employers have the same group classification as defined in the Classification Codes Manual for Workmen's Compensation and Employer's Liability Insurance published by the National Council of Compensation Insurance issued on December 31, 1934 as revised. When five or more employers are not in the same group classification they shall still be considered in the same industry under these Rules if:

1. A majority of the employees of each employer perform similar work;

2. A majority of the employees of each employer are subjected to similar work hazards; and

3. The manual rate for the governing classifications of each employer is similar.

E. The commissioner shall grant or deny the group's application to self-insure within 30 days after a complete application has been filed, provided that such time may be extended for an additional 30 days upon 15 days prior notice to the applicant. Upon a determination that: the financial ability of the self-insurer's group is sufficient to fulfill all joint and several obligations of the member companies which may arise under the Workmen's Compensation Act; the gross annual premium of the group members is at least \$200,000; the group has established a fund pursuant to Act 648 of 1979, the group has contracted with a licensed workmen's compensation service company to administer its program; the required securities or surety bond shall be on deposit prior to the effective date of coverage for any member; and all of the member companies are engaged in the same industry; the commissioner shall grant approval for self-insurance. Such approval shall be effective until revoked by order of the commissioner or until the employer members of the group become insured.

F. Each group self-insurer shall contract with a workmen's compensation service company to administer its program or employ such personnel that will qualify the group as a workmen's compensation service company. The service company shall have the sole authority to make claim and reserve determinations of regarding injured workers of the member employers.

G. Each group self-insurer shall establish a group self-insurer's fund pursuant to Act 648 of 1979 which shall be administered by the board of directors of the group.

H. Prior to the providing of coverage to any member company, a group self-insurer shall deposit acceptable securities or surety bonds in an amount of \$100,000. The minimum annual gross premium shall be less than \$200,000.

I. An employer must belong to the group for at least one year. If a member voluntarily terminates its membership in a group during the second or third year of membership, the group self-insurer shall assess the following member at least the following penalties: 25 percent of the premium due from that member for that year if termination occurs within the second year of membership and 15 percent of the premium due from that member for that year if termination occurs within the third year. No penalty shall be required if an employer's withdrawal is due to merger, dissolution, sale of the company or change in the type of business so that it is no longer engaged in the same industry as the rest of the employers of the group. Following the completion of three consecutive years of membership in the group, withdrawal from the group shall be allowed without penalty, provided that 90 days advance written notice is given to the board of directors of the group, and the group's plan of operation of bylaws allow such withdrawal without a penalty. Any penalty assessed pursuant to this subdivision shall be paid to the group's self-insurer's fund.

J. Upon receipt of any notice of a member to withdraw or a decision by the board of directors to expel a member, the group self-insurer shall give immediate notice to the commissioner, and then, as soon as practicable, re-evaluate its net worth and financial condition. If the consolidated net worth or financial condition of the group, excluding the terminating or expelled member, fails to meet the requirements specified in C above, the group shall so notify the commissioner within 15 days and advise the commissioner of its plan for bringing the group into compliance with C above.

K. The group self-insurer shall file with the commissioner the name of all employer members accepted into the group. The group shall not accept any liability for a new member until a signed indemnity agreement has been completed by that new member and filed with the commissioner.

L. Each group self-insurer shall be prohibited from accept-

ing as a member any employer that owes an outstanding debt to a previous group self-insurer. A judgment obtained under the laws of Louisiana shall be required as proof of such debt. If a group has such an employer member, upon receipt of the required proof, the fund administrator shall issue 30 days notice of cancellation to the member.

M. The directors of each group self-insurer shall cause to be adopted a set of bylaws or plan of operation which shall govern the operation of the group. All bylaws or plans of operation or amendments thereto, shall be subject to prior approval by the commissioner.

1. These bylaws or plans of operation shall contain the following subjects:

a. Qualifications for group self-insurer membership, including underwriting considerations.

b. The method for selecting the board of directors, including the directors' terms of office.

c. The procedure for amending the bylaws or plan of operation.

d. Investment of all assets of the fund.

e. Frequency and extent of loss control or safety engineering services provided to members.

f. A schedule for payment and collection of premiums.

g. Expulsion procedures, including expulsion for nonpayment of premiums and expulsion for excessive losses.

h. Delineation of authority granted to the administrator.

i. Delineation of authority granted to the service company.

j. Basis for determining premium contributions by members including any experience rating program.

k. Procedures for resolving disputes between members of the group, which shall not include submitting them to the commissioner.

1. Basis for determining distribution of any surplus to the members, or assessing the membership to make up any deficit.

2. The directors shall review at least annually the following items for the purpose of determining whether these areas of concern are being adequately provided for:

a. Service company performance

b. Loss control and safety engineering

c. Investment policies

d. Collection of delinquent debts

e. Expulsion procedures

f. Initial member review

g. Administrator performance

h. Claims handling and claims reporting

3. All group self-insurers shall file copies of its current bylaws or plan of operation with the commissioner. Any changes in the bylaws or plan of operation shall be filed with the commissioner no later than 30 days prior to their taking effect. The commissioner reserves the right to order the group self-insurers to rescind or revoke any bylaw or plan of operation if it is in violation of any law.

N. All group self-insurers shall maintain at a location within the State of Louisiana such records as are necessary to verify the accuracy and completeness of all reports submitted to the commissioner. However, the group self-insurers shall be authorized to transfer its financial records to the offices of the certified public accountant for the group self-insurers upon the written permission of the commissioner. In addition, if the group self-insurer has contracted with a service company for claims handling, then the claims files and related records may be located at the offices of the service company. The location of these records shall be designated with the application for self-insurance authority and thereafter shall be provided to the commissioner through written notice of any change in its location within 30 days of any such change.

O. The group self-insurer shall be considered a single entity for the purposes of membership in the WCRA and for the

purposes of any assessment levied upon self-insurers pursuant to the Workmen's Compensation Act.

P. The group self-insurer shall not incorporate or form a business trust pursuant to Louisiana laws governing business corporation.

#### Section 8 - Group Self-Insurers Fund

A. Each group self-insurer shall, not less than 10 days prior to the proposed effective date of the group, submit evidence that an annual gross premium equal to not less than \$200,000 is available to the fund. Payments in subsequent years shall be made according to the schedule in the manual of rules, classifications and rates approved for use in Louisiana provided that a reduction in the manual premium shall be allowed if based on bona fide savings in the expenses of the group, or an actuary who is a member of the Casualty Actuarial Society certifies that a reduction should be permitted based on the losses of the group and that a deficit has not occurred in any of the last three years. Each group self-insurer shall initiate proceedings against a member when that member becomes more than 15 days delinquent in any payment of premium to the fund.

B. There shall be no co-mingling of any assets of the group self-insurer's fund with the assets of any individual member employer or with any other account of the group unrelated to payment of workmen's compensation liability incurred by the group.

C. The group self-insurer shall designate a fiscal agent and/or administrator to administer the financial affairs of the fund. Such fiscal agent or administrator shall furnish a fidelity bond with the self-insurer as obligee, in an amount sufficient to protect the fund against the misappropriation or misuse of any monies or securities. Such fiscal agent or administrator shall not be an owner, officer, or employee of the service company or any affiliate of the service company.

D. All funds shall remain in the control of the group self-insurer or its authorized administrator. One or more revolving funds for payment of compensation benefits due may be established for the use of the authorized service company. The service company shall furnish a fidelity bond covering its employees, with the self-insurer as obligee, in an amount sufficient to protect all monies placed in such revolving fund. Should the fidelity bond of the fiscal agent and/or administrator also cover the monies in the revolving fund, the service company shall not be required to furnish a fidelity bond.

E. The accounts and records of the group self-insurer's fund shall be audited annually. Audits shall be made by certified public accountants, based on generally accepted accounting principles and generally accepted auditing standards, and supported by actuarial review and opinion of the future contingent liabilities, in order to determine the solvency of the self-insurer's fund. All audits required by this Rule shall be filed with the commissioner 90 days after the close of the fiscal year for the group self-insurer. The commission may require a special audit to be made at other times if the financial stability of the fund or the adequacy of its monetary reserves is in question.

F. No director, fiscal agent, or administrator of a group self-insurer shall utilize any of the monies collected as premiums for any purpose unrelated to workmen's compensation insurance. No director, fiscal agent or administrator shall borrow any money from the self-insurer's fund or in the name of the self-insurer's fund.

G. Cash assets of the self-insurer's fund may be invested as provided by Louisiana law for a casualty insurance company provided that investment in common stock, real estate or indebtedness from any member company is prohibited. In addition, investment in the following is allowed:

1. Savings accounts or certificates of deposit in a duly chartered commercial bank located within the State of Louisiana and insured through the Federal Deposit Insurance Corporation.

2. Share accounts or savings certificates in a duly chartered savings and loan association located within the State of Louisiana and insured through the Federal Savings and Loan Insurance Corporation.

3. Direct obligations of the United States Treasury, such as notes, bonds, or bills.

4. Any bond or security issued by the State of Louisiana and backed by the full faith and credit of the state.

5. Any credit union where the employees of the self-insurer are members, provided that such credit union is located in Louisiana, licensed by the State of Louisiana, and insured through the Federal Deposit Insurance Corporation.

H. Any securities purchased by the group self-insurer's fund shall be in such denominations, and with dates of maturity to insure that securities may be redeemable at sufficient time and in sufficient amounts to meet the fund's current and long-term liabilities.

I. The self-insurer shall report annually, as part of its financial statement, a schedule showing the disposition of all investment income earned during the immediately preceding year.

J. Fifty percent of any surplus monies for a fund year in excess of 125 percent of the amount necessary to fulfill all obligations under the Workmen's Compensation Act for that fund year may be declared refundable to a member at any time. If the amount calculated to be refundable is less than \$500, then 100 percent of any surplus monies in excess of 125 percent may be declared refundable. Date of payment shall be no earlier than 18 months following the end of such fund year, provided that no more than one refund may be made in any 12-month period. When all claims arising out of any one fund year have been fully paid, all surplus monies from that year may be declared refundable.

K. The group self-insurer shall give notice to the commissioner of any refund. Said notice shall be accompanied by a statement from the self-insurer's certified public accountant certifying that the proposed refund is in compliance with J above.

L. In the event of a deficit in any fund year, such deficit shall be paid up immediately, either from surplus from a fund year other than the current fund year, or by assessment of the membership. The commissioner shall be notified within 10 days of any transfer of surplus funds.

M. If the commissioner finds that any deficit has not been paid up, he shall order an assessment to be levied against the members of a group self-insurer sufficient to make up any deficit.

#### Section 9 - Qualifications for Workmen's Compensation Service Companies

A. Any individual, co-partnership, or corporation desiring to engage in the business of providing one or more services for an approved workmen's compensation program for a group self-insurance fund shall apply to, and shall satisfy the Commission of Insurance that it has adequate facilities and competent staff within the state to service the self-insurance program in such a manner as to fulfill the employers' obligations under the Workmen's Compensation Act and Regulations. Service may include, but is not limited to, claims adjusting, industrial safety engineering, underwriting, and the capacity to provide required reporting.

B. Application for approval to act as a servicing company for a group self-insurer shall be made on a form acceptable to the Commissioner. Approval of applications to act as a service company shall be granted for a period of one year and shall be subject to renewal annually.

C. If the service company seeks approval to service claims, then proof shall be required that it has within its organization, or has contracted on a full-time basis with, at least one person who has the knowledge and experience necessary to handle claims involving the Workmen's Compensation Act. A resume covering that person or persons' background shall be attached to the ap-

plication of the service company.

D. If the service company seeks approval to provide underwriting services, then proof shall be required that it has within its organization, or has contracted on a full-time basis with, at least one person who has the knowledge and experience necessary to provide underwriting services for workmen's compensation insurance coverage. A resume covering that person or persons' background shall be attached to the application of the service company.

E. If the service company seeks approval to furnish safety engineering services, then proof shall be required that it has within its organization, or has contracted on a full-time basis with at least one person who has the knowledge and background necessary to adequately provide industrial safety and health engineering services.

F. The service company shall maintain adequate staff and the staff shall be authorized to act for the service company on all matters covered by the Workmen's Compensation Act and Rules.

G. The service company shall file copies of all contracts entered into with group self-insurance funds as they relate to the services to be performed. Such reports shall be kept confidential. The service company will handle all claims with dates of injury or disease within the contract period until their conclusion unless the service company is relieved of that responsibility.

H. Failure to comply with the provisions of the Workmen's Compensation Act shall be considered good cause for withdrawal of the approval to act as a service company. Thirty days' notice of withdrawal shall be given and notice shall be served by certified or registered mail upon all interested parties.

#### Section 11 - Penalty for Non-Compliance

Non-compliance with the provisions of these Rules may result in suspension, revocation, or non-renewal of the Certificate of Authority issued by the Commissioner of Insurance pursuant to the provisions of Act 648 of the 1979 Regular Session of the Louisiana Legislature.

#### Section 12 - Severability

If any of the provisions of these Rules are held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid item, and to this end the provisions of these Rules are hereby declared severable.

Interested persons may submit written comments on the proposed Rule through September 7, 1982, at the following address: Louis Jordan, Chief of Property and Casualty Insurance, Box 44214, Baton Rouge, Louisiana 70804.

Louis Jordan  
Chief of Property and Casualty Insurance

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Group Self Insurers-Workmen's Compensation

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

There will be no additional costs to the agency associated with implementation of this Rule. The Department of Insurance has been provided funding to monitor the operations of the involved group self-insurers.

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

There will be no impact on revenue collections.

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

The Rule would create no expenses other than those normally encountered in the operation of business in a prudent manner, with a view toward maintaining solvency. Any additional expenses would be incurred only if the Department of Insurance was to decide an examination of operations is appropriate. In this case, the group self-insurer would be responsible for reimbursing the agency for examining expenses which is currently the common practice.

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

There will be no impact on competition and employment.

John T. Brown  
Deputy Commissioner of Insurance

Mark C. Drennen  
Legislative Fiscal Officer

### NOTICE OF INTENT

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

Pursuant to the provisions of R. S. 49:953, the Environmental Control Commission (ECC) gives notice that it initiated rulemaking procedures at the June 24, 1982 hearing to revise the last paragraph on page 21A of the Louisiana State Implementation plan for Ozone Abatement. The proposed revision is being forwarded to the Joint Committees on Natural Resources for approval. Upon their approval, the ECC will then consider adoption at the September 23, 1982 hearing.

The proposed revision reads as follows:

The plan submitted between March and November 1979 and approved by the Environmental Protection Agency, projects attainment of the ozone standard by December 31, 1982. This is being accomplished without the additional hydrocarbon reductions resulting from the installation of secondary seals on volatile organic compound storage tanks with external floating roofs. Consequently, since the plan shows attainment by December 31, 1982 and the plan is approved, the Air Quality Division intends to allow the emissions abated by the use of secondary seals to be used in the growth allowance for the parish where reduction occurs.

The person within the agency responsible for responding to inquiries about the proposed revisions is Gus Von Bodungen, Program Administrator, Air Quality Division, Box 44066, Baton Rouge, LA 70804; telephone (504) 342-1206.

All interested persons are invited to submit written comments, speak at the public hearing, or both, about any of the actions proposed above. Comments received in person or by mail before the public hearing will be considered by the Commission before final decision on any of the proposed actions. All comments and requests to speak at the hearing should be submitted to B. Jim Porter, Assistant Secretary, Office of Environmental Affairs, Box 44066, Baton Rouge, LA 70804. All documents relating to the actions on this notice are available for inspection at the following locations from 8 a.m. until 4:30 p.m.

Room 409, State Office Building, 325 Loyola Avenue, New Orleans, LA

Reception area, 8th floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA

Office of Environmental Affairs, 804 31st Street, Monroe, LA

State Office Building, 1525 Fairfield Avenue, Shreveport, LA

Office of Environmental Affairs, 1155 Ryan Street, Lake Charles, LA.

B. Jim Porter  
Assistant Secretary

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

**Rule Title: Revision to SIP for Ozone Abatement**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There are no costs or savings 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 are no costs or benefits to affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no effects on competition or employment.

Jerry Hill  
Undersecretary

Richard W. England  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

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

Pursuant to the provisions of R. S. 49:953, the Environmental Control Commission (ECC) gives notice that it initiated rulemaking procedures at the July 22, 1982 hearing to revise Sections 22.22.1 (A) and 22.22.2 (A) of the Air Quality Regulations and also proposes to establish the Air Quality Division Source Test Manual. These proposed revisions and test procedures will be forwarded to the Joint Committees on Natural Resources for approval. Upon their approval, the ECC will then consider adoption at the September 23, 1982 hearing.

Sections 22.22.1 (A) and 22.22.2 (A) state the test criteria to be followed by gas trucks and terminals. The proposed revisions state the identical test criteria but remove the reference to Federal regulations and reference instead the Air Division Source Test Manual.

Revise Section 22.22.1 (A) of the Air Quality Regulations to read as follows:

A. Gasoline tank trucks and their vapor collection systems shall not sustain a pressure change of more than three inches of water (0.75 k Pa) in five minutes when pressurized to eighteen inches of water (4.5 k Pa) or evacuated to six inches of water (1.5 k Pa) using the test procedure described in Method A of the Division's Source Test Manual.

Revise Section 22.22.2 (A) of the Air Quality Regulations to read as follows:

A. Loading and unloading operations at gasoline terminals shall not produce a reading equal to or greater than 100 percent of the lower explosive limit (LEL, measured as propane) at 2.5 centimeters around the perimeter of a potential leak source as detected by a combustible gas detector using the test procedure described in Method B of the document referenced in Section 22.22.1 (A).

The proposed Air Quality Division Source Test Manual, Methods A and B, are actual test procedures based on the EPA guidance document Control of Volatile Organic Compound leaks from Gasoline Tank Trucks and Vapor Collection Systems. These proposed procedures will be incorporated into the Air Quality Regulations upon their adoption.

**AIR QUALITY DIVISION  
SOURCE TEST MANUAL  
METHOD A**

**Pressure-Vacuum Test Procedures  
for Leak Tightness of Truck Tanks**

1. Principle — Pressure and vacuum are applied to the compartments of gasoline truck tanks and the change in pressure/vacuum is recorded after a specified period of time.
2. Applicability — This method is applicable to determining the leak tightness of gasoline truck tanks in use and equipped with vapor collection equipment.
3. Definitions
  - 3.1 Truck tank. Any container, including associated pipes and fittings, that is used for the transport of gasoline.
  - 3.2 Compartment. A liquid-tight division of a truck tank.
  - 3.3 Truck tank vapor collection equipment. Any piping, hoses, and devices on the truck tank used to collect and route the gasoline vapors in the tank to the bulk terminal, bulk plant, or service station vapor control system.
4. Apparatus
  - 4.1 Pressure source. Pump or compressed gas cylinder of air or inert gas sufficient to pressurize the truck tank to 6250 pascals (25 inches H<sub>2</sub>O) above atmospheric pressure.
  - 4.2 Regulator. Low pressure regulator for controlling pressurization of the truck tank.
  - 4.3 Vacuum source. Vacuum pump capable of evacuating the truck tank to 2500 pascals (10 inches H<sub>2</sub>O) below atmospheric pressure.
  - 4.4 Manometer. Liquid manometer, or equivalent, capable of measuring up to 6250 pascals (25 inches H<sub>2</sub>O) gauge pressure with  $\pm 25$  pascals ( $\pm 0.1$  inch H<sub>2</sub>O) precision.
  - 4.5 Test cap for vapor recovery hose fittings. This cap should have a tap for manometer connection and a fitting with shut-off valve for connection to the pressure/vacuum supply hose.
  - 4.6 Pressure/vacuum relief valves. The test apparatus shall be equipped with an in-line pressure/vacuum relief valve set to activate at 7000 pascals (28 inches H<sub>2</sub>O) above atmospheric pressure or 3000 pascals (12 inches H<sub>2</sub>O) below atmospheric pressure, with a capacity equal to the pressurizing or evacuating pumps.
  - 4.7 Caps for liquid delivery line.
  - 4.8 Pressure/Vacuum supply hose.
5. Pretest Condition
  - 5.1 Purging of vapor. The truck tank shall be purged of gasoline vapors and tested empty. The tank may be purged by any safe method such as flushing with diesel fuel or heating fuel.
  - 5.2 Location. The truck tank shall be tested where it will be protected from direct sunlight.
6. Test Procedure
  - 6.1 The dome covers are to be opened and closed.
  - 6.2 Connect static electrical ground connections to tank. Attach the delivery and vapor hoses, remove the delivery elbows, and plug the liquid delivery fittings.
  - 6.3 Attach the test cap to the vapor recovery line of the truck tank.
  - 6.4 Connect compartments of the tank internally to each other if possible. (If not possible, each compartment must be tested separately.)
  - 6.5 Connect the pressure/vacuum supply hose and the pressure/vacuum relief valve to the shut-off valve. Attach the pressure source to the hose. Attach a manometer to the pressure tap.
  - 6.6 Open the shut-off valve in the vapor recovery hose cap. Applying air pressure slowly, pressurize the tank, or alternatively the first compartment, to 4500 pascals (18 inches H<sub>2</sub>O).



6.7 Close the shut-off valve and allow the pressure in the truck tank to stabilize, adjusting the pressure if necessary to maintain 4500 pascals (18 inches H<sub>2</sub>O). When pressure stabilizes, record the time and initial pressure.

6.8 At the end of five minutes, record the time and final pressure.

6.9 Disconnect the pressure source from the pressure/vacuum supply hose, and slowly open the shut-off valve to bring the tank to atmospheric pressure.

6.10 Connect the vacuum source to the pressure/vacuum supply hose.

6.11 Slowly evacuate the tank, or alternatively the first compartment, to 1500 pascals (6 inches H<sub>2</sub>O).

6.12 Close the shut-off valve and allow the pressure in the truck tank to stabilize, adjusting the pressure if necessary to maintain 1500 pascals (6 inches H<sub>2</sub>O) vacuum. When the pressure stabilizes, record the time and initial pressure.

6.13 At the end of 5 minutes, record the time and final pressure.

6.14 Repeat steps 6.5 through 6.13 for each compartment if they were not interconnected.

## 7. Alternative Test Methods

Techniques, other than specified above, may be used for purging and pressurizing the truck tanks, if prior approval is obtained from the assistant secretary, with the administrator's concurrence. Such approval will be based upon demonstrated equivalency with the above method.

### METHOD B

#### Gasoline Vapor Leak Detection Procedure by Combustible Gas Detector

##### 1. Principle

A combustible gas detector is used to indicate any incidence of leakage from gasoline truck tanks and vapor control systems. This qualitative monitoring procedure is an enforcement tool to confirm the continuing existence of leak-tight conditions.

##### 2. Applicability

This method is applicable to determining the leak-tightness of gasoline truck tanks during loading without taking the truck tank out of service. The method is applicable only if the vapor control system does not create back-pressure in excess of the pressure limits of the truck tank compliance leak test. For vapor control systems, this method is applicable to determining leak-tightness at any time.

##### 3. Definitions

3.1 Truck tank. Any container, including associated pipes and fittings, that is used for the transport of gasoline.

3.2 Truck tank vapor collection equipment. Any piping, hoses, and devices on the truck tank used to collect and route the gasoline vapors in the tank to the bulk terminal, bulk plant, or service station vapor control system.

3.3 Vapor control system. Any piping, hoses, equipment, and devices at the bulk terminal, bulk plant, or service station, which is used to collect, store, and/or process gasoline vapors.

##### 4. Apparatus and Specifications

4.1 Manometer. Liquid manometer, or equivalent, capable of measuring up to 6250 pascals (25 inches H<sub>2</sub>O) gauge pressure with  $\pm 25$  pascals (0.1 inch H<sub>2</sub>O) precision.

4.2 Combustible gas detector. A portable hydrocarbon gas analyzer with associated sampling line and probe.

4.2.1 Safety. Certified as safe for operation in explosive atmospheres.

4.2.2 Range. Minimum range of 0-100 percent of the lower explosive limit (LEL) as propane.

4.2.3 Probe diameter. Sampling probe internal diameter of 0.625 cm (1/4 inch).

4.2.4 Probe length. Probe sampling line of sufficient length for easy maneuverability during testing.

4.2.5 Response time. Response time for full-scale deflection of less than 8 seconds for detector with sampling line and probe attached.

## 5. Test Procedure

5.1 Pressure. Place a pressure tap in the terminal, plant, or service station vapor control system, as close as possible to the connection with the truck tank. Record the pressure periodically during testing.

5.2 Calibration. Calibrate the combustible gas detector with 2.2 percent propane by volume in air for 100 percent LEL response.

5.3 Monitoring procedure. During loading or unloading, check the periphery of all potential sources of leakage of the truck tank and of the terminal, plant, or service station vapor collection system with a combustible gas detector.

5.3.1 Probe distance. The probe inlet shall be 2.5 cm from the potential leak source.

5.3.2 Probe movement. Move the probe slowly (2.0 cm/second). If there is any meter deflection at a potential leak source, move the probe to locate the point of highest meter response.

5.3.3 Probe position. As much as possible, the probe inlet shall be positioned in the path of (parallel to) the vapor flow from a leak.

5.3.4 Wind. Attempt as much as possible to block the wind from the area being monitored.

5.4 Recording. Record the highest detector reading and location for each incidence of leakage.

The person within the agency responsible for responding to inquiries about the proposed revisions is Gus Von Bodungen, Program Administrator, Air Quality Division, Box 44066, Baton Rouge, LA 70804; telephone (504) 342-1206.

All interested persons are invited to submit written comments, speak at the public hearing, or both, about any of the actions proposed above. Comments, received in person or by mail, before the September 23, 1982 public hearing will be considered by the Commission before final decision on any of the proposed actions. All comments and requests to speak at the hearing should be submitted to B. Jim Porter, Assistant Secretary, Office of Environmental Affairs, Box 44066, Baton Rouge, LA 70804. All documents relating to the actions on this notice are available for inspection at the following locations from 8 a.m. until 4:30 p.m.

Room 409, State Office Building, 325 Loyola Avenue, New Orleans, LA; Reception area, 8th floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA; Office of Environmental Affairs, 804 31st Street, Monroe, LA; State Office Building, 1525 Fairfield Avenue, Shreveport, LA; Office of Environmental Affairs, 1155 Ryan Street, Lake Charles, LA.

B. Jim Porter  
Assistant Secretary

### **Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Revision to Air Quality Regulations**

#### 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 estimated effect on revenue collection.

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

There is no estimated cost effect or change in benefits.

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

There will be no effect on competition or employment.

Jerry Hill  
Undersecretary

Richard W. England  
Legislative Fiscal Analyst

## NOTICE OF INTENT

### Department of Natural Resources Resource Recovery and Development Authority

At the regular meeting on July 19, 1982 the Louisiana Resource Recovery and Development Authority approved the following proposed amendment to the LRRDA Rules of Procedure. The proposed amendment revises and expands Section 7.1 of the Rules of Procedure to provide for a competitive negotiation process for the procurement of full-service agreements for the design, construction and operation of resource recovery facilities and systems.

Therefore the Louisiana Resource Recovery and Development Authority hereby proposes to amend Section 7.1 to read as follows:

7.1 COMPETITIVE NEGOTIATIONS: As authorized by R.S. 30:1150.7A(19), the following procedures shall be used by the Authority to conduct competitive negotiations for the procurement of full-service arrangements for the design, construction and operation of resource recovery facilities and systems as deemed necessary, desirable or convenient by the Authority. Use of this competitive negotiation procedure shall exempt the Authority from the provisions of R.S. 39:1551 - 39:1736, R.S. 39:1481 - 39:1526, R.S. 38:2310 - 38:2316, and R.S. 38:2181 - 38:2225. Procurements not related to full-service arrangements for design, construction and operation of resource recovery facilities and systems shall be accomplished under the provisions of Section 7.2, 7.3 and 7.4 of these Rules and other applicable law.

7.1.1 Definitions: In accordance with Section 1.5 of these Rules, the following special definitions are provided:

(a) Full-Service Arrangement - means an arrangement wherein a single vendor contracts with the Authority to be responsible for, as a minimum, the design, construction, operation and maintenance of a resource recovery facility or system.

(b) Request for Proposal - means an official solicitation in writing prepared pursuant to this Section for the purpose of inviting two or more vendors to submit detailed proposals to supply services for the design, construction, operation and maintenance of a resource recovery facility or system.

(c) Request for Qualifications - means an official solicitation in writing prepared pursuant to this Section for the purpose of inviting two or more vendors to submit a qualifications statement to be used in evaluating the capabilities of each vendor to successfully supply services for the design, construction, operation and maintenance of a resource recovery facility or system.

(d) Vendor - a person who proposes to provide or provides services for the design, construction, operation and maintenance of a resource recovery facility or system.

7.1.2 Records; Public Access: Except as required by R.S. 30:1076, R.S. 30:1150.7D and Section 7.5 of these Rules, all

data, documents, and other materials prepared by or for the Authority or supplied to the Authority for purposes of this Section shall be treated by the Authority as public records in accordance with the Public Records Act (R.S. 44:1 - 44:42). Proposals and qualifications statements received from vendors which contain technical data, financial information, overhead rates, and trade secrets submitted by a person under this Section shall not be disclosed to any member of the public without prior written consent of said person. The Authority may assess charges for copies of records furnished to the public in accordance with R.S. 39:241.

7.1.3 Competitive Negotiation Procurement Procedures; Summary: The competitive negotiation procurement process shall consist of the following steps:

- (a) Issuance of a Request for Qualifications (RFQ)
- (b) Receipt of Qualification Statements
- (c) Evaluation of Qualification Statements
- (d) Issuance of draft Request for Proposals (RFP)
- (e) Receipt of Comments on draft RFP
- (f) Issuance of Formal RFP
- (g) Receipt of Proposals
- (h) Proposal Evaluation
- (i) Selection of Vendors for Negotiations
- (j) Negotiations
- (k) Award of Contract(s)

(l) The Authority may, at its sole discretion, utilize one of the following modifications to this process:

- (1) Dispense with steps (a) - (c) of this process and begin with step (d), "Issuance of a draft Request for Proposal."
- (2) Initiate steps (a) and (d) simultaneously, with only those vendors found qualified under steps (a) - (c) to receive a formal RFP.

Should the Authority decide to begin the process with modification (1) or (2), the reason for this decision shall be stated in the written notice required under Paragraphs (a) and/or (d) of Subsection 7.1.4 of these Rules, as applicable.

#### 7.1.4 Competitive Negotiation Procurement Procedures

(a) Issuance of a Request for Qualifications (RFQ); Contents, Notice, Questions, Charges:

(1) Contents - If the Authority determines that a Request for Qualifications (RFQ) is desirable, it shall prepare or cause to be prepared an RFQ. The purpose of the RFQ shall be to solicit information from vendors demonstrating the ability of the vendor, its employees, and any subcontractors to perform the services required. The contents of the RFQ shall include, but not be limited to, a general description of the project and the services desired, required vendor qualification data to be provided such as financial information experience in design of resource recovery facilities or systems, experience in construction and/or operation and maintenance of resource recovery facilities or systems and/or public works or other facilities of similar size and complexity to the resource recovery facility or system being procured, and availability of any proprietary equipment or processes which may be required for the project, whether through direct ownership of rights or through licensing or similar arrangements. The contents of the RFQ shall also include the procedures and criteria (including weights, if any) to be used for evaluating the qualifications statements, and a statement that vendors who do not submit qualifications statements will be precluded from participation in procedures for changes specified in Paragraphs 7.1.5(b) and (c), and procedures for questions regarding the RFQ.

(2) Notice - Once the RFQ has been approved by the Authority for issuance, the Authority shall announce the availability of the RFQ through a written public notice. The written public notice shall contain, as a minimum, general description of the project, the name and address of the Authority, where and how the RFQ may be obtained, the price to be charged for the RFQ in

accordance with Subparagraph (a) (4) of this Subsection, where qualifications statements are to be sent, the deadline for receipt of qualification statements, the date, time and place that vendors found to be qualified will be announced, and a statement that vendors who do not submit qualifications statements will be precluded from participation in procedures for changes specified in Paragraphs 7.1.5(b) and (c). The public notice shall be advertised in the official journal of the state and in one or more newspapers of general circulation in the state at least once a week for three different weeks, the last advertisement appearing not less than thirty days prior to the last day for receipt of statements. The notice may also be placed in those national trade journals which serve potential full-service vendors. In addition, on or before the first day the notice is published in the official journal of the state, the notice shall be mailed to vendors who are known by the Authority to be in a position to furnish such services.

(3) Questions - Questions from vendors regarding the RFQ must be in writing and must be received by the Authority at least fifteen days prior to the deadline for receipt of qualifications statements. All responses by the Authority shall be provided to all vendors who requested the RFQ from the Authority at least seven days prior to the deadline for receipt of qualifications statements. A question-and-answer meeting may be held by the Authority in lieu of this written process, at least twenty-one days prior to the last day for receipt of qualifications statements. If such a meeting is held, a taped or written record of the meeting will be made available for inspection at the office of the Authority until the deadline for receipt of qualifications statements.

(4) Charges - The Authority may charge and collect from each person who requests an RFQ a fee established in accordance with R.S. 39:241.

(b) Receipt of Qualifications Statements: The Authority shall accept qualifications statements up to the day and time specified as a deadline in the Notice of Availability of the RFQ, or specified as a deadline by the Authority pursuant to a change authorized under Subsection 7.1.5 of these Rules.

(c) Evaluation of Qualifications: The Authority shall evaluate the qualifications statements received in accordance with the evaluation procedures and criteria specified in the RFQ and shall determine, based on the information presented, whether each vendor is qualified to offer the services required. After all statements have been evaluated, each vendor shall be mailed a list of all vendors found to be qualified. Each vendor found not to be qualified shall be so notified and, if requested by the vendor, shall be provided with a statement of the reason or reasons therefor.

(d) Issuance of a Draft Request for Proposals (RFP); Contents, Notice; Charges:

(1) Contents - Prior to the issuance of a formal Request for Proposals (RFP) for services on a project authorized under this Section, the Authority shall prepare or have prepared a draft Request for Proposals. The contents of the draft RFP shall include, but not be limited to, a summary of the procurement process, background data on the project, an anticipated time schedule for initiation and completion of construction, required vendor qualifications, qualifications evaluation procedures and criteria (including weighting, if any), performance standards for the proposed resource recovery facility or system, details of financing and contractual conditions, and details of the proposal evaluation and selection process, the specified length of time the Authority will require vendor proposals to remain in effect, and a statement that vendors who do not submit proposals will be precluded from participation in procedures for changes specified in Paragraphs 7.1.5(b) and (c) unless the Authority has qualified vendors under Paragraphs 7.1.4(a) - (c), in which case the provisions of Paragraph 7.1.4(a) shall apply. The information on vendor qualifications and qualifications evaluation shall not be required in the draft

RFP if the Authority has qualified vendors under Paragraphs (a) - (c) of this Subsection.

(2) Notice - Once the draft RFP has been approved by the Authority for issuance to receive comments, the Authority shall announce the availability of the draft RFP through a written public notice unless the Authority has qualified vendors under Paragraphs (a) - (c) of this Subsection. If the Authority has qualified vendors, the Authority shall send the draft RFP to all qualified vendors as well as to consultants and advisors of the Authority, governmental entities involved in the project, and others deemed appropriate by the Authority. Other persons may obtain an informational copy of the draft RFP upon request. If the Authority has not qualified vendors, then the written public notice shall contain, as a minimum, a general description of the project, the name and address of the Authority, where and how the draft RFP may be obtained, the price to be charged for the draft RFP in accordance with Subparagraph (d) (3) of this Subsection, where comments are to be sent and the deadline for receipt of comments. The public notice shall be advertised once in the official journal of the state and in one or more newspapers of general circulation in the state at least thirty days prior to the last day comments will be accepted. The notice also may be placed in those national trade journals which serve potential full-service vendors. In addition, on or before the day the notice is published in the official journal of the state, the notice shall be mailed to vendors who are known by the Authority to be in a position to furnish such services.

(3) Charges - The Authority may charge and collect from each person who requests a draft RFP a fee established in accordance with R.S. 39:241.

(e) Receipt of Comments on the Draft RFP: A period of at least thirty days will be allowed for receipt of written comments after the draft RFP has been made available for review. At the discretion of the Authority, a question-and-answer meeting regarding the draft RFP may be held during the thirty-day comment period. Comments made to the Authority at any such meeting must be reduced to writing and submitted to the Authority by the deadline for receipt of comments in order to be considered.

(f) Issuance of a Formal Request for Proposals:

(1) Contents - The formal RFP shall consist of the draft RFP as modified, changed or altered by the Authority solely at its discretion, based on the comments received or in accordance with Subsection 7.1.5 of these Rules.

(2) Notice - Once the formal RFP has been approved by the Authority for issuance, the Authority shall announce the availability of the formal RFP through written public notice unless the Authority has qualified vendors under Paragraphs (a) - (c) of this Subsection. If the Authority has qualified vendors, the formal RFP shall be sent to all qualified vendors, as well as to consultants and advisors of the Authority, governmental entities involved in the project, and others deemed appropriate by the Authority. Other persons may obtain an informational copy of the formal RFP upon request. If the Authority has not qualified vendors, then the written public notice shall contain, as a minimum, a general description of the project, the name and address of the Authority, where and how the formal RFP may be obtained, the price to be charged in accordance with Subparagraph (f) (4) of this Subsection, where proposals are to be sent, the deadline for receipt of proposals, the date, time and place that the vendor or vendors selected for negotiations will be announced, and a statement that vendors who do not submit proposals will be precluded from participation in procedures for changes specified in Paragraphs 7.1.5(b) and (c). The public notice of availability shall be advertised in the official journal of the state and in one or more newspapers of general circulation in the state at least once a week for the three different weeks, the first advertisement appearing not less than ninety days prior to the deadline for receipt of proposals. The notice also may

be placed in those national trade journals which serve potential full-service vendors. In addition, on or before the first day notice is published in the official journal of the state, the formal RFP shall be mailed to those vendors who are known by the Authority to be in a position to furnish such services.

(3) Questions - Questions from vendors regarding the RFP must be in writing and must be received by the Authority at least forty-five days prior to the deadline for receipt of proposals. All responses to such questions by the Authority will be provided to all vendors who received an RFP from the Authority at least thirty days prior to the deadline for receipt of proposals.

(4) Charges - The Authority may charge and collect from each person requesting an RFP a fee established in accordance with R.S. 39:241.

(g) Receipt of Proposals: The Authority shall accept proposals up to the day and time specified as a deadline in the formal RFP. At the time specified, the Authority shall make public the names of the vendors who submitted proposals. The Authority may reject any proposal which is incomplete or otherwise does not conform to the requirements for submission specified in the RFP.

(h) Proposal Evaluation: Proposals shall be evaluated by the Authority in accordance with the evaluation procedures and criteria specified in the formal RFP. During the evaluation period each vendor shall be given the opportunity to meet with the Authority's evaluation team to explain and clarify the proposal. The proposal may not be modified in any manner except in response to a change issued by the Authority under Subsection 7.1.5 of these Rules. The meetings with each vendor shall be confidential and during any such meeting the Authority shall not disclose any information derived from proposals submitted by competing vendors. The evaluation process will result in a ranking of vendors to be selected for negotiations.

(i) Selection of Vendors for Negotiations: Negotiations with vendors may be conducted by one of two methods.

(1) Single Vendor Method - The vendor ranked highest after the evaluation process will be requested to enter into negotiations for a contract to perform the services required for the project and notified of the timeframe for the negotiations. If a satisfactory contract cannot be negotiated with the highest ranked proposer within the timeframe specified by the Authority, negotiations with that vendor will be terminated and negotiations with the next highest ranked vendor will be initiated. This process may continue until either a contractual agreement is finalized or all vendors have been eliminated.

(2) Multiple Vendor Method - The Authority may initially negotiate simultaneously with two or more of the potential vendors. In this event, the vendors will be ranked a second time on the basis of the results of the initial negotiations. Final negotiations will take place with the then highest ranked vendor and will proceed as in Subparagraph (i) (1) of this Subsection until a contractual agreement is reached or all vendors have been eliminated.

(j) Negotiations: Negotiations shall be conducted in closed meetings. Attendance shall be limited to a negotiating team, comprised of Authority members, Authority staff, and consultants to the Authority, representatives of the vendor, and any others who are mutually acceptable to both the vendor and the Authority including, but not limited to, members of the legislature or other representatives of parishes and municipalities to be served by the facility or system. Negotiations shall be confidential, except for the final contract or contracts which result from the process. The Authority shall have the right to make changes to the project which the Authority deems advantageous as provided in Subsection 7.1.5 of these Rules.

(k) Award of Contract(s): Once an agreement has been reached with a vendor as to satisfactory contractual terms and conditions, the contract(s) shall be prepared by the Authority. The contract(s) shall be formally executed by both parties only after official ratification by a two-thirds majority of the Authority; however, no full-service contract shall be executed with a corporation formed under the laws of any jurisdiction other than Louisiana until such corporation has qualified to do business in the State of Louisiana pursuant to R.S. 12:301.

#### 7.1.5 Changes:

(a) Prior to the deadline for submission of qualifications, comments or proposals the Authority may at its discretion alter the contents of an RFQ, a draft RFP or a formal RFP, the procedures and /or deadline for submitting qualifications statements, comments, and/or proposals or the procedures for evaluating such. The changes shall be sent by certified mail to each person to which a copy of the RFQ, draft RFP or formal RFP has been sent.

(b) The Authority shall have the right to make changes to the project during the course of proposal evaluation and/or negotiations as provided in Paragraphs (h) and (j) of Subsection 7.1.4 of these Rules. Notice and explanation of any such changes to the project shall be furnished to all vendors who have submitted proposals or who have been selected for negotiations.

(c) If the Authority determines that a change to an RFQ, a draft RFP or a formal RFP would affect the ability of vendors to qualify pursuant to Subsection 7.1.4(c) of these Rules, or would affect the ranking of vendors developed pursuant to Subsection 7.1.4(h) of these Rules, it shall notify the appropriate vendors that a material alteration has been made, and shall allow said vendors a reasonable time to submit a revised qualifications statement and/or new or revised proposal. Vendors shall be limited to revising those portions of their original qualifications statement and/or proposal which address the material alteration. If no proposal was submitted due to disqualification of the vendor by the Authority prior to the material alteration, a complete proposal may be submitted. The Authority shall evaluate any revised qualifications statements in accordance with Subsection 7.1.4(c) of these Rules, and any new or revised proposals in accordance with Subsection 7.1.4(h) of these Rules.

(d) Vendors who do not submit qualifications statements or proposals in accordance with Subsection 7.1.4 shall be precluded from participation in the procedures set forth in this Subsection.

7.1.6 Cancellation of RFQs, RFPs and Negotiations: The Authority shall have the right to cancel outstanding RFQs, RFPs, negotiations or any other part of the competitive negotiation process at any time and without obligation except to notify in a timely manner all participants of such cancellation and provide in such notice a statement of the reason for the cancellation.

7.1.7 Type and Term of Contracts: Any type of contract which will promote the best interests of the state as determined by the Authority may be used unless specifically prohibited by any Law or other Rule. The term of any contract shall not exceed 25 years.

Questions and comments regarding this proposed Rule change should be addressed to Ms. Karen D. Cole, Program Administrator, LRRDA, Box 44066, Baton Rouge, LA 70804, (504) 342-9062. Comments will be accepted until September 8, 1982.

Frank P. Simoneaux  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Addition to Rules of Procedure:  
Competitive Negotiations**

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

There is no measurable estimated implementation cost or savings to the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no estimated effect on revenue collections.

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

There is no measurable estimated cost or benefit to affected groups. The benefits that will accrue to the communities and the state by utilization of the proposed process will be greater reliability and less risk associated with the operation of systems for disposal of solid waste through resource recovery.

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

There will be no measurable effect on competition or employment. This process is competitive, and should encourage more competition on these complex facilities because of the allowance for negotiation of terms.

Frank P. Simoneaux  
Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Revenue and Taxation  
Excise Tax Section**

Under the authority granted by LSA — R.S. 47:1511, the Secretary of the Louisiana Department of Revenue and Taxation intends to adopt the following Regulations concerning the inclusion of certain types of receipts in the taxable base of public utilities subject to Transportation and Communication Utilities taxes (R.S. 47:1001, et seq.).

Proposed Regulations

Transportation and Communication Utilities Tax

Pursuant to the authority vested in me by law, the following regulations concerning the tax imposed on Transportation and Communication Utilities are hereby promulgated.

Article T&C 1000.1 Scope and Applicability of Regulations

These regulations deal with tax on Transportation and Communication Utilities imposed by Part I, Chapter II of Subtitle II of Title 47 of the Revised Statutes of 1950, as amended, and are applicable only with respect to all unprescribed taxable periods, unless otherwise specifically provided for in the following sections.

Article T&C 1000.2 Citation of Regulations

These regulations may be cited as T&C, followed by the number of the Article.

Example: Article 1000.1 is cited as T&C 1000.1.

Article T&C 1002.1 Nature of the Tax

This license tax is levied for the privilege of engaging in a public utility business carried on wholly in this State.

Article T&C 1002.2 Exclusions

This tax shall not apply to the following:

1. The privilege of engaging in interstate commerce, or engaging in interstate commerce;
2. Gross receipts derived from any business or operations

conducted on navigable waters of the United States.

Article T&C 1003.1 The Taxable Base

A. Any business which owns or operates a business which has receipts from a business described as a "public utility" business by R.S. 47:1003 is subject to the T&C tax.

B. The tax is imposed on that portion of the "gross receipts" (i.e., billings for service rendered and receipts from business beginning and ending within the State) which are derived from a type of business defined as a "public utility" business in R.S. 47:1003.

C. Receipts and billings will be considered "derived from" a particular "public utility" business if they are "integrally related" to the public utility business. Receipts and billings are integrally related to a public utility business if they are:

1. A direct and immediate result of the public utility business; or

2. A result of a service which is required by the actual operation of the public utility business; or

3. A result of service which benefit the public utility business by enabling customers to use the public utility business more effectively; by promoting the public utility business; or by producing a profit or offsetting an unavoidable expense; or

4. A result of a requirement of an order of a governmental agency.

D. It is inappropriate to specifically define which receipts are considered "integrally related" to each public utility business. An illustration of the types of receipts considered "integrally related" to a particular public utility business is provided in T&C 1003.2.

E. Gross receipts from the transportation of passengers or freight or property originating at and destined to points within the corporate limits of the same city or town or within a seven road mile zone adjacent to such city or town are excluded. The city or town is not limited to the taxpayer's principal place of business.

Article T&C 1003.2 The Taxable Base of a "Motor Freight Line" in R.S. 47:1003(5)

A. Oil Field Related Motor Freight Lines

1. Effective on the date of final promulgation of this Section A of Article T&C 1003.2, aside from the receipts for actual transportation, persons owning or operating businesses which transport for hire oil-field related property, by way of illustration, should include in taxable "gross receipts" for calculating the transportation and communication tax, the following "integrally related" receipts:

a. Receipts of an oil rig heavy hauler integrally related to the heavy hauler's business of transporting oil rigs for hire; such as, contract labor, crane and dragline rentals, charges for crane and dragline operators, rigging up and rigging down of oil field rigs, swamper time, roustabout, supervisors, charges for cherry pickers, gin pole trucks, loading and unloading charges, accessory items, and rentals and charges of other equipment; when related to a transportation job.

b. Pipe unloading, pipe storage, and inter-yard movement charges integrally related to the transportation of pipe from a pipe yard within Louisiana to another point within Louisiana;

c. All directly related and integrally related receipts which are related to costs which are "passed through" to the customers (with or without a profit on it) such as, labor charges, rental charges, lease payments on trucks, "dumping fees," fuel adjustments and cost of permits; when related to a transportation job.

2. Receipts which are not considered "integrally related" to the business of transporting for hire oil-field related property are:

a. Board road rental;

b. Pipe unloading, pipe storage, and inter-yard movement charges when such charges are related to "thru shipments" of pipe subject to ICC tariff rates, and when they are related to other

shipments of pipe from the yard to points of out-of-state;

c. Receipts integrally related to the transportation of freight, property, and/or people from a point inside the corporate limits of a city or town to a point within that same city or town or to a point within a seven road mile zone adjacent to that same city or town.

#### B. Farm-Related Motor Freight Lines

1. Product Transportation Exemption — R.S. 47:1003(5)(a) provides an exemption for a person “. . . who engages exclusively and solely in transporting farm, forestry, or other products of the natural resources of this State, in their raw stage, or in the form they are customarily produced between the point of production and the primary market for such products.” Effective as of the date of the final promulgation of these regulations:

a. “Primary market” is defined as the place where in the usual and ordinary course of marketing, farm, forestry and other products first pass out of the possession or control of the producer. “Primary market” shall not mean a receiving station, shipping point, or concentration point.

b. “Raw state” is defined as a natural state, or so nearly in that condition that the product retains substantially its unimpaired quality and characteristic as it came from the point of production; a state prior to milling or processing.

A copy of the proposed regulations may be obtained by writing to: Merk Gaspard, Chief Reviewing Agent, Department of Revenue and Taxation, Excise Tax Section, Box 201, Baton Rouge, LA 70821.

A copy may also be obtained by request, in person, at his office on the Second Floor of the Louisiana Department of Revenue and Taxation Building, at 330 North Ardenwood Drive, Baton Rouge, LA.

Written comments will be accepted by Merk Gaspard up to and including the close of business, September 7, 1982. He is the person responsible for responding to inquiries about the proposed Rule.

Shirley McNamara  
Secretary

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

#### **Rule Title: Define gross receipts which are taxable**

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

There will be no additional implementation costs as a result of this Rule.

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

This regulation will increase revenues by \$3,000,000 in FY 82-83 and \$4,000,000 in FY 83-84. The increase is based on sample audits conducted during FY 1981-82. Audit assessments will continue to be a major source of the revenue growth for the next two years.

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

The cost effects of this regulation will be marginal since any additional taxes paid by the motor carriers could be passed on in the form of cost to the ones using the services.

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

The tax will have no differential impact among common carriers since it will be collected from all such carriers. Any shift from services provided by motor carriers to other non-regulated providers should be marginal.

Archie V. Callais  
Technical Officer

Richard W. England  
Legislative Fiscal Analyst

### **NOTICE OF INTENT**

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

Notice is hereby given that the Board of Trustees of the State Employees Group Benefits Program, under the authority granted by R.S. 42:879, and in accordance with the applicable provisions of the Administrative Procedure Act, intends to amend the Rules and Regulations of the State Employees Group Benefits program, as follows:

#### **RESOLUTION**

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

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

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

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

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

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

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

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

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

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

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

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

In determining the participation level of employees and eligible dependents, the following classification of dependents shall not be included in calculating the participation level:

1. Dependents who are covered by any other group type major medical coverage.
2. Dependents of active or retired military personnel covered by military medical benefits.
3. Dependents covered by Medicaid or Medicare or their successor programs.
4. Dependents whose coverage is declined based on religious convictions.

Interested persons should direct inquiries and comments to Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA, on or before 4:30 p.m. on September 10, 1982.

James D. McElveen  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: 50 Percent of Board Members  
Participating in the Group Benefits Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
No cost or savings will result from this Rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)  
There will be no apparent impact on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)  
If a school board's participation level falls below 50 percent of its eligible employees and the school board discontinues coverage for the group, either the school board or its individual employees would have to pay any additional costs associated with health or life insurance coverage that may be greater than the coverage currently provided by the State Employees Group Benefits Program. These actual cost increases would depend upon decisions made by individual school boards and cannot be determined.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
The implementation of this Rule change will have no effect on competition and employment.

Dr. 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 and February 20, 1981.

As directed by House Concurrent Resolution No. 243, adopted by the Louisiana Legislature Regular Session of 1982, the Commission proposes to amend its Rule 12, originally adopted pursuant to the Administrative Procedure Act on October 20, 1978, to require that any recipient seeking the Commission's approval of revenue industrial bonds to finance an industrial expansion project agree to comply with the provisions of Rule 1 adopted by the State Board of Commerce and Industry, which is as follows:

**"RULE 1  
Use of Louisiana Contractors,  
Labor and Supplies**

The Board of Commerce and Industry requires manufacturers and their contractors to give preference and priority to Louisiana manufacturers and, in the absence of Louisiana manufacturers, to Louisiana suppliers, contractors and labor, except where not reasonably possible to do so without added expense or substantial inconvenience or sacrifice in operational efficiency. In considering applications for tax exemption, special attention will be given to those applicants agreeing to use, purchase and contract for machinery, supplies and equipment manufactured in Louisiana, or, in the absence of Louisiana manufacturers, sold by Louisiana residents, and to the use of Louisiana contractors and labor in the construction and operation of proposed tax exempt facilities. It is a legal and moral obligation of the manufacturers receiving exemptions to favor Louisiana manufacturers, suppliers, contractors, and labor, all other factors being equal."

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 August 20, 1982 at the Office of the State Bond Commission, Third Floor, State Capitol Building, Baton Rouge, LA.

Interested persons may submit their views and opinions through September 13, 1982 to Thomas D. Burbank, Jr., Secretary and Director of the State Bond Commission, Third Floor, State Capitol Building, Box 44154, Baton Rouge, LA 70804. The State Bond Commission will hold a public hearing on September 14, 1982 at a time and place established in a notice posted 24 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 25 persons, by a governmental subdivision or agency, by an association having not less than 25 members, or by a committee of either house of the Legislature to which the proposed 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 state-

ment 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 30 days thereafter, shall issue a concise statement of the principal reasons for or against its adoption.

Thomas D. Burbank  
Secretary and Director

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

**Rule Title: Revenue Industrial Bond**

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

There is no estimated implementation cost. However, if additional activity is necessary to insure adherence to this Rule, additional costs may be incurred in the future. Such costs, if any, cannot be determined.

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

There is no estimated revenue effect.

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

This proposed Rule would potentially benefit Louisiana manufacturers, contractors and suppliers by increasing their opportunities to provide goods and services purchased with revenue industrial bond proceeds. Out-of-state business could be adversely affected, but dollar estimates of these effects are not possible.

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

The proposed Rule increases opportunities for Louisiana businesses to compete for the right to supply goods and services purchased with bond proceeds.

Fred L. Chevalier  
Assistant State Treasurer

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Louisiana Wildlife and Fisheries Commission hereby intends to adopt the following as policy:

WHEREAS, the driving of vehicles, motorbikes, and three-wheelers on the levee of Bundicks Lake Dam have caused ruts, holes, elimination of grass, and washing away of the levee, and

WHEREAS, the Beauregard Parish Police Jury and concerned citizens of Beauregard Parish have requested the Louisiana Wildlife and Fisheries Commission to prohibit motorized vehicles on the dam levee in order to prevent damage to the levee.

THEREFORE, BE IT RESOLVED, the Louisiana Wildlife and Fisheries Commission does hereby prohibit the driving of motorized vehicles on the Bundicks Lake dam levee, and

BE IT FURTHER RESOLVED, that signs be erected denoting this prohibition and that agents of the enforcement division of the Department of Wildlife and Fisheries enforce this regulation.

This proposed Rule is being forwarded to the Joint Oversight Committees on Natural Resources. Upon their approval, action will be taken by the Wildlife and Fisheries Commission at its meeting on September 28, 1982 to be held in New Orleans, LA.

Interested persons may submit comments to Bennie Fontenot, Chief, Fish Division, Department of Wildlife and Fisheries, Box 14526, Southeast Station, Baton Rouge, LA 70898.

Jesse J. Guidry  
Secretary

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

**Rule Title: Ban vehicular traffic on Bundicks Lake Dam**

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

It is estimated that implementation of this regulation will result in no additional costs or savings to the agency as Enforcement Agents of the Department of Wildlife and Fisheries normally patrol the lake and the dam as part of their routine duties.

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

It is estimated that implementation of this regulation will produce no increase or decrease in revenue collections of the Department.

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

Implementation of this regulation will not cause any additional costs to affected groups as the dam is not a roadway for normal vehicular traffic. Implementation of this regulation will insure that no undue stress is placed on the dam.

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

It is estimated that implementation of this regulation will produce no effect on competition and employment.

Mary Mitchell  
Fiscal Officer

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

WHEREAS, the Department Biologists and the Chief of the Seafood Division have recommended the fishing of the oysters in Calcasieu Lake with the exception of the Calcasieu River and Ship Channel, East Fork, West Fork, and Oyster Bayou, and

WHEREAS, the Department of Health and Human Resources will examine the growing oysters of this aforementioned area and approve the waters for fishing oysters if the health standards are met,

NOW THEREFORE BE IT RESOLVED by the Louisiana Wildlife and Fisheries Commission that the Calcasieu Lake Oyster Season for 1982-1983 be set in accordance with the following Rules and regulations:

(1) That the oyster season in Calcasieu Lake be fixed to extend from one-half hour before sunrise on Monday, November 1, 1982, through one-half hour after sunset on Thursday, March 31, 1983, with the right being reserved to close said season sooner if biologically justifiable.



(2) That oyster fishing be limited only to the use of tongs and to daylight hours.

(3) The open areas shall be confined to the area of Calcasieu Lake with the exception of Calcasieu River and Ship Channel, East Fork, West Fork, and Oyster Bayou which shall be closed.

(4) The three inch culling law shall be observed by all fishermen fishing the area and the culls shall be scattered around the perimeter of the reefs to provide for expansion of future harvesting.

(5) The taking of oysters for commercial purposes shall be limited to 15 sacks per boat per day.

(6) All oysters shall be put into sacks before leaving the oyster fishing area in Calcasieu Lake. Oysters not in sacks leaving the fishing area in Calcasieu Lake shall be confiscated and violator subject to penalty set forth in Title 56, Section 115.

(7) The taking of oysters for home consumption shall be limited to three bushels (two sacks per boat per day).

(8) All commercial fishing of oysters shall be done only with proper licenses, and the sacks of oysters be properly tagged before leaving fishing vessel. All sacks entering into commerce shall be tagged.

BE IT FURTHER RESOLVED that the Secretary be and is hereby authorized and empowered to change the limit or close said season, if biologically sound.

The Louisiana Wildlife and Fisheries Commission intends to adopt the above Rule at its September 28, 1982 meeting to be held in New Orleans, LA.

Comments may be forwarded to Harry Schafer, Chief, Seafood Division, Department of Wildlife and Fisheries, 400 Royal Street, New Orleans, LA 70130.

Jesse J. Guidry  
Secretary

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

##### **Rule Title: Setting of Oyster Season - Calcasieu Lake**

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

It is estimated that implementation of this regulation will result in no additional costs or savings to the agency as the 1982-83 oyster season in Calcasieu Lake will be of the same duration as that of the 1981-82 oyster season.

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

It is estimated that implementation of this regulation will result in no additional revenue collections as the 1982-83 oyster season in Calcasieu Lake will be of the same duration as that of the 1981-82 oyster season.

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

It is estimated that implementation of this regulation will produce no additional costs or benefits to affected groups as the 1982-83 oyster season in Calcasieu Lake will be of the same duration as that of the 1981-82 oyster season.

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

It is estimated that implementation of this regulation will have no effect on competition and employment as the 1982-83 oyster season in Calcasieu Lake will be of the same duration as that of the 1981-82 oyster season.

Mary Mitchell  
Fiscal Officer

Mark C. Drennen  
Legislative Fiscal Officer

## **NOTICE OF INTENT**

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

The Louisiana Wildlife and Fisheries Commission hereby intends to adopt the following as policy:

WHEREAS, on July 22, 1982 a petition for preliminary injunction and temporary restraining order was issued against the Louisiana Department of Wildlife and Fisheries from enforcing R.S. 56:320 and R.S. 56:8(9) insofar as prohibiting the taking of catfish only by approved slat traps, and

WHEREAS, said petition infers the definition of a "slat trap" for the taking of catfish in R.S. 56:8(9) is so vague as to deny petitioner his constitutional right of due process and is unenforceable, and

WHEREAS, the petitioner further alleges that the Louisiana Wildlife and Fisheries Commission has not adopted any Rules designating what type of "slat traps" are approved (R.S. 56:320) and if any Rules were adopted, they were not done in accordance with the uniform Administrative Procedure Act and are consequently null and void.

THEREFORE, BE IT RESOLVED, in order to clarify the definition of a slat trap in La. R.S. 56:8(9) and to describe a commission approved slat trap in La. R.S. 56:320, the following definition and description of an approved slat trap as adopted by the Louisiana Wildlife and Fisheries Commission is as follows:

"Slat trap" as used in L.R.S. 56:8(9) and 56:320 is hereby defined as any device, used solely for the capture of catfish, which may be cylindrical, rectangular or square in cross section configuration, and which is no more than six feet in length, two feet in diameter or width and which is constructed of slats and has at least a one inch opening running the entire length of the trap on at least three sides and has one or more cone shaped throats, flues or entrances.

Final action will be taken on this proposed Rule by the Commission at its meeting on September 28, 1982 to be held in New Orleans, LA.

Interested persons may submit comments to Bennie Fontenot, Chief, Fish Division, Department of Wildlife and Fisheries, Box 14526, Southeast Station, Baton Rouge, LA 70898.

Jesse J. Guidry  
Secretary

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

##### **Rule Title: Definition - Slat Trap**

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

It is estimated that implementation of this regulation will result in no additional costs or savings to the agency as Enforcement Agents of the Department of Wildlife and Fisheries will enforce slat trap regulations as part of their routine duty.

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

Implementation of this regulation will have no effect on revenue collections. No violations of standard size regulations have occurred in the preceeding several years and it is anticipated that few, if any, will occur once this regulation becomes effective.



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

It is estimated that implementation of this regulation will produce no additional costs to slat trap fishermen, and will in fact, provide a standardized definition for future construction of such traps in a manner preferred by fishermen.

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

It is estimated that the implementation of this regulation will have no effect on competition or employment.

Mary Mitchell  
Fiscal Officer

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Louisiana Wildlife and Fisheries Commission hereby intends to adopt the following Rule:

WHEREAS, The fur industry of Louisiana represents a major resource of economy and income for many of the citizens of our state; and

WHEREAS, This resource is a renewable natural one, which has proven under wise management to increase in importance in our state; and

WHEREAS, An annual harvest of the surplus animals is in keeping with wise wildlife management techniques based on scientific management; and

WHEREAS, Fur prices at the trapper level were depressed during the 1981-82 trapping season resulting from the world economic situation, and

WHEREAS, The depressed price level combined with lowered abundance of nutria and muskrat yielded a moderate decrease in trapping success and effort, and

WHEREAS, Additional federal restrictions imposed by the Endangered Species Office concerning out-of-state shipment for otter and bobcat furs now require placement of a possession tag by trappers or buyers to insure state origin, and

WHEREAS, The zonation concept during the past season has proved workable and beneficial in reducing late caught unprime furs and has produced favorable comments generated within the fur industry,

NOW, THEREFORE, BE IT RESOLVED, That the Louisiana Wildlife and Fisheries Commission does hereby establish the 1982-83 fur bearers trapping season for the northern zone as being November 20, 1982 through February 15, 1983 and the southern zone as being December 1, 1982 through February 28, 1983; and

BE IT FURTHER RESOLVED, That the attached regulations governing the buying, tagging and shipment of bobcat and otter pelts are adopted for the 1982-83 trapping season.

**BOBCAT AND OTTER TAGGING  
REQUIREMENTS**

In order to obtain federal approval to export bobcat and otter out of the United States, the Louisiana Department of Wildlife and Fisheries is required to insure that only Louisiana trapped otter and bobcat are tagged with Louisiana export tags.

In order to accomplish this, a special possession tag will be made available to fur buyers.

A blue tag for otter and a red tag for bobcat must be filled out by the trapper at the time the pelt is sold.

The information required includes trapper name, trapper license number, parish caught in and date trapped.

No bobcat or otter pelt shall be purchased from a trapper or be in the possession of a fur buyer without a possession tag.

Dealers shall not purchase bobcat or otter pelts without a possession tag attached.

No bobcat or otter pelt shall be shipped from the state without an export tag attached.

Dealers will obtain export tags for bobcat and otter by providing to the department one completed possession tag for each pelt to be shipped from the state.

It shall be illegal to falsify possession tags or attach Louisiana export tags to out-of-state bobcat or otter pelts.

Once possession tags have been received and counted by department personnel export tags will be mailed immediately.

Trappers shipping bobcat or otter out-of-state must provide completed possession tags to the department in order to receive export tags.

Interested persons may submit comments to Allan Ensminger, Chief, Fur and Refuge Division, Department of Wildlife and Fisheries, Box 14526, Southeast Station, Baton Rouge, LA 70898. This Rule will be adopted by the Commission at its September 28, 1982 meeting to be held in New Orleans, LA.

Jesse J. Guidry  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: 1982/83 Trapping Season**

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

It is estimated that implementation of this regulation will cause the agency to incur no additional costs or save additional funds as the 1982-83 trapping season is being set for the duration of the 1981-82 trapping season.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

It is estimated that implementation of this regulation will have no effect on revenue collections as the 1982-83 trapping season is being set for the duration of the 1981-82 trapping season.

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

It is estimated that implementation of this regulation will cause no additional costs or produce no additional benefits for affected groups as the 1982-83 trapping season is being set for the duration of the 1981-82 trapping season.

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

It is estimated that implementation of this regulation will have no effect on competition and employment as the 1982-83 trapping season is being set for the duration of the 1981-82 trapping season.

Mary Mitchell  
Fiscal Officer

Mark C. Drennen  
Legislative Fiscal Officer

# Potpourri

## POTPOURRI

### Department of Agriculture Horticulture Commission

The next retail floristry examination is scheduled for October 26, 27, and 28, 1982 at Lafayette Regional Vocational Technical School, 1101 Bertrand, Lafayette, Louisiana. Application for examination must be filed with the Louisiana Horticulture Commission no later than 4:30 p.m. on October 11, 1982. Application may be obtained by writing the Louisiana Horticulture Commission, Box 18190-A, University Station, Baton Rouge, LA 70893 or phone (504) 342-5809.

Bob Odom  
Commissioner

## POTPOURRI

### Department of Labor Office of Employment Security

Pursuant to Act No. 664 of the Regular Session of the 1974 Louisiana Legislature and Act No. 583 of the Regular Session of the 1975 Louisiana Legislature, the state's average weekly wage upon which both the maximum unemployment compensation weekly benefit amount and the maximum workmen's compensation weekly benefit amount will be based effective September 1, 1982, has been determined by the Louisiana Department of Labor to be \$306.10.

Ulysses Williams  
Secretary of Labor

## POTPOURRI

### Department of Natural Resources Office of Conservation Underground Injection Control Division

In accordance with the laws of the state of Louisiana, and with particular reference to the provisions of LRS 30:4, notice is hereby given that the Commissioner of Conservation will conduct a public hearing at 2 p.m., Tuesday, September 21, 1982, in the Court Room of the Assumption Parish Courthouse located in Napoleonville, Louisiana.

At such hearing, the Commissioner of Conservation or his designated representative will hear testimony relative to the application of Haller Enterprises, Inc., of 16818 Florida Blvd., Baton Rouge, Louisiana. The applicant intends to operate a commercial salt water disposal facility in Section 25, Township 12 South, Range 12 East, Assumption Parish, Louisiana, and inject into the subsurface salt water generated from oil and gas production.

Prior to authorizing the use of this injection well and facility for disposal of salt water, the Commissioner of Conservation must

find that the applicant has met all the requirements of Statewide Order No. 29-B as amended.

The application is available for inspection by notifying Fritz L. Spencer, Jr., Office of Conservation, Underground Injection Control (UIC) Division, Room 228, Natural Resources Building, 625 North 4th St., Baton Rouge, LA, or by contacting the Assumption Parish Police Jury in the Assumption Parish Courthouse, Napoleonville, Louisiana.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comment which will not be presented at the hearing must be received no later than 5 p.m., September 21, 1982, at the Baton Rouge Office. Comments should be directed to: Commissioner of Conservation, Box 44275, Baton Rouge, LA 70804-4275 Re: Docket No. UIC 82-9, Commercial Oilfield Waste Disposal Facility, Assumption Parish.

Patrick H. Martin  
Commissioner of Conservation

## POTPOURRI

### Department of Natural Resources Fishermen's Gear Compensation Fund Claims

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56:700.1 through R.S. 56:700.5 and in particular Section 700.4 thereof; regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980; and also the Rules of the Secretary of this Department, notice is hereby given that 30 completed claims were received during the month of July, 1982, amounting to \$27,601.59. Seventeen claims amounting to \$28,253.35 were paid during the month of July, 1982.

Public hearings to consider completed claims have been scheduled as follows:

Thursday, September 2, 1982 at 11 a.m. in the Lafitte City Hall, Lafitte, Louisiana to consider payment of the following claims against the fund:

Claim No. 82-467

Herbert C. Darda, while trawling on the vessel "Herb and Jeremy" in the Gulf of Mexico, at LORAN-C coordinates of 27,205.0 and 46,935.3, Vermilion Parish, encountered an unidentified submerged obstruction on May 2, 1982, at approximately 9 a.m., causing the loss of his 62 foot trawl and related gear. Amount of claim: \$971.35.

Claim No. 82-499

George D. Eckerle, while trawling on the vessel "Lady Janet" in the Barataria Bay, three-fourths mile east of Bayou St. Denis, Plaquemines Parish, encountered some cable and trawl boards on May 24, 1982, at approximately 10 a.m., causing damage to his trawl and related gear. Amount of claim: \$804.17.

Claim No. 82-514

Henry J. Fazende, while trawling on the vessel "Typhoon No. 2" in Brenton Sound, at LORAN-C coordinates of 29,026.6 and 12,089.3, Plaquemines Parish, encountered an unidentified submerged obstruction on June 4, 1982, at approximately 5 a.m., causing damage to his trawl and related gear. Amount of claim: \$2,111.30.

Claim No. 82-518

Lester C. Arcement, while trawling on the vessel "Captain Craig" in the Gulf of Mexico, southeast of Oyster Bayou at LORAN-C coordinates of 27,831.2 and 46,862.4, Terrebonne

Parish, encountered an unidentified obstruction on June 5, 1982 at approximately 10 a.m., causing damage to his 45 foot trawl. Amount of claim: \$959.40.

Claim No. 82-538

Allen Wiseman, while trawling on the vessel "Cajun Power" in the Gulf of Mexico, approximately two miles south of Oyster Bayou at LORAN-C coordinates of 27,800.0 and 46,870.0, Terrebonne Parish, encountered an unidentified submerged obstruction on June 20, 1982, at approximately 10 p.m., causing damage to his trawl and related gear. Amount of claim: \$1,430.

Thursday, September 9, 1982 at 11 a.m. in Room 109 and 110 in the Cameron Parish Courthouse in Cameron, Louisiana to consider payment of the following claims against the fund:

Claim No. 82-504

Eugene Duhon, while trawling on the vessel "Miss Earlene" in the Gulf of Mexico, at LORAN-C coordinates of 26,864.0 and 46,971.4, Cameron Parish, encountered an unidentified submerged obstruction on June 6, 1982, at approximately 10:45 a.m., causing damage to his 50 foot trawl. Amount of claim: \$739.30.

Claim No. 82-519 (Rescheduled)

Jimmy Gisclair, while trawling on the vessel "Patrick James" in the Gulf of Mexico, at LORAN-C coordinates of 26,891.0 and 46,965.3, Cameron Parish, encountered an unidentified obstruction on May 11, 1982 at approximately 10:30 a.m., causing the loss of his 50 foot balloon trawl and 16 foot try net. Amount of claim: \$890.

Claim No. 82-520

Jimmy Gisclair, while trawling on the vessel "Patrick James" in the Gulf of Mexico, at LORAN-C coordinates of 11,053.2 and 26,899.1, Cameron Parish, encountered pieces of creosote pilings on June 13, 1982, at approximately 8:30 a.m., causing damage to his 50 foot trawl, 16 foot trawl, the bottom of a 50 foot trawl and related gear. Amount of claim: \$864.29.

Claim No. 82-521

Bonner L. Willis, III, while trawling on the vessel "Madame Blackie" in the Gulf of Mexico, at LORAN-C coordinates of 26,702.7 and 46,977.0, Cameron Parish, encountered pieces of iron and drill bit on May 22, 1982, at approximately 8:30 a.m., causing damage to his 35 foot balloon trawl and related gear. Amount of claim: \$740.

Claim No. 82-556

Clarence Dyson, Jr., while trawling on the vessel "Miss Lori Ann" in the Gulf of Mexico, eight miles east of Calcasieu Jetties, three-fourths mile from the beach, Cameron Parish, encountered some pieces of metal on June 16, 1982, at approximately 4 p.m., causing damage to his 16 foot try net, doors, wheel and related gear. Amount of claim: \$2,321.95

Claim No. 82-557

Elmer Peshoff, while trawling on the vessel "Mr. Kirk" in the Gulf of Mexico, one-half mile east of the Calcasieu Jetties, and three-fourths mile from beach, Cameron Parish, encountered a steel anchor on July 6, 1982, at approximately 10 a.m., causing damage to his 40 foot trawl. Amount of claim: \$300.

Claim No. 82-558

Sherrill Authement, while trawling on the vessel "Moore Seafood" in Calcasieu Lake, north of Grand Bayou, Cameron Parish, encountered an unidentified submerged obstruction on June 18, 1982, at approximately 11 a.m., causing damage to his vessel. Amount of claim: \$2,346.

Claim No. 82-577

Autry Authement, while trawling on the vessel "Miss Renee" in Calcasieu Lake, thirteen miles north of Cameron in the Calcasieu Ship Channel, Cameron Parish, encountered an unidentified submerged obstruction on June 19, 1982, at approximately 5 p.m., causing damage to his vessel. Amount of claim: \$603.96.

Thursday, September 16, 1982 at 10:30 a.m. in the L.S.U. Cooperative Extension Service Office, Greater Lafourche Port Commission Building, Highway 308, Galliano, Louisiana to consider payment of the following claims against the fund:

Claim No. 80-106 (Rescheduled)

Antoine Chauvin of Lady Rowena, Inc., while trawling on the vessel "Lady Rowena, Inc.," in the Terrebonne Bay, at LORAN-C coordinates of 28,170.5 and 46,852.5, Terrebonne Parish, encountered an unidentified submerged obstruction on May 30, 1980, at approximately 9 a.m., causing damaged to his trawl. Amount of claim: \$521.

Claim No. 82-479

Webb Cheramie, while trawling on the vessel "Master Wayne" in the Gulf of Mexico, off of Caminada Pass, Jefferson Parish, encountered an unidentified submerged obstruction on May 16, 1982, at approximately 2 p.m., causing damage to his trawl. Amount of claim: \$652.

Claim No. 82-482

Ernest Sponge, while trawling on the vessel "Mr. Sponge" east of Fouchon Passs, at LORAN-C coordinates of 28,416.1 and 46,838.4, Lafourche Parish, encountered an unidentified submerged obstruction on June 21, 1982, at approximately 8 p.m., causing damaged to his 50 foot trawl and try net. Amount of claim: \$690.

Claim No. 82-483 (Rescheduled)

Warren Sanamo, while trawling on the vessel "My Janet" in the Gulf of Mexico, west of Caminada Pass, one-fourth mile from beach in eleven feet of water with LORAN-C coordinates of 28,433.1 and 46,841.0, Lafourche Parish, encountered an unidentified submerged obstruction on May 21, 1982, at approximately 6 p.m., causing damage to his 50 foot trawl and related gear. Amount of claim: \$774.38.

Claim No. 82-501

James A. Prudhomme, Jr., while trawling on the vessel "Captain Jim" in Lake Borgne, St. Bernard Parish encountered an unidentified submerged obstruction on May 30, 1982, at approximately 2 p.m., causing the loss of his 50 foot trawl and related gear. Amount of claim: \$1,096.83.

Claim No. 82-515

Mrs. Elma G. Terrebonne, while trawling on the vessel "Lady Elma" in Bayou Lafourche, south of Golden Meadow, Lafourche Parish, encountered an unidentified submerged obstruction on May 25, 1982, at approximately 1 p.m., causing damage to her vessel. Amount of claim: \$208.07.

Claim No. 82-516

Mrs. Elma G. Terrebonne, while trawling on the vessel "Lady Elma" in Timbalier Bay, Terrebonne Parish, encountered an unidentified submerged obstruction on June 8, 1982, at approximately 3:30 p.m., causing damage to her trawl and related gear. Amount of claim: \$794.23.

Claim No. 82-517

Mervin Ledet, Sr., while trawling on the vessel "The Key Largo" in the Barataria Pass, Jefferson Parish, encountered 300 feet of two inch cable with a heavy anchor attached on June 11, 1982, at approximately 11:40 a.m., causing damage to his trawl and related gear. Amount of claim: \$482.13.

Claim No. 82-547

Dennis J. Terrebonne, while trawling on the vessel "Master D" in Timbalier Bay, north of East Timbalier Island, Lafourche Parish, encountered an unidentified submerged obstruction on June 26, 1982, at approximately 10 p.m., causing damage to his 50 foot trawl. Amount of claim: \$269.09.

Claim No. 82-553

Autry Guidry, while trawling on the vessel "Joey and Judy" in Lake Borgne at LORAN-C coordinates of 29,008.2 and 46,042.4, St. Bernard Parish, encountered an unidentified sub-

merged obstruction on June 17, 1982, at approximately 6 p.m., causing damage to his 50 foot trawl and related gear. Amount of claim: \$577.50.

Claim No. 82-570

Calvin A. Cheramie, while trawling on the vessel "Mr. Fox" in Lake Borgne, St. Bernard Parish, encountered a barge anchor on July 8, 1982, at approximately 4:30 p.m., causing damage to his trawl and related gear. Amount of claim: \$394.06.

Thursday, September 23, 1982 at 10:30 a.m. in the St. Bernard Police Jury Chambers, 8201 West Judge Perez Drive in Chalmette, Louisiana to consider payment of the following claims against the fund:

Claim No. 82-509

Rodney Edmond Mayeux, while trawling on the vessel "La Mour" in the Barataria Pass, Jefferson Parish, encountered an unidentified submerged obstruction on June 4, 1982, at approximately 12 noon, causing damage to his 45 foot trawl. Amount of claim: \$515.

Claim No. 82-510

Percy D. Jeanfreau, while trawling on the vessel "St. Raymond" in California Bay, northeast of California Point, Plaquemines Parish, encountered a chain and huge anchor on June 8, 1982, at approximately 11 a.m., causing damage to his 50 foot trawl. Amount of claim: \$489.

Claim No. 82-513

Kenneth A. Fox of Fox Seafood, Inc., while trawling on the vessel "Captain Fox" in Lake Grande Ecaille, Plaquemines Parish, encountered an unidentified submerged obstruction on May 22, 1982, at approximately 6 p.m., causing damage to his wheel and related gear. Amount of claim: \$996.54.

Claim No. 82-532

Domingo Rano, while trawling on the vessel "Captain Mingo" in Lake Borgne, south of Shell Pointe, St. Bernard Parish, encountered a piece of steel on June 4, 1982, at approximately 9 a.m., causing the loss of his trawl. Amount of claim: \$877.85.

Claim No. 82-571

Rudolph E. Kregar, Jr., while trawling on the vessel "Draggin Lady" in Lake Pontchartrain, seven-eighths mile north of South Point, Orleans Parish, encountered a cluster of three pilings on June 29, 1982, at approximately 2:30 p.m., causing damage to his 48 foot trawl. Amount of claim: \$490.

Thursday, September 30, 1982 at 10:30 a.m. in the Louisiana Cooperative Extension Office, 511 Roussel Street, Houma, Louisiana to consider payment of the following claims against the fund:

Claim No. 82-477

Houston Trahan, while trawling on the vessel "Rebecca Lynn" in Lake Pelto, Terrebonne Parish, encountered an unidentified submerged obstruction on May 17, 1982, at approximately 8:30 a.m., causing damage to his 50 foot trawl and try net. Amount of claim: \$1,315.47.

Claim No. 82-486

Houston Trahan, while trawling on the vessel "Rebecca Lynn" in Lake la Grasse, Terrebonne Parish, encountered an

unidentified submerged obstruction on May 25, 1982, at approximately 6:30 p.m., causing damage to his 50 foot trawl. Amount of claim: \$489.95.

Claim No. 82-490

Joseph E. Lodrigue, Jr., while trawling on the vessel "Mr. June" in Point Au Fer Area, at LORAN-C coordinates of 27,727.0 and 46,883.8, Terrebonne Parish, encountered an unidentified submerged obstruction on May 10, 1982, at approximately 2:30 p.m., causing damage to his vessel. Amount of claim: \$2,573.66.

Claim No. 82-567

Houston Trahan, while trawling on the vessel "Rebecca Lynn" in the north end of Lake Barre, Terrebonne Parish, encountered a drum on July 12, 1982, at approximately 8:30 a.m., causing damage to his 50 foot trawl. Amount of claim: \$498.50.

Any written objections to these claims must be received by the close of business August 30, 1982 by the Secretary whose address is: 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.

Frank P. Simoneaux  
Secretary

## POTPOURRI

### Department of Revenue and Taxation Tax Commission

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:951-968), notice is hereby given that the Louisiana Tax Commission (Louisiana Constitution 1974, Article VII, Section 18 and R.S. 47:1831-1837) intends to hold a public hearing on Tuesday, August 24, 1982 at 10:30 a.m. in the Tax Commission Hearing Room, 923 Executive Park Avenue, Baton Rouge, LA.

The purpose of this hearing is to hear protests of 1982 assessed valuations by the following public service companies: Mississippi River Transmission Corporation, Colonial Pipeline Company. The Commission will also hear any public service company protest received by August 13, 1982. Those desiring to be heard will be given reasonable opportunity to make their presentations.

The Commission shall conduct such further business as appears before it, but shall not adopt, amend, or repeal a Rule nor engage in rulemaking.

J. Reginald Coco, Jr.  
Chairman

# Errata

## ERRATA

### Department of Commerce Office of Financial Institutions

A Rule published by the Department of Commerce, Office of Financial Institutions, in the May 20, 1981 *Louisiana Register* on page 232 contained an error.

The heading "PROPOSED VARIABLE RATE REGULATIONS" should have read "VARIABLE RATE REGULATIONS", as the Rule was in force beginning May 20, 1982.

Hunter O. Wagner  
Commissioner

## ERRATA

### Board of Elementary and Secondary Education

Rule 4.00.04c (Revised Section 459 of Act 754) which appeared in the July, 1982 issue of the *Louisiana Register* contained a clerical error. Please make the following correction:

In paragraph number 3 under "C", delete the word "NOT". The paragraph then should read: "If the determination is made that the child's behavior is *related* to the child's exceptional-ity, no official suspension or expulsion shall be taken against the child and/or entered in the child's student records. The child shall be allowed to make up all school work missed during the child's period of exclusion."

James V. Soileau  
Executive Director

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