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Executive Orders

EXECUTIVE ORDER EWE 86-4

WHEREAS, general revenues have been less than projected; and

WHEREAS, the reduction in the number of state employees and the curtailment of government programs due to declining revenues will reduce the number of automobiles needed by state agencies; and

WHEREAS, vehicle operating costs have increased significantly in recent years; and

WHEREAS, in accordance with the authority vested in the commissioner of administration by Section 361 of Title 39 of the Louisiana Revised Statutes of 1950, it has been determined that there are a number of under-utilized state vehicles; and

WHEREAS, in accordance with the authority vested in the commissioner of administration by Section 361 and 363 of Title 39 of the Revised Statutes of 1950, the Division of Administration shall assume title to all such under-utilized vehicles;

NOW, THEREFORE, I, EDWIN W. EDWARDS, Governor of the State of Louisiana, do hereby order and direct as follows:

SECTION 1. the commissioner of administration shall, by March 3, 1986, direct state agencies to surplus all vehicles determined to be under-utilized.

SECTION 2. the commissioner of administration shall take appropriate steps to dispose of those vehicles determined to be surplus.

SECTION 3. the commissioner of administration shall establish and publish procedures for execution of this order.

SECTION 4. the commissioner of administration shall, in accordance with existing statutes, policies, and procedures, cause to be reduced to the greatest extent possible the personal assignment and home storage of vehicles.

SECTION 5. Exemption. An exemption is hereby provided for the departments of elected officials. In light of our current financial situation, however, all are urged to comply to the greatest extent possible with the spirit of this executive order.

SECTION 6. the commissioner of administration is hereby empowered to provide any other exemptions deemed to be in the best interests of the state or critical to the continued operation of a department.

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 13th day of February, A.D., 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 86-5

WHEREAS, Section 622 of the Tax Reform Act of 1984 (the "Tax Reform Act") restricts the total principal amount of private activity bonds the interest on which is exempt from federal income taxation under Section 104 of the Internal Revenue Code of 1954, as amended (the "bonds"), which may be issued by any state of the United States during each calendar year; and

WHEREAS, the aggregate principal amount of bonds which may be issued in the State of Louisiana (the "state") during the calendar year 1985 is restricted by the Tax Reform Act to \$150 per person, based on the most recently published estimate of population obtained from the U.S. Department of Commerce - Bureau of Census, prior to January 1, 1985 (the "ceiling"); and

WHEREAS, Executive Order Number EWE 85-93 dated December 23, 1985, provides that the governor of the State of Louisiana is responsible for granting allocations from the ceiling for certain issues of bonds; and

WHEREAS, the governor of the State of Louisiana desires to grant allocations for the hereinafter described bonds;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issues described in this Section is hereby granted an allocation from the ceiling in the amount shown below.

AMOUNT OF ALLOCATIONS	NAME OF ISSUER	NAME OF PROJECT
\$5,000,000	La. Public Facilities Authority	Cornerstone Energy Corporation

SECTION 2: The allocations granted hereunder are to be used only for the bond issues described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's IDB Ceiling" submitted in connection with the bonds described in Section 1.

SECTION 3: The bonds granted an allocation hereunder must be delivered to the initial purchasers thereof on or before 60 days from the date hereof, unless an application for a 30-day extension under Section 5.8 of Executive Order Number EWE 85-93 is timely received by the State Bond Commission staff.

SECTION 4: Pursuant to Section 103(N)(12) of the Internal Revenue Code of 1954, as amended, the undersigned certifies, under penalty of perjury, that the allocations granted hereby were not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 6: This executive order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge on this 13th day of February, 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 86-6

WHEREAS, it has been reported to me by the commissioner of administration that the receipts of the Treasury appear to fall short of revenue estimates for the fiscal year 1985-1986; and

WHEREAS, continued maintenance of the appropriated levels of expenditure is likely to result in a deficit; and

NOW, THEREFORE, I, EDWIN W. EDWARDS, Governor of the State of Louisiana, pursuant to the authority granted me by Section 10 of Act 16 of the 1985 Regular Session of the Legislature, Louisiana R.S. 39:55, and Article IV, Section 5 of the Louisiana Constitution of 1974 do hereby order that all departments and all budget units not within a department submit revised

budgets to the commissioner of administration no later than March 1, 1986. The budgets shall reflect a reduction of 5 percent. However, as authorized by Louisiana R.S. 39:55 and additionally by Section 10 of Act 16 of the 1985 Regular Session, certain appropriations will be reduced in greater amounts, and certain appropriations will be exempt from reduction, all as further directed by me and to be made known through the commissioner of administration.

Budget cuts pursuant to this order shall become effective March 1, 1986.

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 18th day of February, A.D., 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 86-7

Section 2(f) of Executive Order EWE 85-30, establishing the Governor's Study Commission on Ad Valorem Taxation, is hereby amended to add the following:

(3) One citizen of the state 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 5th day of March, 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

Emergency Rules

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

Proposed for Amendment
Rule LAC 35:I.1787G "Pre-Race Testing"

§ 1787. Pre-Race Testing

G. Whenever pre-race laboratory test reports indicate the presence of a prohibited medication or drug in the sample taken from a horse scheduled to race, particularly, but not limited to specific maximum by quantitative determination of 2.0 micrograms Phenylbutazone per milliliter of blood or 2.0 micrograms Oxypenbutazone per milliliter of blood, the stewards shall scratch the horse from the race. On the first offense a penalty of not less than \$100, nor more than \$200, shall be assessed the trainer. Upon

second or multiple offenses for positive tests, the stewards shall take whatever action they deem appropriate, consistent with law and the rules of racing.

Albert M. Stall
Chairman

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections Office of Motor Vehicles

The Louisiana Department of Public Safety and Corrections has adopted, effective March 20, 1986, amendments to the standards for licensing commercial driving schools and instructors.

Pursuant to the authority contained in Act 665 of 1983, Revised Statutes, Section 1461 of Title 40, the Department of Public Safety and Corrections through the secretary, adopts the following rules and regulations controlling commercial driving schools and their instructors in the State of Louisiana.

These rules and regulations, together with various requirements set forth in this Act, establish the criteria which will be used by the Department of Public Safety and Corrections in evaluating the qualifications of applicants for licenses or certificates, and periodically investigating the character, scope and condition of licensed schools and instructors.

The owners and officials of commercial driving schools are concerned with the procedures and policies used by the department in administering the provisions of the Act and in enforcing the rules and regulations contained herein.

A copy of the rules and regulations may be obtained at no cost by writing Buster J. Guzzardo, Sr., Office of Motor Vehicles, Box 64886, Baton Rouge, LA 70896, by calling 504/925/6277 or by coming in person to Trailer 22 of the Office of Motor Vehicles at 109 S. Foster Drive, Baton Rouge, LA.

Buster J. Guzzardo, Sr.
Administrator
Field and Safety Enforcement Services

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, and under the authority of R.S. 56:22, the Louisiana Wildlife and Fisheries Commission hereby declares that rules and regulations concerning the Experimental Fisheries Program may be adopted according to language set forth in the *Louisiana Register*, Vol. 11, No. 7, July 20, 1985.

This emergency action is necessary due to the omission of a partial sentence in the rule published in the February, 1986 issue of the *Louisiana Register*. This omission if adopted, would create loopholes in the Program, allowing widespread abuse.

The Declaration of Emergency will enable this department to issue permits to the participants in the Program who have been waiting for final adoption of the rule. The specific language omission has been addressed and the language in the notice of intent will be used to govern the program until the rule is re-published in the March issue of the *Louisiana Register*.

J. Burton Angelle
Secretary

Rules

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published on December 20, 1985 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of Regular Session, adopted as policy, the rule listed below:
Rule 3.01.70.w(1).b

Delete the requirement in Bulletin 996 that applicants for teacher certification complete three clock hours of job related counseling prior to entry into a teacher education program, as required by Act 399 of 1985.

James V. Soileau
Executive Director

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, adopts the following rule in the Medical Assistance Program.

SUMMARY

Ostomy Equipment and Supplies are provided with limitations to eligible recipients under Title XIX (Medicaid) as Durable Medical Equipment and Supplies. Currently, Ostomy Equipment and Supplies are limited to bags, supplies, cement, lubricant, solvents, and Tincture of Benzoin. A recent agency appeal decision found that the durable medical equipment limitations do not preclude coverage of disposable diapers when prescribed by a physician for a recipient who cannot use standard ostomy bags. Under this ruling the Medical Assistance Program must cover disposable diapers for all recipients with functional bladder and bowel disorders who cannot use or have difficulty using standard ostomy bags. Because of the cost to the state to begin providing such services, the Medical Assistance Program is proposing to adopt a rule which will preclude disposable diapers from Title XIX coverage under classifications of Durable Medical Equipment.

This rule is authorized under 42 CFR 440.120(c) because a disposable diaper is not a replacement, corrective or supportive device which:

- 1) replaces a missing portion of the body;
- 2) prevents or corrects a physical deformity or malfunction; or
- 3) supports a weak or deformed portion of the body.

It is estimated that 355 potentially eligible recipients will request the Medical Assistance Program to provide disposable diapers if this rule is not adopted. Total state expenditures to include this additional benefit to the Medical Assistance Program are projected to be \$1,810,500 each year.

Provision of disposable diapers as Ostomy Equipment and Supplies is not allowable for federal funding.

RULE

TITLE 50

PART III

SUBPART B: Services

§2321. Prosthetic Devices

* * * *

BB. Ostomy equipment (bags, supplies, cement, lubricant, solvents, and tincture of Benzoin) are considered only if prescribed for clients with ostomies. Diapers or disposable diapers shall

not be considered as ostomy equipment and supplies covered by Medical Assistance Program.

REGULATORY EXCEPTION

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, adopts the following rule in the Medical Assistance Program.

SUMMARY

The maximum income limit before deductions for Long Term Care and Home and Community Based Services recipients is limited by Federal Regulation 42 CFR 435.1005. This limit is 300% of the Supplemental Security Income (SSI) basic monthly payment. Beginning January 1, 1986, the basic monthly SSI payment is being increased by \$11.00 to \$336.00 as allowed by a rule published in the Federal Register, Volume 50, Number 211, Page 45558, dated October 31, 1985. Therefore, the maximum monthly income before deductions of an individual otherwise eligible for Long Term Care and Home and Community Based Services will be increased from \$975.00 to \$1,008.00.

Emergency Rulemaking has been invoked to implement this change effective January 1, 1986. The Emergency Rule was published in the *Louisiana Register*, Volume 11, Number 12, dated December 20, 1985. This rule is included in LAC 50: III: 1307.

RULE

TITLE 50

PART III

SUBPART A: Eligibility

§1307. General Requirements Applicable to the Aged, Blind, and Disabled

The agency shall use the SSI financial eligibility requirements to determine Medical Assistance eligibility of aged, blind, or disabled individuals under the provisions of §333 of this Part. For recipients in institutions whose Medical Assistant eligibility is based on a special income standard established under §339 of this Part, their income before deductions cannot exceed 300 percent of the SSI benefit amount payable under Section 1611(b)(1) of the Social Security Act to an individual in their own home who has no income or resources.

* * * *

REGULATORY EXCEPTION

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, adopts the following rule in the Medical Assistance Program.

SUMMARY

The revised standards for payment for Intermediate Care Facility I and II services and Skilled Nursing Facility services published in the Louisiana Register, Volume 11, Number 9, Page 865, dated September 20, 1985, are amended as follows:

A. Section IV, B. (1) is amended to require allowable costs for salaries to be in accordance with federal cost reporting standards (HIM-15). Additionally, salaries of Administrators and Assistant Administrators will be limited to the maximum amount set by the state based on the agency's audit program review of cost reports statewide.

B. Section IV, B. (2) is amended to allow reasonable costs for travel expenses related to the administration of the facility and patient care.

C. Section IV, B. (3) is amended to allow reasonable costs for ordinary and necessary insurance coverage.

D. Section IV, B. (8) is amended to allow rent costs, paid to unrelated parties, in accordance with HIM-15.

E. Section IV, D. (3) is amended to require providers to maintain financial and statistical information necessary to substantiate their cost data for a period of three years.

F. Section IV, E. is added to clarify Chapter 10 of HIM-15 concerning the treatment of costs applicable to services, facilities, and supplies provided to a facility by organizations related by common ownership and control.

G. Section IV, D. (f) is amended to allow facilities to arrange for the provision of customized wheelchairs, when necessary for an applicant/recipient's use, through family, community resources, etc. Additionally, purchase of customized wheelchairs for this purpose by a facility will be allowable in the cost report.

This rule is authorized under 42 CFR 447.252 which requires the State Agency to establish reasonable and adequate rates, based on the costs that must be incurred by providers to provide services in conformity with applicable State and Federal laws, regulations, and quality and safety standards.

RULE

TITLE 50

PART III

SUBPART C: Standards for Payment for Skilled Nursing and Intermediate Care Facility Services Other than Facilities for the Mentally Retarded

§3103. Allowable Costs

* * * *

B. 1. Salaries

Allowable costs for administrator and assistant administrator salaries are limited to the maximum amount set by the state based on the audit program's review of cost reports statewide.

2. Related Travel Expenses

Reasonable travel expenses are allowable only as related to administration of the facility and patient care.

3. Insurance

Insurance rates are allowable for ordinary and necessary coverage and shall be reasonable in price in addition to any interim increase initiated by the insurance company.

* * * *

B. 8. Rent

* * * *

b. Rent paid to unrelated parties in accordance with HIM-15 are allowable costs.

* * * *

§3107. General Instructions for Completing Cost Reports

* * * *

C. All providers who elect to participate in the Medical Assistance Program shall maintain all financial and statistical information necessary to substantiate cost data for three years following submission of the cost report. All providers are required to make

these records available upon demand to representatives of the state, DHHS, or their contractual representatives.

* * * *

§3109. Related Party Transactions

Chapter 10 of HIM-15 explains the treatment of costs applicable to services, facilities, and supplies provided to the facility by organizations related by common ownership or control. The Medical Assistance cost report can only include the actual cost(s) to the related organization for those services, facilities, and supplies. The cost(s) must not exceed the price of comparable services, facilities, or supplies that could be purchased elsewhere. Any costs in excess of these regulations will not be allowed by the state agency.

Furthermore, when a facility changes ownership, the Deficit Reduction Act limits capital related reimbursement to a new owner based on the lesser of: (1) historical costs (the costs to the original owner); or (2) the purchase price of the asset.

In auditing cost reports, the state agency OFS will apply this HIM-15 regulation in determining actual costs applicable to sales.

If a full disclosure of the facts have not been made to the state agency and the agency approves a transaction, such approval is qualified on the basis of the facts present. Any questions concerning a relatedness situation should be directed, in writing, to the Office of Family Security, Long Term Care Program.

§3745. Services and Supplies Included in the Facilities Vendor Payments

* * * *

F.1.b. The nursing home shall attempt to arrange for the provision of customized wheelchairs as needed for a client's use through family, community resources, etc. If customized wheelchair(s) are purchased by the nursing home for this purpose, the cost shall be allowed in the cost report.

§3945. Services and Supplies Included in the Facilities Vendor Payments

* * * *

F.1.b. The nursing home shall attempt to arrange for the provision of customized wheelchairs as needed for a client's use through family, community resources, etc. If customized wheelchair(s) are purchased by the nursing home for this purpose, the cost shall be allowed in the cost report.

REGULATORY EXCEPTION

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

Department of Public Safety and Corrections
Office of Motor Vehicles

The Louisiana Department of Public Safety and Corrections has adopted the following rule, effective March 20, 1986, setting standards for issuance of veteran's license plates under authority of LRS 47:463.18.

U. S. VETERANS LICENSE PLATE

Special license plates will be issued to any veteran of the Armed Forces of the United States for private passenger cars, minimum pickup trucks and vans.

ELIGIBILITY

A qualified veteran shall include any veteran who has served at least 90 days military duty in a branch of the United States Armed Forces.

REQUIREMENTS

All applications (DPSMV 1799) for veteran license plates must be accompanied by proof of service, such as photocopy of discharge certificate. Discharge must be of honorable condition. If the vehicle is not registered in the applicant's name, he must submit proper title documentation and fees along with the request for U.S. Veteran license plates.

CANCELLATION

Special license plates displayed on vehicles other than those for which they are issued are subject to immediate cancellation. If the owner of a vehicle no longer wishes to display the plate on his vehicle or if the applicant is deceased, the plate shall be returned to the department for cancellation.

FEES

The fee for obtaining a U.S. Veteran license plate is \$50 (2 years). The fee to renew the veteran plate is as follows:

\$56.00 - Private Auto (2 years)

\$ 2.33 - Fee calculation per month for validation sticker (Auto)

\$70.00 - Private Pickup Truck/Van

\$ 2.91 - Fee calculation per month for validation sticker (Truck/Van)

PROCEDURES

Renewals, Duplicate Titles, Title Correction and Replacement Sticker will be processed in field offices. All other requests should be forwarded to Driver/Registration Processing Unit, Room 1, Box 64886, Baton Rouge, LA 70896.

John J. Politz
Assistant Secretary

RULE

Department of Public Safety and Corrections Office of State Police

Pursuant to the authority of R.S. 33:4861.17 the Office of State Police adopted the following rules pertaining to the manufacturing, distribution, and construction of pull tabs for use in Louisiana.

RULE I. STATEMENT OF DEPARTMENT POLICY

The public health, safety and welfare is the primary consideration in the promulgation of pull tab rules and shall continue to be the primary consideration in their application and enforcement.

RULE II. DEFINITIONS

1. As used through this chapter, the following definitions apply:

A. *Act* means the Charitable Bingo, Keno and Raffle Law enacted as Louisiana Revised Statutes 33:4861.1 et seq. including all amendments thereto that may hereafter be enacted including Acts 671 and 823 of 1985.

B. *Applicant* means any person or authorized representative of a corporation who has applied for or is about to apply for registration as a manufacturer or distributor of pull tabs for use in Louisiana.

C. *Pull-tabs* means a single or banded ticket or card or cards each with its face covered to conceal one or more numbers or symbols where one or more cards or tickets in each set has been designated in advance as a winner.

D. *Department* means the Louisiana Department of Public Safety and Corrections, Office of State Police.

RULE III. APPLICATION FOR REGISTRATION

1. An application to register as an approved manufacturer or distributor of pull tabs must be submitted to the department upon forms prescribed by the department. The application is not com-

plete unless it is dated and signed by the applicant, and contains all information and statements required by the department.

2. A separate application must be completed for each manufacturer's label or trademark and distributor.

3. A manufacturer or distributor registered under these rules must comply with all the required specifications in these rules and to the requirements of the act.

RULE IV. ELIGIBILITY FOR REGISTRATION

1. Any person or business entity desiring to manufacture, sell or distribute pull tabs in this state must:

A. be issued and maintain all required federal, state, parish and municipal licenses; and

B. apply to the department on forms prescribed by the department for registration; and

C. furnish to the department reports containing such information the department may determine is necessary to regulate and control pull tabs in accordance with the act and these rules; and

D. meet the suitability and business relationship criteria of Rule V.

2. No person shall be registered who holds a permit to sell liquor of either high or low content, or who is directly or indirectly involved with the operation or the assisting in the operation of any game of chance permitted under the act, or who is involved directly or indirectly in leasing or renting any premises or equipment for such game, or in the providing of any other incidental services in connection with such game or games.

3. No person shall ship pull tabs into this state until his application for registration is approved by the department.

4. No person shall ship pull tabs into this state unless the pull tabs meet the standards for construction, assembly and packaging as required by Rules VII and VIII.

RULE V. MANUFACTURERS SUITABILITY AND BUSINESS RELATIONSHIPS

1. The department may deny an application or revoke, suspend, restrict, or limit approval of registration if it finds an applicant or a business relationship between an applicant and another person or a business entity is unsuitable or endangers the health, safety, or welfare of the citizens of this state. In determining the suitability of an applicant or other persons or business entities in a business relationship, the department may consider the person or business entity's:

a. general character, including honesty and integrity;

b. financial security and stability, competency, and business experience in the capacity of the relationship;

c. record, if any, of violations which may affect the legal and proper operation of a pull tab game, including a violation of the laws or local ordinances of this state, other states, and countries without limits as to the nature of the violations.

d. refusal to provide access to records, information, equipment, or premises to the department or peace officers when such access is reasonably necessary to ensure or protect public health, safety or welfare.

RULE VI. REVOCATION, SUSPENSION, RESTRICTION, DENIAL OR NON RENEWAL OF APPLICATION - FAIR HEARING - JUDICIAL REVIEW

1. When the department revokes, suspends, restricts or denies an application for registration or renewal, the applicant may request a fair hearing. The request for a hearing shall be made in writing to the department within 45 days of the revocation, suspension, restriction or denial by the department. Upon the department's receipt of written request, a fair hearing shall be conducted in accordance with the provisions of the Louisiana Administrative Procedure Act.

2. Administrative procedures conducted by the department are subject to judicial review according to the provisions of the Louisiana Administrative Procedure Act.

RULE VII. STANDARDS FOR CONSTRUCTION

1. Pull tabs shall be constructed so that it is impossible to determine the covered or concealed number, symbol, or set of symbols, on the pull tab until it has been dispensed to and opened by the player, by any method or device, including but not limited to, the use of a marking, variance in size, variance in paper fiber, or light.

2. All pull tabs, except banded and latex covered pull tabs, will be constructed using a two or three ply paper stock construction.

3. The manufacturer shall conspicuously print on the face or cover sheet the series number and the name of the manufacturer or label or trademark identifying the manufacturer. On banded pull tabs, the series number and the name of the manufacturer or label or trademark identifying the manufacturer shall be printed so both are readily visible prior to opening the pull tab.

4. The cover sheet shall be color coded when individual series numbers are repeated and may show the consumer how to open the pull tab to determine the symbols or numbers. The cover sheet will contain perforated and/or clean-cut openings centered over the symbols or numbers on the back of the face sheet in such a manner as to allow easy opening by the consumer after purchase of the pull tabs, while at the same time, not permitting pull tabs to be opened prematurely in normal handling. Perforation should exist on both horizontal lines of the opening with either a perforated or clean-cut edge on the vertical or elliptical line where the tab must be grasped for opening after bending the edge of ticket down. On latex covered pull tabs, either the face or back of the pull tab shall be color coded when individual series numbers are repeated and may show the consumer how to remove the latex to determine the symbols or numbers. On banded pull tabs, the paper stock shall be color coded when individual series numbers are repeated.

5. Pull tabs will be glued or sealed so that it is impossible to determine the covered or concealed numbers, symbol or set of symbols on the pull tab until it has been dispensed to and opened by the player.

6. All pull tabs shall be of a uniform thickness within a series. Vendable pull tabs are defined as pull tabs that are sold out of mechanical pull tab dispensing devices approved for such use in this state. The single opening and double sided tabs shall have an overall bulk thickness of .045 inch per pull tab, plus or minus .003 inch. The multiple opening tabs shall have an overall bulk thickness of .026 inches per pull tabs plus or minus .002 inches.

Nonvendable pull tabs are defined as those that cannot be sold out of mechanical pull tab dispensing devices approved for use in this state. Nonvendable pull tabs may be dispensed from fishbowls, receptacles, packing boxes or spindles. Manufacturers of nonvendable pull tabs may use any thickness that complies with all other rules. In no instance will any type of pull tabs be approved where the winning tabs are distinguishable by visible variation in dimension.

7. All pull tabs within a single pull tab series shall also be uniform in length and width and may not vary by more than $\frac{3}{64}$ inch between series. Vendable pull tabs which are single opening or double sided tabs shall be $1\frac{1}{8}$ inches \times 1 inch, plus or minus $\frac{1}{8}$ inch. Multiple opening vendable pull tabs shall be $3\frac{1}{2}$ inches \times $1\frac{1}{8}$ inches, plus or minus 1 inch. Nonvendable pull tabs may be manufactured in any size so long as it complies with all other rules.

8. Winner protection. A unique symbol or printed device shall be placed in the high tier winner window so as to insure that the high tier winner is made unique.

9. Color or printing variations. It should not be possible to detect or pick out winning from losing tickets through variations in printing, graphics or colors, especially those involving different printing plates.

RULE VIII. ASSEMBLY AND PACKAGING

1. Manufacturers of pull tabs shall manufacture, assemble, and package each pull tab series in such a manner that none of the winning pull tabs, nor the location or approximate location of any of the winning pull tabs can be determined, in advance of opening the pull tabs in any manner or by any device, including but not limited to any pattern in manufacture, assembly, packaging, markings, or by the use of a light.

2. Winning pull tabs shall be randomly distributed and mixed among all other pull tabs in the series. The series shall be assembled and packaged with special care so as to eliminate any pattern as between series, or portions of series, from which the location or approximate location of any of the winning tabs may be determined.

3. When the series is packaged in more than one package, box or other container, the entire series of individual pull tabs shall be mixed in such a manner that no person can determine the position or approximate location of any of the winning pull tabs or determine whether any one package or portion of a series contains a larger or smaller percentage of winning pull tabs than the balance of the series. The packages, boxes or other containers shall not be numbered as to distinguish one from the other. Each series of pull tabs shall contain a packing slip placed inside the package containing the name of manufacturer, series number, date the series was packaged, and the name or identification of the person who packaged the series. This information may be printed on the back of the flare or the outside of at least one of the packages, boxes or containers in which the pull tabs are packed.

4. No distributor or manufacturer of pull tabs shall sell or otherwise provide to any person in this state or for use in this state any pull tab series that does not contain a minimum of 70 percent in prizes. For the purpose of determining the percentage of prizes offered in any pull tab series under this Section, total merchandise prizes shall be computed at the amount actually paid therefor by the licensed operator plus 50 percent of that actual cost.

RULE IX. CIVIL VIOLATIONS - CRIMINAL CITATIONS

1. When the department determines an applicant, manufacturer, or distributor has violated the act or these rules, the department shall issue a civil violation to the applicant, manufacturer or distributor.

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

- a. selling, offering for sell, distributing, or importing pull tabs in this state without registering with the department;
- b. selling, distributing or importing pull tabs to any unlicensed operator in this state who is required to be licensed by this chapter;
- c. the falsification of an application or reporting documents;
- d. refusal to provide access to records, information, equipment or premises as outlined in Rule V;
- e. the failure to comply with documentary reporting requirements.

RULE X. PENALTIES FOR CIVIL VIOLATIONS ISSUED BY THE DEPARTMENT

1. The department may suspend or deny any or all applications of an applicant, manufacturer, or distributor after opportunity for fair hearing when:

- a. the department receives:
 - i. a certified copy (or other credible evidence) of any judgment or conviction of any applicant or his agent, servant, or employee for any violation of any criminal law or ordinance of the

United States, the State of Louisiana or of any Louisiana parish, city, or town relating to charitable gaming or gambling; or

ii. a certified copy of the record (or other credible evidence) of the foreclosure by any applicant or his agent or employee of bond to appear to answer charges of violating any law or ordinance relating to charitable gaming or gambling; or

b. the department, after investigation, has reasonable cause to believe that any manufacturer, distributor, or applicant, his agent, or employee has violated the provisions of this Chapter or these rules.

2. The department may suspend an application prior to the opportunity for fair hearing when the department, after investigation, has reasonable cause to believe continued operation of the applicant endangers public health, safety and welfare. During the period of suspension, the applicant shall not operate in this state.

3. An application may be revoked, subsequent to opportunity for a fair hearing, as penalty for violation of the act or these rules. In addition to the penalties provided in this Section, pull tabs may be seized and treated as evidence when reasonable cause exists to believe the pull tabs are in violation of the act or these rules.

RULE XI. ADMINISTRATIVE PROCEEDINGS AND JUDICIAL REVIEW

1. The department shall conduct a fair hearing:

- a. following the emergency suspension of application and
- b. prior to the revocation of an approved application.

2. All fair hearings must be held in accordance with the Louisiana Administrative Procedure Act.

3. Administrative procedures conducted by the department are subject to judicial review in accordance with the provisions of the Louisiana Administrative Procedure Act.

These rules shall become effective March 20, 1986.

Colonel Wiley D. McCormick
Deputy Secretary

RULE

Department of Urban and Community Affairs Office of Planning and Technical Assistance

The Department of Urban and Community Affairs is amending the FY 1985 LCDBG Final Statement. The purpose of this amendment is to set aside economic development monies for applicants within the jurisdiction of the South Louisiana Revolving Loan Fund, Inc. The following paragraph will be added to Section II, E. of the final statement:

Of the 25 percent of the LCDBG funds allocated for economic development, \$333,334 will be set aside to fund economic development applications submitted by applicants within the jurisdiction of the South Louisiana Revolving Loan Fund, Inc. No deadlines will be established for the acceptance of these applications; however, an application cannot be submitted for consideration under this fund if that same application is currently under consideration for funding under any other LCDBG program category. All other program requirements and criteria stated within the final statement apply to these applications.

This rule is to be effective on March 20, 1986, and is to remain in force until amended or rescinded.

Dorothy M. Taylor
Secretary

RULE

Department of Urban and Community Affairs Office of Planning and Technical Assistance

Louisiana Community Development Block Grant (LCDBG)
Program FY 1986 Final Statement

I. PROGRAM OBJECTIVES

The LCDBG Program, as its primary objectives, provides

grants to units of general local government in nonentitlement areas for the development of viable communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. Consistent with this objective, not less than 51 percent of the aggregate of fund expenditures shall be for activities that benefit low and moderate income persons. Each activity assisted in whole or in part with LCDBG funds must meet one or more of the following objectives:

(1) strengthen community economic development through the creation of jobs, stimulation of private investment, and community revitalization, principally for low and moderate income persons,

(2) benefit low and moderate income persons,

(3) eliminate or aid in the prevention of slums or blight, or

(4) provide for other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs.

II. GENERAL.

A. APPLICATION PROCESS.

This statement sets forth the policies and procedures for the distribution of LCDBG funds. Grants will be awarded to eligible applicants for eligible activities based on a competitive selection process to the extent that funds are available. The state shall establish deadlines for submitting applications and notify all eligible applicants through a direct mailing. The applications submitted in FY 1986 for housing and public facilities will be rated and ranked and funded to the extent that monies are available. The ranking under the FY 1986 program will also be used to determine the grants selected for funding under the FY 1987 LCDBG program. In other words, the top ranked applications to the extent that monies are available will be funded in FY 1986; the next highest ranked applications will be funded in FY 1987 to the extent that monies are available. Only one application for housing and/or public facilities can be submitted; that same application will be considered for funding in FY 1986 and FY 1987. No new applications for housing and public facilities will be accepted in FY 1987.

B. ELIGIBLE APPLICANTS.

Eligible applicants are units of general local government, that is, municipalities and parishes, excluding the following areas: Alexandria, Baton Rouge, Bossier City, Terrebonne Parish Consolidated Government, Jefferson Parish (including Grand Isle, Gretna, Harahan, Jean Lafitte, and Westwego), Kenner, Lafayette, Lake Charles, Monroe, New Orleans, Shreveport, Slidell and Thibodaux. Each eligible applicant may only submit an application on its own behalf. Two or more eligible applicants may submit a joint application for activities of mutual need of each eligible applicant. Joint projects shall necessitate a meeting with state staff prior to submitting the application to determine who would be the appropriate applicant. All local governing bodies involved must be eligible according to the threshold criteria.

C. ELIGIBLE ACTIVITIES.

An activity may be assisted in whole or in part with LCDBG funds if the activity meets the provisions of Title 24 of the *U.S. Code of Federal Regulations*, Subpart C, as provided in Appendix 4. For application purposes, eligible activities are grouped into the program areas of either housing, public facilities, economic development or demonstrated need.

D. TYPES OF GRANTS.

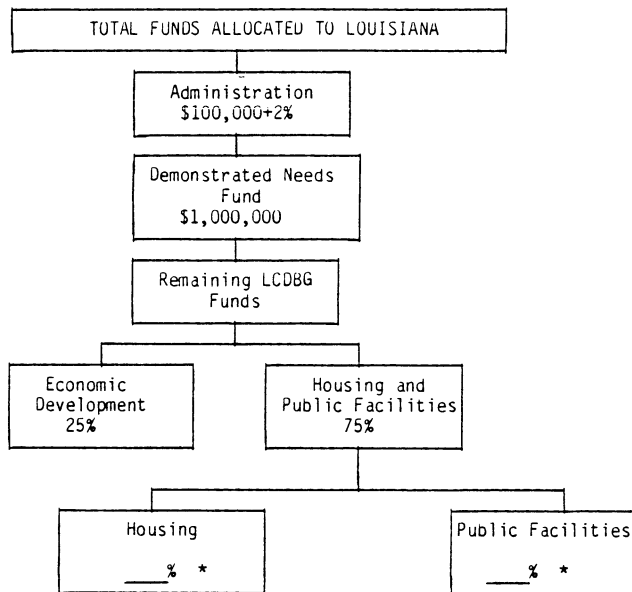
The LCDBG program has two types of grant applications—single purpose and multi-purpose. Either a single purpose or multi-purpose grant application may be submitted for the pro-

gram areas of housing or public facilities and demonstrated need. Only a single purpose grant application may be submitted for economic development. When funds are requested for two or more needs in one or more of the two areas (housing or public facilities), excluding auxiliary activities, it is classified as a multi-purpose application. Final determination of the classification by type will be made by the state. Regardless of the grant type, all activities will be in competition as single purpose within each program category. Activities within a multi-purpose application will be rated and ranked individually which could result in only one activity being funded.

E. DISTRIBUTION OF FUNDS.

Figure 1 shows how the funds available will be allocated between the various population categories. Of the total CDBG funds allocated to the state, up to \$100,000 plus two percent will be used to administer the program. In addition, \$1,000,000 will be set aside for the Demonstrated Needs Fund. Since creation and retention of permanent jobs is so critical to the economy of the State of Louisiana, 25 percent of the remaining LCDBG funds will be allocated specifically for economic development type grants. Only economic development applications will compete for these funds. Economic development applications will be accepted on a continual basis within the time frame designated by the state. Public facilities and housing applications will be funded with the remaining LCDBG funds. There will be one funding cycle for housing and public facilities applications. This fund will be divided into two program categories as identified in Figure 1; the exact distribution of these funds will be based upon the number of applications received and amount of funds requested in each program category. Half of the money will be allocated based on the number of applications received in each category and half based on the amount of funds requested in each category.

FIGURE 1



*The percentage distribution among the program categories will be based upon the number of applications received and amount requested in each category. Half of the funds will be distributed based on percentage of applications received in each category and half on the basis of amount of funds requested in each category. For rating purposes only, each activity will compete for points within one of the following population categories: <2,499, 2,500 - 9,999, and >10,000. For ranking purposes, all applications will compete within the program categories.

F. SIZE OF GRANTS.

(1) Ceilings. The state has established funding ceilings of \$750,000 for single and multi-purpose grants with the exception of grants awarded under the Demonstrated Needs Fund.

(2) Individual grant amounts. Grants will be provided in amounts commensurate with the applicant's program. In determining appropriate grant amounts for each applicant, the state shall consider an applicant's need, proposed activities, and ability to carry out the proposed program.

G. RESTRICTIONS ON APPLYING FOR GRANTS.

(1) Each eligible applicant may apply for one housing or public facilities grant in each fiscal year. Any eligible applicant may apply for an economic development grant or Demonstrated Needs Fund grant, even those previously funded under the housing and public facilities components.

(2) Capacity and performance: threshold considerations for grant approval. No grant will be made to an applicant that lacks the capacity to undertake the proposed program. In addition, applicants which have participated in the block grant program previously must have performed adequately. Performance and capacity determinations for FY 1986 will be made as of the deadline date the application is due and may be the basis for rejecting an application from further consideration. Performance and capacity determinations for FY 1987 will be made as of the date the state receives its executed grant agreement from HUD. In determining whether an applicant has performed adequately, the state will examine the applicant's performance as follows. All applications will be rated upon receipt.

In order to be eligible for a grant award in FY 1986, the following thresholds must have been met:

(a) Units of general local government will not be eligible to receive funding if past CDBG programs awarded by HUD have not been closed out.

(b) Units of general local government will not be eligible to receive funding if past LCDBG programs awarded by the state have not met the following performance thresholds:

(i) FY 1982 and FY 1983 LCDBG recipients must have closed-out as of the deadline for receipt of LCDBG application by the state,

(ii) FY 1984 LCDBG recipients (excluding recipients of economic development grants) must have expended no less than 95 percent of the total grant amount,

(iii) FY 1985 LCDBG recipients (excluding recipients of economic development grants) must have expended no less than 75 percent of the total grant amount.

In order to be eligible for a grant award in FY 1987, the following thresholds must have been met:

(a) Units of general local government will not be eligible to receive funding if past CDBG programs awarded by HUD have not been closed out.

(b) Units of general local government will not be eligible to receive funding if past LCDBG programs awarded by the state have not met the following performance thresholds:

(i) FY 1982, FY 1983 and FY 1984 LCDBG recipients must have closed out.

(ii) FY 1985 LCDBG recipients (excluding recipients of economic development grants) must have expended no less than 95 percent of the total grant amount.

(iii) FY 1986 LCDBG recipients (excluding recipients of economic development grants) must have expended no less than 75 percent of the total grant amount.

(c) Audit and monitoring findings made by the state or HUD must be cleared prior to the deadline for receipt of applications by the state.

Any applications that are determined to be ineligible for FY 1986 will be re-evaluated for FY 1987.

The state is not responsible for notifying applicants as to their performance status. The state may provide waivers to these prohibitions, if a waiver is requested in writing prior to the application deadline. There shall be no waiver granted if funds are due HUD or the state unless a satisfactory arrangement for repayment of the debt has been made and payments are current.

H. DEFINITIONS.

For the purpose of the LCDBG Program or as used in the regulations, the term:

(a) *Unit of general local government* means any municipal or parish government of the State of Louisiana.

(b) *Low-moderate income persons* are defined as those having income within the Section 8 income limits as determined by the Secretary of Housing and Urban Development. (See Appendices 1 and 2.)

(c) *Auxiliary Activity* means a minor activity which directly supports a major activity in one program area (housing, public facilities). Note: The state will make the final determination of the validity (soundness) of such actions in line with the program intent and funding levels.

(d) *Slums and Blight* is defined as Act 590 of the 1970 Parish Redevelopment Act, Section Q-8. (See Appendix 3.)

(e) *Department* refers to the Department of Urban and Community Affairs.

III. METHOD OF SELECTING GRANTEES.

The state has established selection and rating systems which identify the criteria used in selecting grantees.

A. DATA

(1) *Low-Moderate Income.* The low-moderate income limits are defined as being within the Section 8 income limits as established by HUD. In order to determine the benefit to low-moderate income persons for a public facility project, the applicant must utilize either census data (if available) or conduct a local survey.

(a) *Census Data.* If 1980 census data on income is available by enumeration district, then the state will calculate the applicant's low and moderate income percentages. If the applicant chooses to utilize census data, the low-moderate income levels as shown in Appendix 2 will be followed. However, the applicant must request this data prior to submittal of the application.

(b) *Local Survey.* If the applicant chooses to conduct a local survey, the survey sheet in the FY 1986 application package must be used. Local surveys must be conducted for all housing activities.

The annual income limits for low-moderate income persons (regardless of family size) when conducting a survey are shown in Appendix 1. If the applicant chooses to determine low-moderate income based on family size, the following sliding scale must be used:

# of Persons in Household	% of Parish/MSA* Median Income
1	50
2	64
3	72
4	80
5	85
6	90
7	95
8 or more	100

*MSA = Metropolitan Statistical Area

When a local survey, rather than census data, is used to determine the low/mod benefit, a random sample which is representative of the population of the entire target area must be taken. There are several methodologies available to insure that the sample is random and representative. The methodology used must be

stated in your application; if you have questions on the methodology to use, you may contact the Department of Urban and Community Affairs for assistance. The appropriate sample size varies with the total number of households in the target area, and is determined by using the following formula:

$$n = .9604 \times N \div (.0025N + .9579)$$

Where n = required number of households in sample

Where N = total number of occupied households in target area

If the situation arises where it must be determined as to whether or not the sample taken was indeed random, then standard statistical tests at the appropriate geographical level will be used.

Surveys conducted for housing activities must involve 100 percent of the total houses within the target area. Local surveys which have been conducted within twelve months prior to the application submittal date will be accepted, provided the survey conforms to current program requirements.

B. PROGRAM OBJECTIVES.

Each activity contained within such programs must meet one of the following two national objectives:

(1) Principal benefit (at least 51 percent) to low-moderate income persons.

(2) Elimination or prevention of slums and blight. In order to claim that the proposed activity meets this objective, the following must be met. An area must be delineated by the grantee which:

(a) meets the definition of slums and blight as defined in Act 570 of the 1970 Parish Redevelopment Act, Section Q-8 (See Appendix 3); and

(b) contains a substantial number of deteriorating or dilapidated buildings or improvements throughout the area delineated.

The grantee must describe in the application the area boundaries and the conditions of the area at the time of its designation and how the proposed activity will eliminate the conditions which qualify the area as slum/blight.

C. SINGLE PURPOSE GRANTS

(1) *Definition.* A single purpose grant provides funds for one need (water or sewer or housing, etc.), consisting of an activity which may be supported by auxiliary activities. Single purpose economic development grants are for one project, consisting of one or more activities.

(2) *Specific Program Categories.* All single purpose activities will be rated according to the following program categories.

Each housing and public facilities activity will be rated against all similar activities in the appropriate program and population category.

The criteria for reviewing each of the specific programs are as follows:

a) *ECONOMIC DEVELOPMENT* (Total of 200 Points)

The following three requirements must be met by economic development applicants.

(1) A firm financial commitment from the private sector will be required upon submission of the application. The private funds/public funds ratio must not be less than 1:1. Private funds must be in the form of a developer's cash or loan proceeds. Revenues from the sale of bonds may also be counted if the developer is liable under the term of the bond issue. Previously expended funds will not be counted as private funds for the purpose of this program, nor will private funds include any grants from federal, state or other governmental programs or any recaptured funds.

(2) If cost per job created or retained exceeds \$15,000 for the LCDBG monies, applications will not be considered for funding.

(3) A minimum of 51 percent of the employment will go to people who at the time of their employment will be persons from low to moderate income households.

i. PROJECT FEASIBILITY (Maximum Possible Points-100)

To be funded, a community's project must score a minimum of 60 points on the assessment of project feasibility. Applications will be scored in the areas of management, marketing, financial and economic feasibility.

ii. PROJECT IMPACT (Maximum Possible Points-100)

To be funded, a community's project must score a minimum of 60 points on project impact. Applications will be scored in the areas of recapture, cost-effectiveness, and leverage ratio. The total points are delineated according to the following categories:

Recapture (Maximum Possible Points-35)

This will be calculated by dividing the discounted present value of the total recapture by the grant amount minus administrative costs.

$$\text{Recapture Points} = \frac{\text{Discounted PV of recapture}}{\text{Grant Amount Minus Administration}} \times 35$$

Cost Effectiveness (Maximum Possible Points-30)

This will be calculated by dividing the \$15,000 maximum by the LCDBG fund cost per job and multiplying this number by the industry multiplier.

Leverage Ratio (Maximum Possible Points-35)

The maximum points will be awarded by dividing the actual project leverage ratio by the corresponding leverage scale ratio as shown below:

$$\text{Leverage Ratio Points} = \frac{\text{Actual Project Leverage Ratio}}{\text{Private/LCDBG Funds Ratio}} \times 35$$

Amount of LCDBG Funds Requested	Private/LCDBG Funds Ratio
0- 99,999	1.00
100,000-249,999	1.50
250,000-499,999	2.00
500,000-750,000	2.50

Although an application may be determined to be eligible, the state will make the final determination as to whether or not the proposed activity is viable in keeping with the objectives of the program. For projects involving the recapture of economic development loans, the state may recapture up to 100 percent of the pay-back. The specific details of such recapture will be outlined in each contract between the state and the local governing body receiving an award. Recaptured economic development funds will be reallocated in accordance with DUCA's policy, then in effect, for the redistribution of such funds.

b) PUBLIC FACILITIES

i. PROGRAM IMPACT (Maximum Possible Points-100)

Maximum Impact 100 points

The proposed project would completely remedy existing conditions that are in violation of a state or federal standard *promulgated* to protect public health and safety. The existing conditions and the standard being violated must be documented by cognizant state or federal agencies.

Moderate Impact 65 points

The proposed project would result in substantial progress being made towards improving existing conditions that are in violation of a state or federal standard *promulgated* to protect public health and safety. The existing conditions and the standard being violated must be documented by cognizant state or federal agencies.

Minimal Impact 30 points

The project would improve a community's infrastructure but would not address a violation of state or federal standard *promul-*

gated to protect public health and safety or is inadequately documented.

Documentation from the cognizant agencies must have been prepared within 12 months prior to the application deadline date.

ii. BENEFIT TO LOW-MODERATE INCOME PERSONS (Maximum Possible Points-40)

Percent of Low-Moderate Income (Maximum Possible Points-20) This will be calculated by dividing the number of low-moderate income persons benefitting (as defined by the state) by the total persons benefitting. The resulting raw scores will be arrayed and the top ranked applicant will receive 20 points. All other applicants will receive points based on how they score relative to that highest score as follows:

$$\text{Low-Mod Number Benefit Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 20$$

Improvements which involve different numbers and percentage of beneficiaries, must be identified separately.

Number of Low-Moderate Income (Maximum Possible Points-20) The maximum points will be awarded to the project benefitting the most low-moderate income persons. All other projects will receive points based on how they score relative to that highest score.

iii. COST EFFECTIVENESS (Maximum Possible Points-10)

Cost estimates per person benefitting will be carefully evaluated. For given numbers of persons benefitting, a range of reasonable costs per person by activity will be determined, based upon the applications received. Those outside the allowable range will receive 0 points and those within the allowable range will receive the maximum points.

iv. PROJECT SEVERITY (Maximum Possible Points-50)

This will be rated based upon the severity of the problem and extent of the effect upon the health and welfare of the community. Priority will be given to sewer and water systems in areas not currently served and to gas system improvements.

c) HOUSING

i. PROGRAM IMPACT (Maximum Possible Points-75)

This will be determined by dividing the total number of owner occupied units to be rehabilitated and replaced plus vacant units to be demolished in the target area by the total number of owner occupied substandard units in need of rehab and replacement plus vacant units in need of demolition in the target area.

$$\frac{\begin{array}{l} \# \text{ of units to be rehabed and replaced} \\ + \# \text{ of vacant units to be demolished} \end{array}}{\begin{array}{l} \# \text{ of owner-occupied substandard units including} \\ \text{those in need of demolition and replacement} \\ + \text{vacant units in need of demolition inside the tar-} \\ \text{get area.} \end{array}} = \text{Raw Score}$$

The raw scores will be ranked and the top ranked applicant(s) will receive 75 points. All other applicants will receive points based on how they score relative to that high score:

$$\text{Program Impact Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 75$$

No activity will be funded that meets less than 75 percent of the identified need.

This system also permits up to 15 percent of the rehabs to be located outside of the target area(s) without affecting impact scores in any way. Rental units which will be occupied by low-moderate income persons are eligible as long as the number of rental units to be treated does not exceed ten percent of the total owner occupied units proposed for rehab. Ten percent of the total

rehab monies may also be used for emergency repairs. All units, except the emergency repairs, must be brought up to at least the Section 8 Existing Housing Quality Standards and HUD's Cost Effective Energy Conservation Standards. The number of housing target areas cannot exceed three.

ii. NEEDS ASSESSMENT (Maximum Possible Points - 25)

This will be determined by comparing the total number of units to be treated in the target area to the overall needs of the target area.

$$\frac{\# \text{ of units to be treated in target area}}{\# \text{ of units in need of treatment in target area}} = \text{Raw Score}$$

The raw scores will be arrayed and the top ranked applicant(s) will receive 25 points.

$$\text{Needs Assessment point} = \frac{\text{applicant's score}}{\text{highest score}} \times 25$$

iii. BENEFIT TO LOW-MODERATE INCOME (Maximum Possible Points - 50)

This will be calculated by dividing the number of low-moderate income households by the total number of households benefitting.

These raw scores will be arrayed and the top ranked applicant(s) will receive 50 points. All other applicants will receive points based on how they score relative to that highest score:

$$\text{Low-Mod Benefit Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 50$$

Households directly benefitting are only those scheduled for rehab and/or replacement.

iv. PROJECT FEASIBILITY (Maximum Possible Points - 50)

This will be rated based upon the project's cost effectiveness and overall needs of the area including housing as well as infrastructure.

D. MULTI-PURPOSE GRANTS

(1) Definition. A multi-purpose grant provides funds for two or more needs and has major expenditures in more than one activity in one or more of the two program areas (housing and public facilities).

(2) Specific Program Categories. Multi-purpose grants will be rated on the same basis as the single purpose grants. Each activity will be rated and ranked individually.

E. DEMONSTRATED NEEDS FUND

A \$1 million reserve fund will be established to alleviate critical community needs and to fund innovative or pilot projects. If any unobligated monies remain, those monies may be transferred into the grant category deemed feasible or used in subsequent year funding for the Demonstrated Needs Fund.

An application cannot be submitted for consideration under this fund if that same application is currently under consideration for funding under any other LCDBG program category. If not funded under the other category, a proposal for funding may be resubmitted for this fund.

(1) Criteria for Determining Eligibility

Each proposed activity must address one of the national objectives and must meet all of the two following criteria.

(a) Critical Need

The need must be critical and must be verified by an appropriate authority (cognizant state or federal agencies) other than the applicant.

(b) Innovative

The state will receive and evaluate proposals for consideration for funding innovative/demonstration projects.

Proposed activities must be eligible under Section 105(a) of the Housing and Community Development Act of 1974, as amended (see Appendix 4).

(2) Proposal Requirements

Communities must request funds by submitting a written proposal to the secretary.

The proposal must include:

(1) A description of the proposed project;

(2) Certification that the funding criteria in Section E (1) have been met;

(3) How the proposed project and its funding will remedy the documented need; and,

(4) A detailed cost estimate signed by a licensed architect or engineer for the monies requested.

(5) Documentation that citizen participation requirements of F.(10) have been met.

F. SUBMISSION REQUIREMENTS

Applications shall be submitted to the department and shall consist of the following:

(1) Community Development Plan. A description of the applicant's community development and housing needs, including those of low and moderate income persons; and a brief description of the applicant's community development and housing needs to be served by the proposed activity(ies).

(2) Program Narrative Statement. This shall consist of:

i. Identification of the national objective(s) that the activity will address.

ii. A description of each activity to be carried out with LCDBG assistance. A detailed cost estimate is required for each activity. If the proposed activity is dependent on other funds for completion, the source of funds and the status of the commitment must also be indicated.

iii. A statement describing the impact the activity will have on the problem area selected and the needs of low and moderate income persons, including information necessary for considering the program impact.

iv. A statement on the percent of funds requested that will benefit low and moderate income persons. The statement should indicate the total number of persons to be served and the number of such persons that meet the definition of low and moderate income.

(3) Maps. A map of the local jurisdiction which identifies by project area:

i. census tracts and/or enumeration districts;

ii. location of areas with minorities, showing number and percent by census tracts and/or enumeration districts;

iii. location of areas with low and moderate income persons, showing number and percent by census tracts and/or enumeration districts;

iv. boundaries of areas in which the activities will be concentrated;

v. specific location of each activity.

(4) Program Schedule. Each applicant shall submit, in a format prescribed by the state, a listing of dates for major milestones for each activity to be funded.

(5) Title VI Compliance. All applicants shall submit, in a form prescribed by the state, evidence of compliance with Title VI of the Civil Rights Act of 1964. This enables the state to determine whether the benefits will be provided on a nondiscriminatory basis and will achieve the purposes of the program for all persons, regardless of race, color, or national origin.

(6) Certification of Assurances. The certification of assurances required by the state, relative to federal and state statutory requirements, shall be submitted by all applicants; this certification includes, but is not limited to, Title VI, Title VIII, and affirmatively

furthering fair housing. In addition, each recipient should target at least 15 percent of all grant monies for minority enterprises. All assurances must be strictly adhered to; otherwise, the grant award will be subject to penalty.

(7) Certification To Minimize Displacement. The applicant must certify that it will minimize displacement as a result of activities assisted with LCDBG funds. In addition to minimizing displacement, the applicant must certify that when displacement occurs reasonable benefits will be provided to persons involuntarily and permanently displaced as a result of the LCDBG assistance to acquire or substantially rehabilitate property. This provision applies to all displacement with respect to residential and nonresidential property not governed by the Uniform Relocation Act.

(8) Certification to Promote Fair Housing Opportunities. Applicants are required to certify that as part of their efforts to further fair housing opportunities in their respective jurisdictions, they will conduct two fair housing seminars during the term of the grant. These seminars can be conducted in a community center or any other appropriate public building. The Department of Urban and Community Affairs will be available to provide technical assistance to recipients, if required.

(9) Certification Prohibiting Special Assessments. The applicant must submit a certification prohibiting the recovery of capital costs for public improvements financed in whole or part with LCDBG funds, through assessments against properties owned and occupied by low and moderate income persons. The prohibition applies also to any fees charged or assessed as a condition of obtaining access to the public improvements.

(10) Certification of Citizen Participation. Applicants shall provide adequate information to citizens about the Community Development Block Grant Program. Applicants shall provide citizens with an adequate opportunity to participate in the planning and assessment of the application for Community Development Block Grant Program funds. One public hearing must be held prior to application submittal in order to obtain the citizen's views on community development and housing needs. A notice must be published informing the populace of the public hearing. Citizens must be provided with the following information at the hearing:

- a. The amount of funds available for proposed community development and housing activities;
- b. The range of activities that may be undertaken, including the estimated amount proposed to be used for activities that will benefit persons of low and moderate income;
- c. The plans of the applicant for minimizing displacement of persons as a result of activities assisted with such funds and the benefits to be provided to persons actually displaced as a result of such activities.

d. If applicable, the applicant must provide citizens with information regarding the applicant's performance on prior LCDBG programs funded by the state.

A second notice must be published *after* the public hearing has been held but *before* the application is submitted. The second notice must inform citizens of the proposed objectives, proposed activities, the location of the proposed activities and the amounts to be used for each activity. Citizens must be given the opportunity to submit comments on the proposed application. The notice must further provide the location at which and hours when the application is available for review. The notice must state the submittal date of the application.

Applicants must submit notarized proofs of publication of each public notice.

(11) Local Survey Data. Those applicants who conduct a local survey to determine specific data required for the application must include one copy of all completed survey forms.

(12) Submission of Additional Data. Only that data re-

ceived by the deadline established for applications will be considered in the selection process unless additional data is specifically requested, in writing, by the state. Material received after the deadline will not be considered as part of the application, unless requested.

G. APPLICATION REVIEW PROCEDURE

(1) The application must be mailed or delivered prior to the deadline date. The applicant must obtain a "certificate of mailing" from the post office, certifying the date mailed. The state may require the applicant to submit this certificate of mailing to document compliance with the deadline, if necessary.

(2) The application submission requirements must be complete.

(3) The funds requested must not exceed the amount of the invitation by the state.

(4) Review and notification. Following the review of all applications, the state will promptly notify the applicant of the actions taken with regard to its application.

(5) Criteria for conditional approval. The state may make a conditional approval, in which case the grant will be approved, but the obligation and utilization of funds is restricted. The reason for the conditional approval and the actions necessary to remove the condition shall be specified. Failure to satisfy the condition may result in a termination of the grant. Conditional approval may be made:

- i. Where local environmental reviews have not yet been completed;
- ii. Where the requirements regarding the provision of flood or drainage facilities have not yet been satisfied;
- iii. To ensure that actual provision of other sources required to complete the proposed activities will be available within a reasonable period of time;
- iv. To ensure the project can be completed within estimated costs.

(6) Criteria for disapproval of an application. The state may disapprove an application if:

- i. Based on review of the application, it is determined that general administrative costs exceed the following maximums: housing rehabilitation - 12 percent of total housing costs, economic development - 5 percent of the LCDBG funds requested for project costs, and public facilities - 7 percent of public facilities costs, except in cases where acquisition in excess of ten parcels is involved, the maximum allowable will be 7.5 percent of public facilities costs.

ii. Based on review of the application, it is determined that engineering fees are not in compliance with those established by the American Society of Civil Engineers and/or the Farmer's Home Administration.

iii. Based on field review of the applicant's proposal or other information received, it is shown that the information was incorrect, the state will exercise administrative discretion.

iv. The state determines that the applicant's description of needs and objectives is plainly inconsistent with facts and data generally available. The data to be considered may be published and accessible to both the applicant and state such as census data, or recent local, areawide, or state comprehensive planning data.

v. Other resources necessary for the completion of the proposed activity are no longer available or will not be available within a reasonable period of time.

vi. The activities cannot be completed within the estimated costs or resources available to the applicant.

vii. Any of the items identified under F. SUBMISSION REQUIREMENTS are not included in the application.

H. PROGRAM AMENDMENTS FOR LCDBG PROGRAM

The state may consider amendments if they are necessi-

tated by actions beyond the control of the applicant. Recipients shall request prior state approval for all program amendments involving new activities or alteration of existing activities that will change the scope, location, or objectives of the approved activities or beneficiaries.

(1) New or altered activities are considered in accordance with the criteria for selection applicable at the time the original application was reviewed.

(2) All amended activities must receive environmental clearance prior to construction.

STATE'S PAST USE OF FUNDS

Federal regulations require the state to provide a description of the past use of funds within the final statement. The description includes FY 1982, FY 1983, FY 1984 and FY 1985 state-awarded grants. Appendix 5 provides:

- a description of the use of funds under each previous allocation;
- an assessment of the relationship of the use of funds to the community development objectives identified by the state in each prior final statement; and
- an assessment of the relationship of the use of funds to the requirements of Section 104 (b) (3) of the Act, as they existed at the time of the certification.

ADMINISTRATION

Rule for Policy Determination. In administering the program, while the state is cognizant of the intent of the program, certain unforeseeable circumstances may arise which may require the exercise of administrative discretion. The state reserves the right to exercise this discretion in either interpreting or establishing new policies.

REDISTRIBUTION OF FUNDS

Any monies awarded by the state that are later recaptured by or returned to the state will be reallocated in accordance with the department's policy, then in effect. The sources of these funds may include, but not be limited to, program income, questioned costs, disallowed expenses, recaptured funds from loans, unallocated monies, previously awarded funds not spent by grant recipients, etc.

The monies as defined above will be placed in the Demonstrated Needs Fund and will be distributed in accordance with the regulations governing that fund. This policy will govern all such monies as defined herein from the FY 1982, FY 1983, FY 1984, FY 1985, FY 1986 and FY 1987 LCDBG program years as well as subsequent funding cycles, until later amended.

These regulations are to be effective on March 20, 1986, and are to remain in force until they are amended or rescinded. Anyone having comments should contact: Mr. Colby LaPlace, Assistant Secretary, Office of Planning and Technical Assistance, Department of Urban and Community Affairs, Box 94455, Baton Rouge, LA 70804.

APPENDIX 1

1985 Median Family Income
By Parish and MSA

Parish	1985 Median Family Income	Low/Mod Income Limit	Low Income Limit
Acadia	\$ 21,600	\$ 17,280	\$ 10,800
Allen	21,200	16,960	10,600
Ascension	See MSA - Baton Rouge		
Assumption	27,200	21,760	10,880
Avoyelles	16,600	13,280	8,300
Beauregard	23,600	18,800	11,800
Bienville	19,300	15,440	9,650
Bossier	See MSA - Shreveport		
Caddo	See MSA - Shreveport		
Calcasieu	See MSA - Lake Charles		
Caldwell	17,500	14,000	8,750
Cameron	27,800	22,240	13,900
Catahoula	17,700	14,160	8,850
Claiborne	20,200	16,160	10,100
Concordia	21,100	16,880	10,550
DeSoto	20,700	16,560	10,350

1985 Median Family Income
By Parish and MSA

East Baton Rouge	See MSA - Baton Rouge	11,520	7,200
East Carroll	14,400	20,160	12,600
East Feliciana	25,200	14,000	8,750
Evangeline	17,500	13,280	8,300
Franklin	16,600	15,280	9,550
Grant	19,100	21,920	13,700
Iberia	27,400	21,600	13,500
Iberville	27,000	15,440	9,650
Jackson	19,300		
Jefferson	See MSA - New Orleans		
Jefferson Davis	23,900	19,120	11,950
Lafayette	See MSA - Lafayette		
Lafourche	See MSA - Houma-Thibodaux		
La Salle	21,100	16,980	10,550
Lincoln	23,200	18,560	11,600
Livingston	See MSA - Baton Rouge		
Madison	14,800	11,840	7,400
Morehouse	18,000	14,440	9,000
Morehouse	18,600	14,880	9,300
Natchitoches			
Orleans	See MSA - New Orleans		
Ouachita	See MSA - Monroe		
Plaquemines	27,500	22,000	13,750
Pointe Coupee	23,200	18,560	11,600
Rapides	See MSA - Alexandria		
Red River	17,400	13,920	8,700
Richland	16,800	13,440	8,400
Sabine	18,800	15,040	9,400
St. Bernard	See MSA New Orleans		
St. Charles	See MSA New Orleans		
St. Helena	17,700	14,600	8,850
St. James	33,000	26,400	16,500
St. John the Baptist	See MSA New Orleans		
St. Landry	19,300	15,440	9,650
St. Martin	See MSA Lafayette		
St. Mary	29,400	23,520	14,700
St. Tammany	See MSA New Orleans		
Tangipahoa	20,300	16,240	10,150
Tensas	14,500	11,600	7,250
Terrebonne	See MSA Houma - Thibodaux		
Union	19,500	15,600	9,750
Vermilion	23,500	18,800	11,750
Vernon	17,100	13,680	8,550
Washington	19,300	15,440	9,650
Webster	19,900	15,920	9,950
West Baton Rouge	See MSA Baton Rouge		
West Carroll	15,000	12,000	7,500
West Feliciana	22,200	17,760	11,100
Winn	17,300	13,840	8,650

MSA - Metropolitan Statistical Areas

MSA Alexandria, LA ¹	23,600	18,880	11,800
MSA Baton Rouge, LA ²	29,700	23,760	14,850
MSA Houma-Thibodaux, LA ³	28,400	22,720	14,200
MSA Lafayette, LA ⁴	30,700	24,560	15,350
MSA Lake Charles, LA ⁵	29,800	23,840	14,900
MSA Monroe, LA ⁶	23,400	18,720	11,700
MSA New Orleans, LA ⁷	29,200	23,360	14,600
MSA Shreveport, LA ⁸	26,700	21,360	13,350

Footnotes:

- ¹Includes Rapides Parish only.
- ²Includes East Baton Rouge, West Baton Rouge, Livingston, and Ascension Parishes.
- ³Includes Terrebonne and Lafourche Parishes.
- ⁴Includes St. Martin and Lafayette Parishes.
- ⁵Includes Calcasieu Parish only.
- ⁶Includes Ouachita Parish only.
- ⁷Includes Jefferson, Orleans, St. Tammany, St. Bernard, St. John the Baptist and St. Charles Parishes.
- ⁸Includes Caddo and Bossier Parishes.

Source: Section 8 Median Income Data, provided by HUD Area Office, November 25, 1985.

APPENDIX 2

1980 Median Family Income
By Parish and MSA

Parish	1980 Median Family Income	LOW/MOD INCOME LIMIT		LOW INCOME LIMIT	
		Families	Unrelated Individuals	Families	Unrelated Individuals
Acadia	\$ 15,792	\$12,634	\$ 8,844	\$ 7,896	\$ 5,527
Allen	15,685	12,548	8,784	7,842	5,489
Ascension	21,572	17,258	12,080	10,786	7,550
Assumption	17,334	13,867	9,707	8,667	6,067
Avoyelles	11,987	9,590	6,713	5,994	4,196
Beauregard	17,417	13,934	9,754	8,709	6,096
Bienville	13,850	11,080	7,756	6,925	4,848
Bossier	See MSA-Shreveport				
Caddo	See MSA-Shreveport				
Calcasieu	See MSA-Lake Charles				
Caldwell	12,624	10,099	7,069	6,312	4,418
Cameron	20,562	16,450	11,515	10,281	7,197
Catahoula	12,770	10,216	7,151	6,385	4,470
Claiborne	14,538	11,630	8,141	7,269	5,088
Concordia	15,208	12,166	8,516	7,604	5,323
DeSoto	14,887	11,910	8,337	7,444	5,211

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1980 Median Family Income
By Parish and MSA

Parish	1980 Median Family Income	LOW/MOU INCOME LIMIT		LOW INCOME LIMIT	
		Families	Individuals	Families	Individuals
E. Baton Rouge	See MSA-Baton Rouge				
East Carroll	10,388	8,310	5,817	5,194	3,636
East Feliciana	16,184	12,947	9,063	8,092	5,664
Evangeline	12,540	10,032	7,022	6,270	4,389
Franklin	11,937	9,550	6,685	5,969	4,178
Grant	See MSA-Alexandria				
Iberia	19,268	15,414	10,790	9,634	6,744
Iberville	17,340	13,872	9,710	8,670	6,069
Jackson	13,919	11,135	7,795	6,960	4,872
Jefferson	See MSA-New Orleans				
Jefferson Davis	17,657	14,126	9,888	8,329	6,180
Lafayette	See MSA-Lafayette				
Lafourche	19,947	15,958	11,170	9,974	6,982
LaSalle	15,250	12,200	8,540	7,625	5,338
Lincoln	16,660	13,328	9,330	8,330	5,831
Livingston	See MSA-Baton Rouge				
Madison	10,679	8,543	5,980	5,340	3,738
Morehouse	12,949	10,359	7,251	6,475	4,533
Natchitoches	13,343	10,674	7,472	6,672	4,670
Orleans	See MSA-New Orleans				
Ouachita	See MSA-Monroe				
Plaquemines	19,884	15,907	11,135	9,942	6,959
Pointe Coupee	14,913	11,930	8,351	7,457	5,220
Rapides	See MSA-Alexandria				
Red River	12,482	9,986	6,990	6,241	4,369
Richland	12,112	9,890	6,783	6,056	4,239
Sabine	13,519	10,815	7,571	6,760	4,732
St. Bernard	See MSA-New Orleans				
St. Charles	\$ 23,223	\$ 18,578	\$ 13,005	\$ 11,612	\$ 8,128
St. Helena	11,370	9,096	6,367	5,685	3,980
St. James	21,044	16,835	11,785	10,522	7,365
St. John Bapt.	21,818	17,454	12,218	10,909	7,636
St. Landry	13,893	11,114	7,780	6,947	4,863
St. Martin	16,612	13,290	9,303	8,306	5,814
St. Mary	20,688	16,550	11,585	10,344	7,241
St. Tammany	See MSA-New Orleans				
Tangipahoa	14,315	11,452	8,016	7,158	5,011
Tensas	10,447	8,358	5,850	5,224	3,657
Terrebonne	20,918	16,734	11,714	10,459	7,321
Union	14,027	11,222	7,855	7,014	4,910
Vermilion	16,951	13,561	9,493	8,476	5,933
Vernon	12,951	10,361	7,253	6,476	4,533
Washington	13,641	10,913	7,639	6,821	4,775
Webster	See MSA-Shreveport				
West Baton Rouge	See MSA-Baton Rouge				
West Carroll	10,907	8,646	6,052	5,404	3,783
West Feliciana	14,289	11,431	8,002	7,145	5,002
Winn	12,445	9,956	6,969	6,223	4,356

MSA-Metropolitan
Statistical Areas

Alexandria, LA ¹	\$ 15,741	\$ 12,593	\$ 8,815	\$ 7,871	5,510
Baton Rouge, LA ²	21,301	17,041	11,929	10,651	7,456
Lafayette, LA ³	21,472	17,178	12,024	10,736	7,515
Lake Charles, LA ⁴	21,316	17,053	11,937	10,658	7,461
Monroe, LA ⁵	17,140	13,712	9,598	8,570	5,999
New Orleans, LA ⁶	19,196	15,357	10,750	9,598	6,719
Shreveport, LA ⁷	18,158	14,526	10,168	9,079	6,355

FOOTNOTES

- 1Includes Rapides and Grant Parishes
- 2Includes East Baton Rouge, West Baton Rouge, Livingston and Ascension Parishes
- 3Includes Lafayette Parish Only
- 4Includes Calcasieu Parish Only
- 5Includes Ouachita Parish Only
- 6Includes Jefferson, Orleans, St. Bernard and St. Tammany Parishes
- 7Includes Bossier, Caddo and Webster Parishes

Source: 1980 Census and Formula provided by U. S. Department of Housing and Urban Development.

APPENDIX 3

Act 590 of the 1974 Parish Redevelopment
Act - Section Q-8

(8) "Slum area" means an area in which there is a predominance of buildings or improvements, whether residential or non-residential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open space, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or an area of open land which, because of its location and/or platting and planning development, for predominantly residential uses, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.

(i) "Blighted area" means an area which by reason of the presence of a substantial number of slum, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors substantially impairs or arrests the sound growth of the municipality,

retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use; but if the area consists of any disaster area referred to in Subsection C (5), it shall constitute a "blighted area."

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APPLICATION

COMMUNITY DEVELOPMENT BLOCK GRANTS
APPENDIX 4

Eligible Activities

Sec.105.(a) Activities assisted under this title may include only—

(1) the acquisition of real property (including air rights, water rights, and other interests therein) which is (A) blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth; (B) appropriate for rehabilitation or conservation activities; (C) appropriate for the preservation or restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources, and scenic areas, the provision of recreational opportunities, or the guidance of urban development; (D) to be used for the provision of public works, facilities, and improvements eligible for assistance under this title; or (E) to be used for other public purposes;

(2) the acquisition, construction, reconstruction, or installation (including design features and improvements with respect to such construction, reconstruction, or installation that promote energy efficiency) of public works, facilities (except for buildings for the general conduct of government), and site or other improvements;

(3) Code enforcement in deteriorated or deteriorating areas in which such enforcement, together with public improvements and services to be provided, may be expected to arrest the decline of the area;

(4) clearance, demolition, removal, and rehabilitation (including rehabilitation which promotes energy efficiency) of buildings and improvements (including interim assistance, and financing public or private acquisition for rehabilitation, and rehabilitation, of privately owned properties and including the renovation of closed school buildings);

(5) special projects directed to the removal of material and architectural barriers which restrict the mobility and accessibility of elderly and handicapped persons;

(6) payments to housing owners for losses of rental income incurred in holding for temporary periods housing units to be utilized for the relocation of individuals and families displaced by activities under this title;

(7) disposition (through sale, lease, donation, or otherwise) of any real property acquired pursuant to this title or its retention for public purposes;

(8) provisions of public services, including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, energy conservation, welfare or recreation needs, if such services have not been provided by the unit of general local government (through funds raised by such unit, or received by such unit from the state in which it is located) during any part of the 12-month period immediately preceding the date of submission of the statement with respect to which funds are to be made available under this title, and which are to be used for such services, unless the secretary finds that the discontinuation of such services was the result of events not within the control of the unit of general local government, except that not more than 15 per centum of the amount of any assistance to a unit of general local government under this title may be used for activities under this

paragraph unless such unit of general local government used more than 15 percent of the assistance received under this title for fiscal year 1982 or fiscal year 1983 for such activities (excluding any assistance received pursuant to Public Law 98-8), in which case such unit of general local government may use not more than the percentage or amount of such assistance used for such activities for such fiscal year, whichever method of calculation yields the higher amount;

(9) payment of the non-federal share required in connection with a federal grant-in-aid program undertaken as part of activities assisted under this title;

(10) payment of the cost of completing a project funded under title I of the Housing Act of 1949;

(11) relocation payments and assistance for displaced individuals, families, businesses, organizations, and farm operations, when determined by the grantee to be appropriate;

(12) activities necessary (A) to develop a comprehensive community development plan, and (B) to develop a policy-planning-management capacity so that the recipient of assistance under this title may more rationally and effectively (i) determine its needs, (ii) set long-term goals and short-term objectives, (iii) devise programs and activities to meet these goals and objectives, (iv) evaluate the progress of such programs in accomplishing these goals and objectives, and (v) carry out management, coordination, and monitoring of activities necessary for effective planning implementation;

(13) payment of reasonable administrative costs and carrying charges related to the planning and execution of community development and housing activities, including the provision of information and resources to residents of areas in which community development and housing activities are to be concentrated with respect to the planning and execution of such activities, and including the carrying out of activities as described in section 701(e) of the Housing Act of 1954 on the date prior to the date of enactment of the Housing and Community Development Amendments of 1981;

(14) activities which are carried out by public or private nonprofit entities, including (A) acquisition of real property; (B) acquisition, construction, reconstruction, rehabilitation, or installation of (i) public facilities (except for buildings for the general conduct of government), site improvements, and utilities, and (ii) commercial or industrial buildings or structures and other commercial or industrial real property improvements; and (C) planning;

(15) grants to neighborhood-based nonprofit organizations, local development corporations, or entities organized under section 301(d) of the Small Business Investment Act of 1958 to carry out a neighborhood revitalization or community economic development or energy conservation project in furtherance of the objectives of section 101(c), and grants to neighborhood-based nonprofit organizations, or other private or public nonprofit organizations, for the purpose of assisting, as part of neighborhood revitalization or other community development, the development of shared housing opportunities (other than by construction of new facilities) in which elderly families (as defined in section 3(b)(3) of the United States Housing Act of 1937) benefit as a result of living in a dwelling in which the facilities are shared with others in a manner that effectively and efficiently meets the housing needs of the residents and thereby reduces their cost of housing.

(16) activities necessary to the development of comprehensive community-wide energy use strategy, which may include

items such as—(A) a description of energy use and projected demand by sector, by fuel type, and by geographic area; (B) an analysis of the options available to the community to conserve scarce fuels and encourage use of renewable energy resources; (C) an analysis of the manner in, and the extent to, which the community's neighborhood revitalization, housing, and economic development strategies will support its energy conservation strategy; (D) an analysis of the manner in, and the extent to, which energy conservation objectives will be integrated into local government operations, purchasing and service delivery, capital improvements budgeting, land use planning and zoning, and traffic control, parking, and public transportation functions; (E) a statement of the actions the community will take to foster energy conservation and the use of renewable energy resources in the private sector, including the enactment and enforcement of local codes and ordinances to encourage or mandate energy conservation or use of renewable energy resources, financial and other assistance to be provided (principally for the benefit of low-and moderate-income persons) to make energy conserving improvements to residential structures, and any other proposed energy conservation activities; (F) appropriate provisions for energy emergencies; (G) identification of the local governmental unit responsible for administering the energy use strategy; (H) provision of a schedule for implementation of each element in the strategy; and (I) a projection of the savings in scarce fossil fuel consumption and the development and use of renewable energy resources that will result from implementation of the energy use strategy;

(17) provision of assistance to private, for-profit entities, when the assistance is necessary or appropriate to carry out an economic development project; and

(18) the rehabilitation or development of housing assisted under Section 17 of the United States Housing Act of 1937.

(b) Upon the request of the recipient of assistance under this title, the secretary may agree to perform administrative services on a reimbursable basis on behalf of such recipient in connection with loans or grants for the rehabilitation of properties as authorized under subsection (a)(4).

(c)(1) In any case in which an assisted activity described in paragraph (14) or (17) of subsection (a) is identified as principally benefitting persons of low and moderate income, such activity shall (A) be carried out in a neighborhood consisting predominantly of persons of low and moderate income and provide services for such persons; or (B) involve facilities designed for use predominantly by persons of low and moderate income; or (C) involve employment of persons, a majority of whom are persons of low and moderate income.

(2) In any case in which an assisted activity described in subsection (a) is designed to serve an area generally and is clearly designed to meet identified needs of persons of low and moderate income in such area, such activity shall be considered to principally benefit persons of low and moderate income if (A) not less than 51 percent of the residents of such area are persons of low and moderate income; or (B) in any metropolitan city or urban county, the area served by such activity is within the highest quartile of all areas within the jurisdiction of such city or county in terms of the degree of concentration of persons of low and moderate income.

(3) Any assisted activity under this title that involves the acquisition or rehabilitation of property to provide housing shall be considered to benefit persons of low and moderate income only to the extent such housing will, upon completion, be occupied by such persons.

APPENDIX 5

Allocation of Funds in Relation to Category and National and State Objectives

The following is a chart reflecting the allocation of LC086 funds by category for FY's 1982, 1983, 1984 and 1985. A portion of the funds are currently unallocated due to cancellation of some grants and the fact that all FY 1985 grants have not yet been awarded.

CATEGORY	FY 1982		FY 1983		FY 1984		FY 1985	
	\$	%	\$	%	\$	%	\$	%
Prior Year Commitment	13,213,528	42.83	6,579,549	23.68	-0-	0.00	-0-	0.00
Economic Development	962,500	3.12	1,084,000	3.90	3,449,713	12.76	1,171,000	4.37
Housing	4,601,999	14.92	4,311,920	15.52	4,027,541	14.90	5,152,350	19.21
Public Facilities	9,563,651	31.00	11,796,371	42.45	15,689,880	58.02	14,166,757	52.82
Planning	196,767	.64	0	.00	-0-	0.00	-0-	.00
Imminent Threat	1,713,300	5.56	2,089,520	7.52	-0-	0.00	-0-	.00
Innovative Housing	-0-	.00	1,100,000	3.96	-0-	0.00	-0-	.00
Administration	468,944	1.52	555,740	2.00	540,820	2.00	536,460	2.00
Unallocated	-0-	.00	-0-	.00	485,790	1.80	5,796,433	21.60
Demonstrated Needs	127,684	.41	269,900	.97	2,847,256	10.52	-0-	.00
TOTAL	30,848,373	100.00	27,787,000	100.00	27,041,000	100.00	26,823,000	100.00

The applicants selected for funding in FY's 1982, 1983, 1984 and 1985 were required to meet one or more of the national objectives. The national objectives for those years were:

1. Elimination of slums and blight and the prevention of blighting influences.
2. Elimination of conditions which are detrimental to health, safety, and public welfare.
3. Benefit to low-moderate income persons.

The following table is a breakdown of the total grants for FY's 1982, 1983, 1984 and 1985 as they apply to each national objective. Each recipient's administrative monies are not included.

NATIONAL OBJECTIVES AND FUNDING

National Objective	FY 1982		FY 1983		FY 1984		FY 1985 *	
	\$	%	\$	%	\$	%	\$	%
Elimination of Slums & Blight	253,456	.89	109,714	.43	90,550	.41	74,000	.39
Conditions detrimental to health, safety, and public welfare	1,626,800	5.70	2,033,050	8.02	-0-	.00	-0-	.00
Benefit to low-mod	26,642,673	93.41	23,213,063	91.55	21,748,850	99.59	19,069,274	99.61
Total	28,522,929	100.00	25,355,827	100.00	21,839,400	100.00	19,143,274	100.00

* All of the FY 1985 grants were not awarded at the time of preparation of this chart.

A State objective has also been included each year to strengthen economic development through the creation of jobs, stimulation of private investment, and community revitalization. That State objective was met through the funding of economic development grants. The economic development grants also met the national objective of benefit to low and moderate income persons and are therefore shown under that national objective.

34-APPENDIX 5 APPLICATION

Dorothy M. Taylor
Secretary

RULE

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

The Seafood Division, Louisiana Department of Wildlife and Fisheries has adopted rules governing the Experimental Fisheries Program. This program is authorized under R.S. 56:571 A, B, C, and the authority to promulgate rules and regulations was delegated to the secretary of the department by Act 331 of 1978. The rules are as follows:

Experimental Fisheries Program

Under Louisiana law, only gear which is legally sanctioned may be used in a fishery. All other types of gear require a permit. Permits will be issued to persons who are interested in the devel-

opment of new fisheries designed to harvest underutilized species, and to persons who are interested in the development of experimental gear and equipment to harvest fish and other aquatic species. The purpose of permits is to:

1. Permits will not be issued for species which are threatened or endangered or for fisheries or gear types which are specifically prohibited by law.

2. Possession of a permit does not exempt the bearer from laws or regulations except for those which may be specifically exempted by the permit.

3. Holder of a permit must have the permit in possession at all times when using permitted gear or harvesting permitted specie(s). Permit holder must be on board permitted vessel when operating under conditions of permit. No permit is transferable without written permission from the department secretary.

4. The department reserves the right to observe the operations taking place under a permit at any time and permittee may be required to provide food and lodging on the permitted vessel for an observer at the request of the department.

5. The bearer of a permit must report monthly the catch taken as a result of the permit. This report must contain a suitable measure of total catch, of effort, and other parameters which may be required by the department.

6. A permit does not entitle the bearer the exclusive harvest of the resource although, at the discretion of the department, a permit may entitle the bearer to exclusive harvest of a certain area but this privilege may be of limited duration and may be lost once management regulations specific to the fishery or gear are promulgated.

7. Information gained by the department through the issuance of a permit is not privileged and will be disseminated to the public.

8. Permit requests for experimental gear must include complete descriptions of the gear and methods used, including drawings or pictures, the specie(s) to be fished, and the area to be fished. All potential permittees must request an appointment. Proof of ownership of the proposed permitted vessel(s) must be provided at the time of appointment, and the person requesting a permit must show proof that all applicable licenses have been applied for before a permit is issued. Proof of bonafide residency is also required at this time.

9. Permits will be issued for only such time to allow the department to properly evaluate the gear or methods being used. The department may withdraw any permit because it has a deleterious effect; may withdraw any permit in order to conduct its own evaluation of the gear, or fishery; may effect management regulations which render any permit inoperative; or may extend any permit as a means of regulating the fishery until such time the fishery comes under statutory laws.

10. The person requesting a permit must show proof that all applicable licenses have been applied for before a permit is issued. Proof of bonafide residency is also required at this time.

11. When a permit is issued for an underutilized specie(s) or for the development of a new fishery, only the permitted specie(s) can be harvested. All other species must be returned to unrestricted waters with a minimum of handling. No other fish may be in the possession of the permittee, and all fish on board the permitted vessel must have the head and caudal fin (tail) intact.

12. All permits must be applied for and/or granted from January 1 to July 31 of each year. All permits expire December 31 following the date of issuance. All permits must be returned to the department by January 31 following expiration.

13. Each applicant for a permit under this program will be assessed an administrative fee of \$50 per permit at the time of appointment. Each applicant who is a resident of Louisiana will be

required to post a performance fee deposit, bond, or cashier's check in the amount of \$1,000, payable by cashier's check. All non-residents must post a performance fee deposit, bond, or cashier's check in the amount of \$4,000, also payable by cashier's check. These deposits are required upon application and are valid until December 31 of each year.

14. The permitted boat used in the program must have a distinguishing sign so that it may be identified. The sign shall have the word "EXPERIMENTAL" printed on it in at least 6" high letters, on a contrasting background, so as to be visible from low flying aircraft or from any other vessel in the immediate vicinity.

15. When permitted gear is on board permitted vessel or in possession of permittee, permittee and vessel are assumed to be operating under conditions of the permit. No gear other than permitted gear may be on board or in possession of permittee under provisions of the permit.

16. A report must be received by the department no later than 30 days following the last day of each month. If any permittee does not report monthly as required, his permit shall be suspended. If no report is received by January 31 following suspension, the deposit is forfeited.

17. All permittees must notify department prior to leaving port to fish under permitted conditions and immediately upon returning from permitted trip. The department must be notified by calling a designated phone number. Commonly accepted passive gear, i.e. eel pots, may be exempt from this requirement.

18. If citation(s) are issued to any permittee regarding conditions regulated by the permit, all permittee's permits will be revoked, and the permittee may lose all rights and privileges to participate in the program. If found guilty, the deposit is also forfeited.

19. The secretary reserves the right to limit the number of permits issued each year. When the number is limited, permits will be granted on a first come, first served basis.

J. Burton Angelle
Secretary

Notices of Intent

NOTICE OF INTENT

Department of State Civil Service

The State Civil Service Commission will hold a public hearing on April 2, 1986 for the purpose of considering proposed amendments to Civil Service Rules 6.25, 6.26 and 11.29. The commission will additionally consider proposed Civil Service Rules 6.25.1, 9.2 and 12.11. Proposed amendments and new rules are proposed to be adopted effective April 15, 1986.

The Hearing will be at 8 a.m. and will be held at the Republic Tower Building, 5700 Florida Boulevard, 12th floor Commission Room, Baton Rouge, Louisiana.

Consideration will be given to the following:

Chapter 6

Amend Rule 6.25(a) to read:

6.25 Compensation for Overtime Hours Worked.

(a) In addition to the regular salary and subject to other provisions in these rules, compensation for overtime hours shall be computed and given in the following manner:

(1) Time and one-half shall be one and one-half times the hourly rate of pay for the class of position the employee occupies. Premium pay, shift differential, and non-cash compensation such as the reasonable cost or fair value of goods and/or facilities which are regarded as part of wages, shall be used to calculate the rate of pay at time and one-half.

(2) Straight time shall be the hourly rate of pay for the class of position the employee occupies. Premium pay, shift differential and non-cash compensation such as the reasonable cost or fair value of goods and/or facilities which are regarded as part of wages, shall not be used to calculate the rate of pay at straight time.

(3) Effective April 15, 1986, nonpayable (straight) compensatory leave shall be credited at the rate of one hour of compensatory leave for each overtime hour worked.

(4) Effective April 15, 1986, payable (time and one-half) compensatory leave shall be credited at the rate of one and one-half hour of compensatory leave for each overtime hour worked. Holidays observed and sick leave taken, whether with or without pay, shall not be counted as hours worked for purposes of determining overtime compensation under the provisions of this Subsection.

EXPLANATION

Due to the 1985 Amendments to the Fair Labor Standards Act (FLSA), which permit government agencies to use time and one-half compensatory leave in lieu of overtime payment, it was necessary to revise this Subsection to include compensatory leave which is to be accrued at time and one-half when required for compliance with the Fair Labor Standards Act. In addition to Rule 6.25(a)4 which defines payable (time and one-half) compensatory leave, Rule 6.25(a)3 provides for the earning of compensatory leave for any overtime hour worked other than that which is necessary for compliance with FLSA.

Another revision required for compliance with the Fair Labor Standards Act is the inclusion of premium pay, shift differential, and non-cash compensation, which is regarded as part of wages, in the computation of time and one-half cash payment. However it is specifically excluded from the computation of straight time because of the use of straight time will occur only in those situations in which our rules go beyond the requirements of the Fair Labor Standards Act.

Chapter 6

Amend Rule 6.25(b) to read:

(b) At the option of the appointing authority, employees are eligible for compensation at the time and one-half rate subject to the provisions of Rules 6.24, 6.25(i), 6.25(j), 6.26, 11.28(b), and 11.29(g):

(1) When they occupy a position in a class on or below GS-18 in the General Schedule, or WG-10 in the Wage Grades, and have actually worked in excess of their regular duty hours, or have been required to work on a holiday included in Rule 11.28(a).

(2) When they occupy a position in a class on or above GS-19 in the General Schedule, or WG-11 in the Wage Grades, and the director or the Civil Service Commission has authorized payment at this rate in accordance with the provisions of Rules 6.25(i) or 6.25(j), or when they are required to temporarily perform non-exempt duties to the extent that the Fair Labor Standards Act requires payment at the time and one-half rate.

EXPLANATION

Rule 6.25(b) was revised to permit employees in positions in classes on or below GS-18 (or WG-10) to be compensated for overtime at the time and one-half rate when they actually work in excess of their regular duty hours, or when they are required to work on one of the seven holidays listed in Rule 11.28(a). Also included is a provision which permits an employee, at any level, who

must temporarily perform non-exempt duties, to be compensated in accordance with the Fair Labor Standards Act.

Chapter 6

Amend Rule 6.25(c) to read:

(c) At the option of the appointing authority, employees are eligible at the straight time rate subject to the provisions of Rules 6.24, 6.25(i), 6.25(j), 6.26, 11.28(b), and 11.29(g):

(1) When they occupy a position in a class on or below GS-18 in the General Schedule, or WG-10 in the Wage Grades, and they have not actually worked in excess of their regular duty hours, due to holidays observed and/or any leave taken with or without pay.

(2) When they occupy a position in a class for which the director or the commission has authorized compensation at the time and one-half rate and the employee has not worked his regular duty hours due to holidays observed and/or any leave taken with or without pay.

(3) When they occupy a position in a class from GS-19 through GS-34 inclusive in the General Schedule, or from WG-11 through WG-22 inclusive in the Wage Grades, and have worked in excess of 40 hours in a regular recurring 40-hour work period. An agency may elect to exclude holidays observed and/or any leave taken with or without pay.

(4) When they occupy a position from GS-19 through GS-34 inclusive in the General Schedule, or on or from WG-11 through WG-22 in the Wage Grades, and have worked in excess of 80 hours in a continuous bi-weekly calendar period. An agency may elect to exclude holidays observed and/or any leave taken with or without pay.

EXPLANATION

The major revision in the provisions of Rule 6.25(c) is the levels at which straight time is an option. Straight time can be used for employees at or below GS-11 who have not actually worked in the excess of their regular duty hours. It can be used for employees from GS-12 through GS-18 inclusive whether they have or have not worked in excess of their regular duty hours. Finally it can be used for employees from GS-19 through GS-34 inclusive when they have worked in excess of their regular duty hours, without commission approval. An appointing authority will still be able to petition the commission for exceptions to restrictions in the overtime rules.

Chapter 6

Amend Rule 6.25(d) to read:

(d) At the option of the appointing authority, employees are eligible to be credited with payable (time and one-half) compensatory leave subject to the provisions of Rules 6.24, 6.25(i), 6.25(j), 6.26, 11.28(b), and 11.29(g):

(1) When they occupy a position in a class on or below GS-18 in the General Schedule, or WG-10 in the Wage Grades, and they have actually worked in excess of their regular duty hours.

(2) When they occupy a position in a class on or above GS-19 in the General Schedule, or WG-11 in the Wage Grades, and the director or the Civil Service Commission has authorized use of payable (time and one-half) compensatory leave in accordance with the provisions of Rules 6.25(i) or 6.25(j).

EXPLANATION

Rule 6.25(d), as it is currently written, is an appointing authority's authorization to credit any employee with the applicable type of compensatory leave for overtime hours. In order for the subsections to appear in a logical sequence, the present provisions of this Subsection (as amended) have been moved to Rule 6.25(f).

Rule 6.25(d) is being proposed to describe those situations in which payable (time and one-half) compensatory leave can be used for overtime compensation. Basically the use of this type of compensatory leave is intended for those employees in positions

on or below GS-18 (or WG-10) who have actually worked in excess of their regular duty hours, and for non-exempt employees on or above GS-19 (or WG-11) who have actually worked in excess of their regular duty hours. For exempt employees on or above GS-19 (or WG-10), the appointing authority would have to obtain prior approval from the commission to use this option for overtime compensation.

Chapter 6

Amend Rule 6.25(e) to read:

(e) At the option of the appointing authority, employees are eligible to be credited with nonpayable (straight) compensatory leave subject to the provisions of Rules 6.24, 6.25(i), 6.25(j), and 11.29(g):

(1) When they occupy a position in a class on or below GS-11 in the General Schedule, or WG-5 in the Wage Grades, and the employee has not worked his regular duty hours due to holidays observed and/or any leave taken with or without pay.

(2) When they occupy a position in a class for which the director or the Civil Service Commission has authorized payment or compensatory leave at the time and one-half rate, and the employee has not worked his regular duty hours due to holidays observed and/or any leave taken with or without pay.

(3) When they occupy a position in a class on or above GS-12 in the General Schedule, or WG-6 in the Wage Grades, unless other compensation is required for compliance with the Fair Labor Standards Act.

EXPLANATION

Rule 6.25(e), as it is currently written, requires that employees occupying positions below GS-23 (or WG-14) be credited with compensatory leave or receive the appropriate cash payment (i.e., time and one-half or straight time). In order for the subsections to appear in a logical sequence, the present provisions of this Subsection (as amended) have been moved to Rule 6.25(g).

Rule 6.25(e), as proposed, outlines the use of nonpayable (straight) compensatory leave as one of the four available options for overtime compensation. Due to requirements of the Fair Labor Standards Act, this option will not be available for use when non-exempt employees actually work over 40 hours per week (or the equivalent for law enforcement, fire protection, emergency response, hospitals, etc.). However, it can be used in most other situations.

Chapter 6

Amend Rule 6.25(f) to read:

(f) Subject to the provisions of Rules 6.25(a)3, 6.25(a)4, 6.25(g), 6.25(h), 11.28, 11.29(b), and 11.29(g), and the requirements of federal rules, statutes, regulations and judicial decisions, an employee who is required to perform overtime duty may, at the discretion of his appointing authority, be credited with compensatory leave in accordance with the provisions of Rules 6.25(d) or 6.25(e).

EXPLANATION

Rule 6.25(f), as currently written, covers the aging of payable compensatory. This rule, as amended, was renumbered as Rule 6.25.1 in order to allow payable compensatory leave on the books prior to April 15, 1985 to age and to be paid out over the next nine months.

Rule 6.25(f), as proposed, allows the use of payable and nonpayable compensatory leave at all levels, but in accordance with Rules 6.25(d) and (e).

Chapter 6

Amend Rule 6.25(g) to read:

(g) Subject to the provisions of Rules 6.25(h), 6.25(i), 6.25(j), 6.26, 11.28(b), 11.29(b), and 11.29(g):

(1) An employee occupying a position in a class on or below GS-11 in the General Schedule, or WG-5 in the Wage Grades,

shall, at the option of his appointing authority, but in conformity with the provisions of the Fair Labor Standards Act, other federal rules, statutes, regulations, and judicial decisions:

(a) be credited by the appointing authority with compensatory leave for overtime hours worked in accordance with the provisions of Rules 6.25(d) and 6.25(e), or

(b) be compensated for extra hours as authorized by Rule 6.25(b) or 6.25(c).

(2) In conformity with the provisions of the Fair Labor Standards Act, other federal rules, statutes, regulations, and judicial decisions, an employee occupying a position in a class on or above GS-12 in the General Schedule, or WG-6 in the Wage Grades, and on or below GS-18 in the General Schedule, or WG-10 in the Wage Grades, shall, at least, be credited by the appointing authority with nonpayable (straight) compensatory leave for overtime hours worked in accordance with the provisions of Rule 6.25(e). However, the appointing authority shall retain the right to exercise the other options for overtime compensation as provided by Rules 6.25(b), 6.25(c), and 6.25(d).

EXPLANATION

Rule 6.25(g), as currently written, allows the commission to grant exceptions to restrictions in the overtime rules. The provisions of this Subsection, as amended, have been moved to Rule 6.25(j).

Rule 6.25(g), as proposed, requires the appointing authority to compensate employees in classes of positions on or below GS-11 (or WG-5) with either compensatory leave or the applicable cash payment. For those employees occupying classes from GS-12 through GS-18 inclusive, or WG-6 through WG-10 inclusive, this rule requires that they must at least be compensated with nonpayable compensatory leave when they perform overtime work. However the other options can still be exercised in lieu of straight compensatory leave.

Chapter 6

Amend Rule 6.25(h) to read:

(h) Subject to the provisions of Rules 6.25(a)4 and 11.29(b):

(1) An employee who is engaged in work including public safety activities, emergency response activities, or seasonal activities, cannot accrue more than 480 hours of payable compensatory leave, which is the equivalent of 320 hours of overtime worked. Any overtime hour which causes an employee's payable compensatory leave balance to exceed 480 hours, must be paid to the employee at the time and one-half rate.

(2) An employee who is engaged in work other than that listed in Rule 6.25(h)1 cannot accrue more than 240 hours of payable compensatory leave, which is the equivalent of 160 hours of overtime worked. Any overtime hour which causes an employee's payable compensatory leave balance to exceed 240 hours must be paid to the employee at the time and one-half rate.

EXPLANATION

The Fair Labor Standards Act permits the accrual of time and one-half compensatory leave up to a maximum of 480 hours for employees engaged in public safety activities, emergency response activities, and seasonal activities, and up to a maximum of 240 hours for all other employees. Any other overtime hours beyond these must be compensated by cash payment. This rule is to insure agency compliance with FLSA.

Chapter 6

Amend Rule 6.25(i) to read:

(i) The director may authorize overtime payment and payable compensatory leave at the time and one-half rate:

(1) When the appointing authority determines that an employee who occupies a position in a class on or above GS-19 in

the General Schedule, or WG-11 in the Wage Grades, has been determined to be non-exempt under the Fair Labor Standards Act.

(2) Within a reasonable period of time following such determination by the appointing authority, he shall provide the director with a report listing the classes and the number of positions on or above GS-19 in the General Schedule, or WG-11 in the Wage Grades, which have been determined to be non-exempt under the Fair Labor Standards Act.

(3) If it is determined that an appointing authority has abused this rule, the director shall have the right to require that the appointing authority obtain prior approval to use time and one-half cash payment or payable (time and one-half) compensatory leave as overtime compensation for employees occupying positions in classes on or above GS-19 in the General Schedule, or WG-11 in the Wage Grades.

EXPLANATION

Rule 6.25(i) is intended to permit agencies to use time and one-half cash payment or time and one-half compensatory leave for non-exempt employees on or above GS-19 or WG-11 without obtaining prior approval. This rule requires review and concurrence by the director. When abuses are discovered, the director may withdraw the agency's authority to use these forms of payment without prior approval for employees over the designated GS or WG levels.

Chapter 6

Amend Rule 6.25(j) to read:

(j) For positions in classes on or above GS-19 in the General Schedule, or WG-11 in the Wage Grades, which are exempt under the Fair Labor Standards Act, the commission may grant overtime eligibility when:

(1) An appointing authority petitions the commission for exceptions to restrictions in the overtime rules. Such petitions shall include a detailed explanation of the policy under which overtime compensation will be administered, characteristics of the position in question, leave records of the employee in the positions and justification for not utilizing the options available under other provisions of the rules. The commission, with such restrictions as it deems appropriate, may extend either the provisions of Rule 6.25(g) or allow payment for overtime hours worked at the straight time rate.

(2) Acting upon the recommendations of the director to extend the provisions of Rule 6.25(g) to classes above GS-18 in the General Schedule, or above WG-10 in the Wage Grades. Such recommendations, if approved, shall be published as part of the Personnel Manual.

EXPLANATION

Rule 6.25(j) contains most of the provisions in the present Rule 6.25(g). For clarification purposes, reference is made to FLSA exempt positions on or above GS-19 or WG-11 since those should be the only exceptions which would require commission approval.

Chapter 6

New Rule

6.25.1 Payment for Payable Compensatory Leave Earned Prior to April 15, 1986

Subject to the provisions of Rules 11.29(d) and (e), all payable compensatory leave credited to each employee occupying a position in a class below GS-23 in the General Schedule, or WG-14 in the Wage Grades, or a position for which the Civil Service Commission had authorized overtime compensation at the time and one-half rate, prior to April 15, 1986, shall, at or before the expiration of six months following the quarter in which it was earned, be compensated by one and one-half cash payment for all accrued unused payable compensatory leave credited to him under the provisions of Rule 6.25. Exceptions to this provision are that:

(1) payment shall not be made for compensatory time given in lieu of straight time, and

(2) payment may be delayed beyond six months following the quarter in which compensatory leave was earned provided an employee was on military duty in accordance with Rule 8.19, 11.26(a), or 11.26(b) during the six months period following the quarter in which it was earned. Extensions shall not exceed the number of days the employee served on military duty during that six months period.

EXPLANATION

Rule 6.25.1 was necessary in order to provide a mechanism whereby payable compensatory leave balances for overtime worked prior to April 15, 1986 can either be used or paid out based on the "aging" provisions which was and will be in existence until April 15, 1986 when the new overtime rules become effective.

Chapter 6

Amend Rule 6.26 to read:

6.26 Exceptions to Eligibility for Overtime Payment.

(a) Except as otherwise required for nonexempt employees under the provisions of the Fair Labor Standards Act, or under the provisions of other federal rules, regulations and judicial decisions relating to minimum wages, the provisions of Rule 6.25(b), 6.25(c), and 6.25(d) shall not apply to any employee in the classified service:

1. while he is performing civilian duty, under the administrative supervision of one other than his appointing authority, during an officially declared national, regional, or local emergency;

2. while he is "on call" away from his post of duty;

3. while he is attending or traveling to and from conventions, workshops, seminars, training courses, study groups, and related activities;

4. while he is performing duty pursuant to a determination made by his appointing authority under the provisions of Rule 11.29(g).

(b) Except as otherwise required under the provisions of federal rules, statutes and regulations and judicial decisions relating to minimum wages, Rule 6.25(b) or (d) shall not apply to employees serving on a part-time or intermittent basis except when a part-time employee or an intermittent employee is required by the appointing authority to work over 40 hours in a seven-day workweek period. Holidays, leave, and other time off are not counted as hours worked.

(c) Acting upon recommendation of the director, the commission may exempt, with such conditions and exceptions as it deems appropriate, specific classes of positions from the provisions of Subsection (b)1 of Rule 6.25.

EXPLANATION

Rule 6.26(a) was revised to indicate that employees who are nonexempt under the Fair Labor Standards Act, are excluded from the exceptions to the eligibility for overtime payment where required. Subsection (b) was revised to indicate that part-time or intermittent employees cannot receive payable (time and one-half) compensatory leave unless they must actually work over 40 hours in a workweek. Subsection (c) remains unchanged.

Chapter 11

Amend Rule 11.29(e) to read:

(e) Upon separation or transfer from a department, the following shall apply to compensatory leave balances:

1. All unused payable (time and one-half) compensatory leave credited to an employee shall be paid upon his separation or transfer from the department in which he earned it at a rate not less than:

(a) the average regular rate (including premium pay, shift differential, and other non-cash compensation such as the reason-

able cost or fair value of goods and/or facilities which are regarded as part of wages) received by the employee during the last three years of his employment, or

(b) the final regular rate (including premium pay, shift differential, and other non-cash compensation such as the reasonable cost or fair value of goods and/or facilities which are regarded as part of wages) received by the employee, whichever is higher.

2. All unused nonpayable (straight) compensatory leave credited to an employee who occupies a position in a class on or below GS-18 in the General Schedule, or WG-10 in the Wage Grades, may be paid upon his separation or transfer from the department in which he earned it at the final regular rate received by the employee, excluding premium pay, shift differential, and non-cash compensation.

3. All unused nonpayable (straight) compensatory leave credited to an employee who occupies a position in a class on or above GS-19 in the General Schedule, or WG-11 in the Wage Grades, shall be cancelled upon his separation or transfer from the department in which he earned it. Such leave shall not be recredited to him upon his reemployment in that or any other department.

EXPLANATION

Rule 11.29(e)1 was revised to permit the payment of unused payable compensatory leave upon separation from the agency as required by the Fair Labor Standards Act. Transfers from an agency were included as a cost saving measure since employees would normally be paid at a lower rate prior to transfer and because the gaining agency will not have to assume the liability for a large balance of compensatory leave accrued at another agency.

In the interest of avoiding possible lawsuits, Rule 11.29(e)2 was revised to permit an employee in a position on or below GS-18 to be paid for any unused nonpayable compensatory. There have been numerous employee complaints that they are never paid for compensatory leave when they resign. This would permit the payment at only the straight time rate upon separation or transfer.

Rule 11.29(e)3 cancels any nonpayable (straight) compensatory leave on the books when an employee on or above GS-19 (or WG-11) separates or transfers from the department in which it was earned.

Chapter 11

Amend Rule 11.29(f) to read:

(f) Not more than 45 working days, or the equivalent thereof in hours, of unused accrued non-payable (straight) compensatory leave shall be carried forward into any calendar year.

EXPLANATION

Rule 11.29(f) was revised to clarify that the maximum on carryover of compensatory leave refers to balance of nonpayable (straight) compensatory leave. In accordance with the Fair Labor Standards Act, employees engaged in law enforcement, emergency public response activities and fire protection can accumulate payable compensatory leave up to 480 hours. [see Rule 6.25(h)]

Chapter 11

Amend Rule 11.29(g) to read:

(g) When in his administrative judgment, an appointing authority determines that overtime duty must be performed by one or more of his employees incident to national or local emergency, act of God, civil or criminal insurrection, civil or criminal disobedience, or similar occurrences of an extraordinary and emergent nature which threatens or affects the peace or property of the people, he may require such employees to perform overtime duty; and the provisions of Rule 11.29(a) and 6.25(f) and (g) shall not apply to such duty, unless such overtime is required by federal rules, statutes, regulations, and judicial decisions.

EXPLANATION

Rule 11.29(g) was amended only where references to subsections of Rule 6.25 were made and renumbering had occurred. Chapter 9

New Rule 9.2

9.2 An employee cannot attain permanent status or acquire other rights and benefits of permanent appointment for more than one full-time equivalent position in state service.

EXPLANATION

Agencies will continue to hire employees who hold other state jobs. Therefore new employees should be allowed to have rights and benefits for only one full-time equivalent position. Chapter 12

New Rule 12.11

12.11 Special Provisions for Separation of An Employee Having More Than One Permanent Appointment

(a) When an agency determines that an employee has been permanently appointed to more than one position in state service, thereby causing the agency to be liable for overtime payments under the Fair Labor Standards Act, such employee may be removed by the appointing authority upon certification to the director that such a dual employment situation exists and is not in the best interest of the agency, and that the employee has been offered the opportunity to resign from one of the positions and has refused to do so. Such removal shall not disqualify the former employee for noncompetitive reemployment as provided for in Rule 8.18.

(b) Notice of such action shall be given pursuant to the provisions of Rule 12.3.

EXPLANATION

There is currently no provision to separate an employee who works for two state agencies and who now must be paid at the overtime rate for a portion of those hours worked. This new rule proposes a separation similar to Rule 12.10 where the employee's removal is not "for cause," and which permits him to retain non-competitive reemployment eligibility.

Persons interested in making comments relative to these proposals may do so by appearance at the public hearing or by writing to the director of the Department of State Civil Service at Box 94111, Baton Rouge, LA 70804-9111.

Herbert L. Sumrall
Director

NOTICE OF INTENT

Department of Commerce Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend rule LAC 35:I.1787G "Pre-Race Testing," relative to pre-race blood levels of Phenylbutazone and Oxyphenbutazone, and penalties for violations thereof.

§1787. Pre-Race Testing

G. Whenever pre-race laboratory test reports indicate the presence of a prohibited medication or drug in the sample taken from a horse scheduled to race, particularly, but not limited to specific maximum by quantitative determination of 2.0 micrograms Phenylbutazone per milliliter of blood or 2.0 micrograms Oxyphenbutazone per milliliter of blood, the stewards shall scratch the horse from the race. On the first offense a penalty of not less than \$100, nor more than \$200, shall be assessed the trainer. Upon second or multiple offenses for positive tests, the stewards shall take whatever action they deem appropriate, consistent with law and the rules of racing.

The office of the Racing Commission will be open from 9

a.m. to 4 p.m. and interested parties may contact either Tom Trenchard or Alan J. LeVasseur at (504) 568-5870 at this time, holidays and weekends excluded, for a copy of this rule. All interested persons may submit written comments relative to this rule through April 6, 1986 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111 or Box 19267, New Orleans, LA 70179-9267.

Albert M. Stall
Chairman

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: LAC 35:I.1787G "Pre-Race Testing"

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no implementation costs to the Commission.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There are no effects on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
This action benefits the horse owners by eliminating the delay in being able to enter their horses after such medication, consequently increasing the owners' chances in receiving purses, or receiving them sooner.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no effect on competition nor employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Environmental Quality Office of Air Quality and Nuclear Energy

Act 803 of 1984 prohibits land disposal of hazardous waste and requires The Department of Environmental Quality (DEQ) to identify acceptable alternatives to land disposal of hazardous waste. Act 795 of 1984 establishes the Hazardous Waste Advisory Board within DEQ and requires it to establish siting criteria for hazardous waste disposal facilities and to determine future needs for such facilities.

A new fund is established known as the Alternative Technologies Research and Development Trust Fund. Self generated dollars received from fee increases will support the requirement under Act 803.

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., in particular Section 1065, and in accordance with the Administrative Procedure Act, R.S. 49:950, the secretary, Department of Environmental Quality, has initiated rule amendments to the fee schedule of the air quality program. The department will afford all interested persons the opportunity to submit comments on the proposed regulation amendments, in writing or orally at a public hearing to be held at 10 a.m. on April 1, 1986 in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. All written comments should be submitted no later than April 7, 1986 to Earle R. Clayson, Air Quality Division, Box 44096, Baton Rouge, LA 70804-4096 or phone (504) 342-1206.

The agency contact responsible for answering inquiries or requests for copies of the proposed amendments is Earle R. Clayson, Box 44096, Baton Rouge, Louisiana, 70804-4096 or phone

(504) 342-1206. All documents relating to the actions described in this notice are available for inspection at the following locations from 8 a.m. until 4:30 p.m. Monday through Friday:

Department of Environmental Quality, 3945 North I-10 Service Road, Metairie, LA; Department of Environmental Quality, Eighth Floor State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA; Department of Environmental Quality, 804-31st Street, Monroe, LA; Department of Environmental Quality, State Office Building, 1525 Fairfield Avenue, Shreveport, LA; Department of Environmental Quality, 1155 Ryan Street, Lake Charles, LA; Department of Environmental Quality, 100 Eppler Road, Lafayette, LA.

Patricia L. Norton
Secretary

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

Estimates of the effect of these proposed revisions on competition are difficult to provide. Only about 265 out of the approximately 1,100 facilities currently invoiced by the Office of Air Quality and Nuclear Energy will be assessed this additional 7.4 percent fee. This may affect competition since these 265 facilities will pay somewhat higher annual fees. However, the increases will be minimal per facility ranging from \$9 to \$2,170 annually. There is no estimated effect on employment anticipated.

Patricia L. Norton
Secretary

David W. Hood
Legislative Fiscal Analyst

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Fee Schedule

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

There will not be any additional implementation costs or savings to state or local governmental units to collect the additional revenues expected from the proposed rule changes. The present staff can absorb the associated invoicing workload.

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

The revenues collected from the 7.4 percent fee increase will be placed in the Alternate Technologies Research and Development Trust Fund. Approximately 265 facilities will be assessed this 7.4 percent increase, at present. However, the total number of facilities affected by this proposed revision may increase from year to year as more permits are completed. The list of 265 facilities is derived from a cross check of those facilities now invoiced by the Office of Air Quality and Nuclear Energy and those facilities which are currently listed, by the Office of Solid and Hazardous Waste, as generators, treaters, storers and/or disposers of hazardous wastes. The 7.4 percent fee increase is expected to yield approximately \$50,000 annually. There will not be any effect on revenue collections by local governmental units as a result of adopting the proposed revisions. The increase in revenue expected from the addition of several new SIC code designations will be minimal.

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

The annually assessed fees for the 265 facilities affected by this proposed revision total approximately \$680,000, at present. The proposed revisions would increase this by 7.4 percent and would yield approximately \$50,000 which would be placed in the Alternate Technologies Research and Development Trust Fund. Estimated costs to directly affected facilities would range from a \$9 increase to a \$2,170 increase in annual fees (these figures vary based on the current annual compliance fee assessed, according to the current air pollutant discharge permit). New and modified schedule fees are expected to cost the regulated area annual amounts varying from \$4,000 to \$30,000. These increases will directly affect only a small number of facilities. They have previously been assessed relatively small fees that do not adequately or fairly measure the facilities' contribution to air pollution. These proposed revisions will allow for more equitable treatment of the facilities involved.

NOTICE OF INTENT

Department of Environmental Quality Office of Air Quality and Nuclear Energy

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et. seq., in particular Section 1084 B (1) and in accordance with the Administrative Procedure Act La. R.S. 49:950, the Secretary, Department of Environmental Quality initiated rulemaking on the proposed revisions to Section 17.14 of the Louisiana Air Quality Regulations March 10, 1986. The department will afford all interested persons the opportunity to submit comments on the proposed revisions, orally or in writing at a public hearing scheduled on April 4, 1986 at 10 a.m. in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. All written comments should be submitted no later than April 4, 1986 to Gustave Von Bodungen, Program Administrator, Air Quality Division, Box 44096, Baton Rouge, LA 70804-4096, or phone 504/342-9047.

The proposed revisions to Section 17.14 of the Air Quality Regulations will limit stack height credits and other dispersion techniques in determining an emission limitation.

On February 8, 1982 (47 FR 5864), the United States Environmental Protection Agency (EPA) promulgated regulations to ensure that the degree of emission limitation required for the control of any air pollutant under an applicable State Implementation Plan (SIP) is not affected by that portion of any stack height which exceeds good engineering practice (GEP) or by any other dispersion technique. Louisiana adopted its stack height regulations (Section 17.14) on February 20, 1983 and submitted them to the EPA as a part of the State Implementation Plan. However, the EPA regulation was subsequently challenged in the U.S. Court of Appeals for the D.C. Circuit and on October 11, 1983, the court issued its decision ordering EPA to reconsider portions of the stack height regulations. Revisions to the regulations were proposed on November 9, 1984 at 49 FR 44878 and the final rule was adopted on July 8, 1985 at 50 FR 27892.

Based on EPA's latest actions, the Louisiana Department of Environmental Quality must revise the Air Quality Division's existing stack height regulations, consistent with the Federal regulations. This will enable EPA to approve the stack height regulations as a part of the Louisiana State Implementation Plan.

Inquiries or requests for copies of the proposed revision may be obtained from the Louisiana Air Quality Division, Box 44096, Baton Rouge, LA 70804-4496, or phone 504/342-9047. All documents relating to the actions of this notice are available for inspection at the following locations from 8 a.m. until 4:30 p.m.

Department of Environmental Quality, 3945, North I-10 Service Road, Metairie, LA.

Department of Environmental Quality, 8th floor State Land

and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

Department of Environmental Quality, 804 31st Street, Monroe, LA.

Department of Environmental Quality, State Office Building, 1525 Fairfield Avenue, Shreveport, LA.

Department of Environmental Quality, 1155 Ryan Street, Lake Charles, LA.

Department of Environmental Quality, 100 Eppler Rd., Lafayette, LA.

Patricia L. Norton
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Section 17.14**

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

There will not be any additional implementation cost or savings to the agency, since it is part of the existing State Implementation Plan.

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

Proposed action is a change to the existing state regulations. It does not create a new program. No additional funds will be obtained from Federal or State agencies and will not affect the fee system. Therefore, this will not affect the revenue collection.

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

Louisiana has stack height regulations at present. This is a change to the existing regulations. The Air Quality Division analysis indicates that it will have minimum, if any, effect on the affected groups.

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

Since there will be minimum effect on affected group, no impact on competition and employment is anticipated at present.

Patricia L. Norton
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Environmental Quality
Office of Solid and Hazardous Waste
Hazardous Waste Division**

Act 803 of 1984 prohibits land disposal of hazardous waste and requires the Department of Environmental Quality (DEQ) to identify acceptable alternatives to land disposal of hazardous waste. Act 795 of 1984 establishes the Hazardous Waste Advisory Board within DEQ and requires it to establish siting criteria for hazardous waste disposal facilities and determine future needs for such facilities.

A new fund is established known as the Alternative Technologies Research and Development Trust Fund. Self-generated dollars received from fee increases will support the requirement under Act 803.

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., in particular Sections 1065 B, 1104 B, and 1105.1 C and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives

notice that rulemaking procedures have been initiated to amend the Louisiana Hazardous Waste Regulations (LHWR).

The proposed amendments to the LHWR, Chapter 25, raise the annual maintenance fees charged to generators and facilities that treat, store or dispose of hazardous waste. This increase is necessary to establish an Alternate Technologies Research and Development Fund.

The proposed amendments are to become effective on May 20, 1986, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be at 10 a.m. on April 11, 1986, in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed amendments. Such comments should be submitted no later than April 7, 1986 to Glenn A. Miller, Administrator, Hazardous Waste Division, Department of Environmental Quality, Box 44307, Baton Rouge, LA 70804-4307. He may be contacted at the address above, or telephone (504) 342-1227. A copy of the proposed amendments may be obtained from the Hazardous Waste Division at the address provided. In addition, copies of the proposed amendments are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.:

State Land and Natural Resources Building, Room 615, Sixth Floor, 625 North Fourth Street, Baton Rouge, LA; State Office Building, 1525 Fairfield Avenue, Shreveport, LA; Department of Environmental Quality, 1155 Ryan Street, Second Floor, Lake Charles, LA; Department of Environmental Quality, 804 31st Street, Monroe, LA; Department of Environmental Quality, 3945 North I-10 Service Road, Metairie, LA; Department of Environmental Quality, 100 Eppler Road, Lafayette, LA.

Patricia L. Norton
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Regulations Related to Alternate
Technologies Research and Development Trust Fund**

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

There will be no additional implementation costs or savings to state or local governmental units to administer the addition of the proposed rule changes, being that present staff can absorb the associated workload.

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

The revenues resulting from the 25 percent fee increases will be placed in the Alternate Technologies Research and Development Trust Fund. The 25 percent increase on generators fees would yield \$31,221 per year and the treater, storer, and/or disposer annual maintenance fee would yield \$200,537; or an actual yearly dollar increase of \$231,758 to the department. This 25 percent increase is at the lower limit of the allowable increase as described in R.S. 30:1065 C. There will be no effect on revenue collections of local governmental units as a result of adopting proposed changes.

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

These regulatory amendments require that all generators, treatment, storage, and disposal facilities increase their annual fees by 25 percent. Any non-governmental group

should have a minimal personnel cost associated with the reporting and recordkeeping. The changes of Chapter 22 are not expected to result in any economic benefits or additional costs. Monies collected will be used for research contracts. Associated work will be accomplished by universities or the private sector.

Generator Fee Increases

	FY 85-86	
576 repeat generators	@ \$183.00	= \$105,408
103 first year generators (includes initial fee)	@ \$189.10	= \$19,477.30
	TOTAL	\$124,885.30

	FY 86-87	
576 repeat generators	@ \$228.75	= \$131,760
103 first year generators (includes initial fee)	@ \$236.38	= \$24,347.14
	TOTAL	\$156,107.14

NEWLY GENERATED FUNDS \$31,221

TSF Fee Increases (varies based on type of activity and quantity of waste handled)

No. of Facilities	FY 85-86	
2	@ \$48,800	= \$97,600
3	@ \$35-40,000	= \$115,290
1	@ \$20-25,000	= \$21,350
12	@ \$15-20,000	= \$214,720
7	@ \$10-15,000	= \$88,450
34	@ \$5-10,000	= \$264,740
		<hr/>
59		\$802,150

No. of Facilities	FY 86-87	
2	@ \$61,000	= \$122,000
3	@ \$43,750-50,000	= \$144,121
1	@ \$25-31,250	= \$26,687
12	@ \$18,750-25,000	= \$268,400
7	@ \$12,500-18,750	= \$110,562
34	@ \$6,250-12,500	= \$330,925
		<hr/>
59		\$1,002,687

NEWLY GENERATED FUNDS \$231,758

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

There is no estimated effect on competition or employment between firms and/or non-governmental agencies, since they all will be covered by the same regulators.

Patricia L. Norton
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Environmental Quality
Office of Solid and Hazardous Waste
Hazardous Waste Division**

Act 803 of 1984 prohibits land disposal of hazardous waste and requires Department of Environmental Quality (DEQ) to identify acceptable alternatives to land disposal of hazardous waste. Act 795 of 1984 establishes the Hazardous Waste Advisory Board within DEQ and requires it to establish siting, criteria for hazardous waste disposal facilities and determine future needs for such facilities.

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:1051 et seq., in particular Sections 1065 B, 1104 B, and 1105.1 C and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950 et seq., the Secretary gives notice that rulemaking procedures have been ini-

tiated to amend the Louisiana Hazardous Waste Regulations (LHWR).

The proposed amendments to the LHWR (Chapters 1, 2, 4, 6, 7, 22, 24, and 25) sequentially number the hazardous waste manifests and require that manifests or the numbers be obtained from the Hazardous Waste Division, proposes signatory requirements for permit applications, require hazardous waste annual fees be paid within 30 days of receipt of the due notice, correct typographical errors in existing regulations, and clarify existing regulations. These changes are necessary for the Hazardous Waste Division to maintain its authorization and to implement a Hazardous Waste Management Program in Louisiana in lieu of the U.S. EPA.

The proposed amendments are to become effective on May 20, 1986, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held at 10 a.m. on March 31, 1986, in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 N. Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed amendments. Such comments should be submitted no later than April 7, 1986 to Glenn A. Miller, Administrator, Hazardous Waste Division, Department of Environmental Quality, Box 44307, Baton Rouge, LA 70804-4307. He may be contacted at the address above, or telephone (504) 342-1227. A copy of the proposed amendments may be obtained from the Hazardous Waste Division at the address provided. In addition, copies of the proposed amendments are also available for inspection at the following locations from 8 a.m. until 4:30 p.m. Monday through Friday:

State Land and Natural Resources Building, Room 615, 6th Floor, 625 North Fourth Street, Baton Rouge, LA; State Office Building, 1525 Fairfield Avenue, Shreveport, LA; Department of Environmental Quality, 1155 Ryan Street, 2nd Floor, Lake Charles, LA; Department of Environmental Quality, 804 31st Street, Monroe, LA; Department of Environmental Quality, 3945 North I-10 Service Road, Metairie, LA; and Department of Environmental Quality, 100 Eppler Road, Lafayette, LA.

Patricia L. Norton
Secretary

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

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

There will be an initial increase in cost of \$4,200 to state government which will be paid from divisional self-generated funds. The initial increase in cost for printing the new manifest will be offset by future fee increases for the manifest from regulated individuals and institutions. The increased cost of the manifest will bring Louisiana more in line with other states in EPA Region VI.

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

The additional revenues collected will offset the cost of implementing the program, resulting in no net change.

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

There will be an increase in cost to directly affected persons or non-governmental groups to a degree necessary to

offset the cost of the program. The manifest price will be raised from .05¢ to \$1.50. This will bring the cost of the manifests more in line with similar systems in Region VI.

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

There is no estimated effect on competition or employment between firms and/or non-governmental agencies, since they all will be covered by the same regulations and regulators.

Patricia L. Norton
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Environmental Quality Office of Water Resources

Act 803 of 1984 prohibits land disposal of hazardous waste and requires The Department of Environmental Quality (DEQ) to identify acceptable alternatives to land disposal of hazardous waste. Act 795 of 1984 establishes the Hazardous Waste Advisory Board within DEQ and requires it to establish siting criteria for hazardous waste disposal facilities and determine future needs for such facilities.

A new fund is established known as the Alternative Technologies Research and Development Trust Fund. Self-generated dollars received from fee increases will support the requirement under Act 803.

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and in particular Sections 1061 (D) (1) and 1065 (B), (C), and (D), and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary of the Department of Environmental Quality, Patricia L. Norton, gives notice that rulemaking procedures have been initiated to revise the Louisiana Water Pollution Control Fee System Regulations.

The purpose of the proposed revisions is to establish a Research and Development Fee to provide funding for theoretical and practical research and development of alternative methods and technologies of destroying, reducing, recycling, neutralizing, and to the least extent possible, disposing of hazardous waste. The proposed revisions will modify the existing water pollution control fee system to provide for the additional assessment of Research and Development Fees (initial and annual) at a rate of five percent of the revenue generated by the annual maintenance and surveillance fees already established. The fee increase presently will affect only 250 facilities out of 1,200 facilities invoiced by the Office of Water Resources (OWR). The 250 facilities are those presently invoiced by the OWR and currently listed by the Office of Solid and Hazardous Waste as generators, treaters, storers, and/or disposers of hazardous waste.

The fee revisions also include several minor additions to the text of instructions for completing the rating worksheet and to the list of SIC codes used to determine complexity group designations.

The proposed revisions are expected to become effective on July 1, 1986.

All interested persons are invited to comment orally or in writing at a public hearing to be held at 10 a.m. on April 1, 1986, in the Mineral Board Hearing Room on the first floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana. Any additional written comments must be submitted no later than April 7, 1986, to Barbara Romanowsky, Department of Environmental Quality, Office of Water Resources, Box 44091, Baton Rouge, Louisiana 70804-4091. She

is also the agency contact responsible for responding to any questions concerning the proposed revisions. Copies of the proposed regulation may be obtained by contacting Shirley Rothman at the above address or by telephone at (504) 342-6363 and are available for inspection at the following locations from 8 a.m. until 4:30 p.m. daily, Monday through Friday:

State Land and Natural Resources Building, Ninth Floor, Room 900, 625 North Fourth Street, Baton Rouge, LA; Capitol Area Regional Office, 11720 Airline Highway, Baton Rouge, LA; Department of Environmental Quality, 3945 North I-10 Service Road, Metairie, LA; Department of Environmental Quality, 100 Eppler Road, Lafayette, LA; Department of Environmental Quality, 1155 Ryan Street, Second Floor, Lake Charles, LA; State Office Building, 1525 Fairfield Avenue, Shreveport, LA; Department of Environmental Quality, 804 Thirty-First Street, Monroe, LA.

Patricia L. Norton
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Revisions to the Water Pollution Control Fee System Regulations

SUMMARY

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

There will be no additional implementation costs or savings to state or local governmental units to collect the additional revenue expected from the proposed rule changes. Present staff can absorb the associated workload in invoicing.

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

The revenues collected from the five percent fee increase will be placed in the Alternate Technologies Research and Development Trust Fund. Only approximately 250 facilities presently will be invoiced for this five percent increase. However, the total number of facilities affected by this proposed revision may increase year to year as more permits are completed. The list of 250 facilities is derived from a cross-check of those facilities presently invoiced by the Office of Water Resources and those facilities who are currently listed by the Office of Solid and Hazardous Waste as generators, treaters, storers, and/or disposers of hazardous wastes. The five percent fee increase is expected to yield approximately \$60,000 annually. There will be no effect on revenue collections of local governmental units as a result of adopting the proposed revisions. The increase in revenue expected from the addition of several new SIC code designations will be minimal.

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

The annually assessed fees for the 250 facilities affected by this proposed revision presently total approximately \$1,266,000. The proposed revisions would increase this by five percent and would yield approximately \$60,000 which would be placed in the Alternate Technologies Research and Development Trust Fund. Estimated costs to directly affected facilities would range from a \$5 increase to a \$806 increase in annual fees (these figures vary based upon the number of total rating points assigned to each facility as a result of the facility water discharge permit). There will be an increase in annual fees for those facilities whose SIC code designations have been added to the complexity rating tables. The increases will vary

depending upon the designation assigned to each SIC code but, in general, the annual fee increases will range from \$750 to \$3750. These increases will directly affect only a small number of facilities who have previously been assessed small fees that did not adequately or fairly assign a complexity designation. These revisions will thus allow for a more equitable rating of the facilities affected.

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

Estimates on the effect of these proposed revisions on competition are difficult to provide. Only approximately 250 facilities out of 1,200 facilities currently invoiced by the Office of Water Resources will be assessed this additional five percent fee. This may affect competition since these 250 facilities will pay somewhat higher annual fees. However, the increases will be minimal per facility ranging from \$5 to \$806 annually. There is no estimated effect on employment anticipated.

Patricia L. Norton
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Human Resources Office of Management and Finance Division of Policy, Planning and Evaluation

The Department of Health and Human Resources, Office of Management and Finance, Division of Policy, Planning and Evaluation proposes to adopt the following change to the policies and guidelines for Section 1122 capital expenditure reviews to be effective May 20, 1986. The proposed change will be made to the rule published in Volume 11, Number 4 of the *Louisiana Register*, April 20, 1985. It will add another criterion to the thirteen "Criteria for Section 1122 Review" which will read as follows:

14. Whether the project will foster cost containment or improved quality of care through improved efficiency and productivity or through increased competition between different health services delivery systems.

A public hearing will be held on Monday, April 7, 1986 at 10 a.m. in the Auditorium of the State Library, 760 Riverside, Baton Rouge, LA. Interested persons may submit written comments on the proposed change until April 15, 1986 at the following address: Joseph Ross, Division of Policy, Planning and Evaluation, 200 Lafayette St., Suite 406, Baton Rouge, La. 70801.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Section 1122 Policies and Guidelines Cost Containment Criterion

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

No implementation costs are anticipated.

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

No effect on revenue collections is anticipated.

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

The intent of the Criterion is to encourage development of more cost effective ways of providing health services.

It is impossible, however, to estimate the costs or economic benefits to the citizens of Louisiana.

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

The criterion is designed to encourage competition between alternative health services delivery systems and to foster competition between similar health services delivery systems by encouraging the development of more cost effective ways of delivering high quality services. It is impossible to estimate the magnitude of the impact of this criterion, however.

Sandra L. Robinson, M.D.
Secretary and State Health Officer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Mental Retardation/Developmental Disabilities

TITLE 48

Part IX Mental Retardation/Developmental Disabilities Services Chapter 5—State Residential Facilities

§509. Voting Rights

Effective May 20, 1986, the Department of Health and Human Resources, Office of Mental Retardation/Developmental Disabilities, proposes to adopt the following policy and procedures relating to voting by residents of state-operated facilities for mentally retarded/developmentally disabled persons. Interested persons may submit written comments on the proposed policy and procedures within 15 days of the date of publication to Cecil Colwell, Assistant Secretary, Office of Mental Retardation/Developmental Disabilities, 721 Government Street, Baton Rouge, Louisiana 70802.

OMR/DD POLICY/PROCEDURE

Subject: Voting by residents of state-operated facilities for mentally retarded/developmentally disabled persons.

Purpose: The purpose of this policy/procedure is to assist eligible residents of state-operated residential facilities for mentally retarded/developmentally disabled persons to register to vote and to vote.

Scope: This policy applies to all state-operated residential facilities for mentally retarded/developmentally disabled persons.

Policy: Every resident of a state-operated facility for mentally retarded/developmentally disabled persons, upon reaching 18 years of age, shall have the right to register and vote, except that this right may be suspended while a resident is interdicted and judicially declared mentally incompetent or is under an order of imprisonment for conviction of a felony.

Procedure:

1. All residents 18 years of age or older who have not had the right to vote suspended through interdiction and have not been convicted of a felony are eligible to vote.

2. Staff will determine whether or not a client is eligible to vote by reviewing the client's records.

3. Residents who are eligible to vote will be informed of their right to vote in accordance with medicaid regulations 45CFR442.404(d).

4. Residents who are eligible to vote and who ask to register to vote or to vote will be provided transportation to and from the registrar's office or the polls.

5. If residents are to be transported in large groups (more than three per group) the registrar's office of polling place will be notified in order to minimize problems.

6. Staff will not provide assistance to residents in registering to vote or in voting while at the registrar's office or the polls. Assistance in mobility may be provided to handicapped persons in wheelchairs.

7. Nothing in this policy is intended to inhibit facilities from teaching residents the skills necessary to vote in accordance with medicaid regulation 45CFR442.404(d). Rather, such training is encouraged. Such training shall not extend to any attempt to influence any resident's vote either for or against any candidate or proposition.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no implementation costs or savings to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There will be no costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment.

Cecil Colwell
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Preventive and Public Health Services**

The Department of Health and Human Resources, Office of Preventive and Public Health Services intends to amend the fee schedule for genetic evaluation and counseling at Regional Genetics Clinics as contained in the regulations for the Genetic Diseases program found in the *Louisiana Register*, Volume 11, Number 6, page 639 (June 20, 1985). Effective May 20, 1986 the current fee schedule is proposed to be replaced by the following:

Initial Clinic Visit For Genetic Evaluation and Counseling:	
Brief	\$ 30
Limited	\$ 49
Intermediate	\$ 69
Extended	\$ 86
Comprehensive	\$102
Clinic Visit After Initial For Genetic Evaluation and Counseling:	
Minimal	\$12
Brief	\$20
Limited	\$27
Intermediate	\$38
Extended	\$62
Comprehensive	\$69

Genetic Counseling Only By a Medical Geneticist, Initial Or After Initial:

Brief	\$27
Standard	\$61
Long	\$90

This addition of five new service levels and the deletion of one will bring the fee schedule into conformity with the list of service levels found on pages 5 and 46 of the *Physicians Current Procedural Terminology*, Fourth Edition, 1986, published by the American Medical Association and copyrighted 1985.

Interested persons may submit comments at the following address: Daneta Daniel Bardsley, Ed.D, Assistant Secretary, Office of Preventive and Public Health Services, Department of Health and Human Resources, Box 60630, New Orleans, LA 70160.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Genetic Diseases Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
No cost of implementation will be incurred as it is being done with present staffing levels.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
The addition of five new service levels and the deletion of one service level will have a minimal impact on state revenue collections. The additional service level charges provide for both lower and higher charges within the price schedule. These changes would offset each other thus allowing revenue collections to remain constant.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
Benefits to affected persons or nongovernmental groups will not be impacted. Under the new plan, some individuals could be charged less or more for the particular service level due to the addition and deletion of existing charge lends. An accurate estimate cannot be made and would depend upon the classification service provided to each user.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment.

Sandra L. Robinson, M.D.
Secretary and State Health Officer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Effective upon publication, under the authority of the Uniform Controlled Dangerous Substances Act, R.S. 40:965 and 972, the secretary of the Department of Health and Human Resources intends to add the following rule pertaining to Controlled Dangerous Substances to the existing regulations of the Department of Health and Human Resources, Division of Licensing and Certification.

§ 20. Added Controlled Substances.
The following drug is hereby controlled under the desig-

nated schedule under authority of R.S. 40:962 (the following drug is in addition to the drugs scheduled in the statute in Section 40:964).

Schedule II

Hallucinogenic Substances.

1. Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved product. (Another name for Dronabinol is delta-9-(trans)-tetrahydrocannabinol.)

Interested persons may comment on the proposed rule in writing until March 6, 1986, at the following address: Steve Phillips, Director, Division of Licensing and Certification, Box 3767, Baton Rouge, LA 70821.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Section 20**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no estimated implementation costs to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no estimated effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
The public will have easier access to the drug which is used in cancer chemo-therapy. The amount of paper work necessary to procure the drug will be lessened.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
None

Sandra L. Robinson, M.D.
Secretary and State Health Officer

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Department of Justice
Office of the Attorney General
Electronic Video Bingo Panel**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Attorney General's Electronic Video Bingo Panel intends to adopt permanent rules relative to the operation of electronic video bingo machines. Emergency rules were adopted on September 5, 1985. (See: *Louisiana Register*, Vol. 11, No. 9, September 20, 1985, pp. 842-847).

The permanent rules to be adopted will be in the same form and substance as the emergency rules with the exception that the proposed permit fee will be \$125 in the permanent rules, whereas the emergency rules provide for a permit fee of \$25.

The proposed rules will be made available for public inspection between the hours of 8:30 a.m. and 5 p.m., on any working day after March 10, 1986, at the Office of the Attorney General, 17th Floor, State Capitol Building, Baton Rouge, LA.

Interested persons may submit their views and opinions to William J. Guste, Jr., Attorney General, 17th Floor, State Capitol Building, Box 94005, Baton Rouge, LA 70804-9005.

The Attorney General's Electronic Video Bingo Panel will hold a public hearing on March 21, 1986, at a time and place established in a notice posted at least 24 hours in advance of the hearing.

The Electronic Bingo Panel shall, prior to the adoption of permanent rules, afford all interested parties reasonable opportunity to submit data, views or argument, orally or in writing.

Inquiries concerning the proposed permanent rules shall be directed to: William B. Faust, III, Assistant Attorney General, Suite 821, 2-3-4 Loyola Avenue, New Orleans, LA 70112; telephone: (504) 568-5550.

William J. Guste, Jr.
Attorney General

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

Rule Title: Electronic Video Bingo Machine Rules

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
It is estimated that first year costs in the Department of Justice associated with the implementation of this program will be \$454,757 to be funded by self generated revenues. Second year costs will be approximately \$366,000. Based upon the operation of a similar program in the state of Montana it is estimated that ten additional positions and associated expenses will be required to administer this program.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Fees provided for in the regulations will generate an additional \$500,000 per year in self generated revenues for the administration of the program. It is estimated that approximately 4,000 machines will be installed subject to the annual fee of \$125.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
The fees instituted by these regulations will cause owners/operators of electronic bingo machines to pay a fee of \$125 per machine. Based upon an estimated 4,000 machines, the cost of the operators will be \$500,000 per year.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Adoption of these regulations will not affect competition or employment.

Kenneth C. DeJean
Chairman, Electronic
Video Bingo Panel

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Department of Natural Resources
Division of State Lands**

The Department of Natural Resources, Division of State Lands, announces its intention to amend its rules and regulations implementing Act 645 of 1978 (adopted January 20, 1979, amended July 20, 1981). The amendment, proposed pursuant to the authority of R.S. 41:1701 et. seq., provides that permit fees for encroachments on state owned waterbottoms be based on a percentage of appraised value rather than the present square footage basis. Also, the amendment would effectuate non-substantive changes in the format of the rules and regulations.

PERMITS ISSUED UNDER
ACT 645 OF 1978

Permits may be granted to owners of land contiguous to and abutting navigable waterbottoms belonging to the state to construct landfills either for the purpose of reclaiming or recovering land lost through erosion by action of the water body if said erosion occurred on and after July 1, 1921, or for the purpose of maintaining an encroachment on non-eroded state lands. Lands reclaimed shall be subject to the procedures as set forth in "Boundary Agreements" of these rules and regulations. Landfills constructed on non-eroded state lands shall be subject to the procedures as set forth in "Leases: Reclamation" of these rules and regulations.

Permits and leases may also be granted for the construction and/or maintenance of commercial structures which are permanently attached to public lands by pilings or other means. Such structures shall include, but not be limited to wharves, piers, storage docks, camps, warehouses, residences, bulkheads, restaurants, dams, bridges, etc. Exempted from permit and lease requirement are commercial and non-commercial wharves and piers less than 50 linear feet whose surface area does not exceed 150 square feet, unless part of another encroachment or unduly interferes with public interests, navigation or fishery. Structures constructed on state lands shall be subject to the procedures as set forth in "Leases: Structures" of these rules and regulations.

PROCEDURE AND REQUIREMENTS FOR RECLAMATION
PROJECTS

Class A: Permits for reclamation of lands eroded on or after July 1, 1921.

Class E: Permits for reclamation of non-eroded land.

1. Submitting Procedures

Applicant shall notify the secretary of the Department of Natural Resources in writing of his intent to apply for a permit for work contemplated. Such letter shall contain a description of the proposed physical work to be performed, materials to be used and identity of the body of water involved. Upon receipt of applicant's letter, the secretary shall forward the appropriate permit form to the applicant with a copy of these regulations.

Upon completion of the appropriate form the applicant shall:

a. apply to the governing authority of the parish or parishes within which the work or structures will be located for their approval or permit for the project;

b. apply to the U.S. Corps of Engineers for the appropriate federal permit, and in the event that the Corps of Engineers declines jurisdiction over the proposed work, and does not publish notice;

c. cause to have published at least once, notice of the application in the official journal of the parish or parishes.

2. Fees

Fees for permits are as follows:

a. an application for a Class A or E permit shall be accompanied by a non-refundable administrative and processing fee of \$50;

b. in the event that review of the application requires special work in the field such as special field examination or survey, the applicant shall be required to pay for such special work, the price of which shall be fixed by the secretary based on his estimate of the cost of special work to the state. The secretary shall notify the applicant of the estimated cost of such special work and shall not proceed until the estimated cost of same is paid.

APPLICATION REQUIREMENTS FOR CLASS A OR E
PERMITS ISSUED UNDER ACT 645 OF 1978

Applications must be submitted in triplicate to the secretary of the Department of Natural Resources, and each application must include the following:

1. application form as provided by the Department of Natural Resources;
2. approval of the parish governing authority for the project.
3. a certified deed of ownership* (of the lands contiguous to public lands);
4. if the applicant is not the owner, a certified copy of the deed or other instrument* under which the owner holds title plus written permission for the applicant to carry out the project. NOTE: Should the encroachment be located wholly upon state waterbottoms and not proximate to any bank or shore, no deed of ownership or written permission need be furnished provided that the letter of intent contain details of ingress and egress for such structure;
5. map or plat showing:
 - a. location of the activity site including section, township, and range;
 - b. Louisiana grid coordinates of all corners and angle points;
 - c. name of waterway;
 - d. all applicable political (parish, town, city, etc.) boundary lines;
 - e. name of and distance of local town, community or other identifying location;
 - f. names of all roads in the vicinity of the site;
 - g. graphic scale;
 - h. north arrow.
6. plan view showing:
 - a. existing shorelines;
 - b. ebb and flood in tidal waters and direction of flow in rivers;
 - c. mean high water line;
 - d. mean low water line;
 - e. water depth around the project;
 - f. extent of land area reclaimed or filled shown in square feet;
 - g. extent of encroachment beyond the applicable water lines;
 - h. waterward dimensions from an existing permanent fixed structure or object;
 - i. location of structures, if any, in navigable water immediately adjacent to the proposed activity.
7. elevation and/or section view showing:
 - a. same water elevations as in the plan view;
 - b. depth at waterward face of proposed work;
 - c. dimensions from applicable water lines for proposed float or pile supported platform;
 - d. graphic or numerical scale;
 - e. detailed drawings of construction including plot plan, cross section and profile.
8. non-refundable administrative and processing fee of \$50;
9. letter of intent.

*Only one certified copy of deed or instrument is required.

Where a permit application contemplates any form of landfill or reclamation, the map or plat submitted must be prepared by a professional land surveyor currently registered by the State Board of Registration for Professional Engineers and Land Surveyors.

Verification of Work—Upon completion of the project, the applicant is required to submit verification of the work completed to the secretary of the Department of Natural Resources within 60 days. The applicant is required to submit a final certified map or plat prepared by a professional land surveyor currently registered by the State Board of Registration for Professional Engineers and Land Surveyors as verification.

Upon completion of a Class A permit construction and verification, a boundary agreement is required as follows:

Boundary Agreements—After fulfilling the requirements for verification of work completed pursuant to a reclamation permit, the applicant and the secretary of the Department of Natural Resources shall enter into an agreement fixing the definitive boundary between the reclaimed land area and the waterbottoms. No definitive boundary shall be fixed nor shall title be vested unless and until proof is made that the reclaimed land is raised to a minimum height of six inches above mean high water and is stabilized along the newly created bank or shore by masonry, concrete mats, riprap, sheet piling, bulkheads, or similar constructions to reasonably insure permanence as required by law.

Upon completion of a Class E permit construction and verification, a lease is required as follows:

Leases: Reclamation—After fulfilling the requirements for verification of work completed pursuant to a landfill the applicant and the secretary of the Department of Natural Resources shall enter into a lease agreement to operate or maintain the encroachment. Such leases will not be subject to competitive bidding except in those cases where the best interest of the state and applicant will be served. The consideration for such leases shall be based upon the size and nature of the encroachment. The lease shall be assessed at 5 percent of the appraised value of the land for non-commercial use and at 7.5 percent of the appraised value for commercial uses with a minimum fee of \$100 per year. The property will be reappraised at the expiration of the primary term of the lease.

Leases entered into shall be for a term of five years and subject to renewal by lessee for nine successive terms. In no case shall the maximum term of such leases exceed 50 years. At the end of a 50 year maximum period, lessees may apply for a new lease for the subject encroachment.

PROCEDURES AND REQUIREMENTS FOR PERMITTING AND LEASING ENCROACHMENTS ONTO STATE OWNED PROPERTY

CLASS B: Permits to construct bulkheads or flood protection structures in proximity to the bank or shore.

CLASS C: Permits to construct wharves and piers.

CLASS D: Permits to construct structures other than wharves and piers.

1. Submitting Procedures

Applicant shall notify the secretary of the Department of Natural Resources in writing of his intent to apply for a permit for work contemplated. Such letter shall contain a description of the proposed physical work to be performed, materials to be used and identity of the body of water involved. Upon receipt of applicant's letter, the secretary shall forward the appropriate permit form to the applicant with a copy of these regulations.

Upon completion of the appropriate form the applicant shall:

a. apply to the governing authority of the parish or parishes within which the work or structures will be located for their approval or permit for the project;

b. apply to the U.S. Corps of Engineers for the appropriate federal permit, and in the event that the Corps of Engineers declines jurisdiction over the proposed work, and does not publish notice;

c. upon request of the governing authorities of the parish cause to have published at least once, notice of the application in the official journal of the parish or parishes.

2. Fees

Fees for permits are as follows:

a. an application for a permit shall be accompanied by a non-refundable administrative and processing fee of \$10;

b. in the event that review of the application requires special work in the field such as special field examination or survey,

the applicant shall be required to pay for such special work the price of which shall be fixed by the secretary based on his estimate of the cost of special work to the state. The secretary shall notify the applicant of the estimated cost of such special work and shall proceed until the estimated cost of same is paid.

APPLICATION REQUIREMENTS FOR CLASS B, C, OR D PERMITS ISSUED UNDER ACT 645 OF 1978

Applications must be submitted in triplicate to the secretary of the Department of Natural Resources, and each application must include the following:

1. application form as provided by the Department of Natural Resources;
2. approval of the parish governing authority for the project;
3. a certified deed of ownership* (of the lands contiguous to public lands);
4. if the applicant is not the owner, a certified copy of the deed or other instrument* under which the owner holds title plus written permission for the applicant to carry out the project. NOTE: Should the encroachment be located wholly upon state waterbottoms and not proximate to any bank or shore, no deed of ownership or written permission need be furnished provided that the letter of intent contain details of ingress and egress for such structure;
5. map or plat showing:
 - a. location of the activity site including section, township and range;
 - b. name of waterway;
 - c. all applicable political (parish, town, city, etc.) boundary lines;
 - d. name of and distance of local town, community or other identifying location;
 - e. names of all roads in the vicinity of the site;
 - f. graphic scale;
 - g. north arrow.
6. Plan view showing:
 - a. existing shorelines;
 - b. ebb and flood in tidal waters and direction of flow in rivers;
 - c. mean high water line;
 - d. mean low water line;
 - e. water depth around the project;
 - f. extent of encroachment beyond the applicable water lines;
 - g. waterward dimensions from an existing permanent fixed structure or object;
 - h. location of structures, if any, in navigable water immediately adjacent to the proposed activity.
7. elevation and/or section view showing:
 - a. same water elevations as in the plan view;
 - b. depth at waterward face of proposed work;
 - c. dimensions from applicable water lines for proposed float or pile supported platform;
 - d. graphic or numerical scale;
 - e. detailed drawings of construction including plot plan, cross section and profile.
8. non-refundable administrative and processing fee of \$10.
9. letter of intent.

* Only one certified copy of deed or instrument is required.

If the proposed project falls under the United States Army Corps of Engineers jurisdiction and permit(s) are being sought from that agency, the applications submitted to the Corps of Engineers may be submitted to the Department of Natural Resources in lieu of the above, providing that all copies are clear and legible and the

Corps permit application does in fact contain all of the information described above.

All class C and D permits are accompanied by a lease agreement described as follows:

Leases: Structures—After fulfilling the requirements for a structure permit, the applicant and the secretary of the Department of Natural Resources shall enter into a lease agreement to operate or maintain the encroachment. Bulkheads constructed without fill, commercial and non-commercial wharves and piers less than 50 linear feet whose surface area does not exceed 150 square feet, which do not interfere with public navigation and fishery or are not part of another encroachment, are exempt from this leasing provision. Such leases will not be subject to competitive bidding except in those cases where the best interest of the state and applicant will be served. The consideration for such leases shall be based upon the size and nature of the encroachment.

Commercial structures will be assessed at 7.5 percent of the appraised value of the structure with a minimum fee of \$100 per year. The property will be reappraised at the expiration of the primary term of the lease. Pilings situated on state waterbottoms and not supporting any additional structure (i.e., anchor piles, pile dolphins, etc.) will be assessed \$100 plus \$10 for each piling. When such pilings exist independent of and in addition to any other structures subject to lease based on square footage, lease price will be computed at the rate of \$10 per piling. In no instance shall the consideration be less than \$100 per annum.

Leases entered into shall be for a term of five years and subject to renewal by lessee for nine successive terms. In no case shall the maximum term of such leases exceed 50 years. At the end of a 50 year maximum period, lessees may apply for a new lease for the subject encroachment.

GENERAL REGULATIONS REGARDING ALL PERMITS

1. Approval of Local and Other State Authorities

No permits shall be issued nor shall any work commence until the application has first been approved by the governing authority of the parish wherein the property is located, Office of Public Works, Department of Wildlife and Fisheries, State Mineral Board, Coastal Management Section (if the project is in the coastal zone) and such other parochial or state agencies which may have jurisdiction over such matter. Coordination and dissemination among the several agencies will be performed by the secretary of the Department of Natural Resources.

2. Objections and Public Hearings

Objections shall be received by the secretary of the Department of Natural Resources for a period of 30 days from date of published notice, to correspond with the delays established by the U.S. Corps of Engineers. In the event that opportunity for public hearing is deemed necessary by either the state, through the secretary of the Department of Natural Resources, or the U.S. Corps of Engineers, all efforts will be made by the state to accommodate the applicant by holding one hearing together with the federal authorities at whatever time and place the latter stipulates.

At the end of the prescribed period for objections, or after the public hearing if necessary, the governing authority of the parish or parishes shall either approve or object to the application, with reasons, and forward their determination to the secretary of the Department of Natural Resources, together with all required attachments and evidence of publication of notice by either the Corps of Engineers or the applicant, for processing as provided herein.

3. Reasons for Denial or Limitation

No reclamation, encroachment or lease shall be allowed if in the determination of the Office of Public Works, Department of Wildlife and Fisheries, State Mineral Board or the Secretary of the Department of Natural Resources, such activity would obstruct or hinder the navigability of any waters of the state, impose undue or

unreasonable restraints on the state or public rights which have vested in such areas pursuant to Louisiana law, or result in unacceptable adverse impacts to the environment of the coastal zone, and to that extent the land area sought to be reclaimed, or the structure or construction, may be limited.

4. Hold Harmless

All permits and leases approved and issued hereunder shall be conditioned upon applicant's agreement to hold the State of Louisiana and her agencies and subdivisions harmless for applicant's acts or omissions in reclaiming and maintaining eroded lands and constructing or maintaining any structures and bulkheads, though the permit or lease for the same subsequently expires or is revoked.

5. Encumbrances

A permit will be issued subject to and encumbered with any right-of-way or servitude, or any mineral, geothermal, geopressure, or any other lease acquired or granted by the state for a lawful purpose while the reclaimed land was an eroded area. Nothing in these regulations shall prevent the leasing of state lands or waterbottoms for mineral or other purposes.

6. Maximum Permit Term

All permits issued pursuant to these provisions shall be effective for a period not to exceed two years from the date of issuance and shall thereupon expire. All work remaining or any additional work may be completed only by a new permit application.

7. Vested Rights

No permit or lease shall be construed to vest any proprietary rights or title in any private owner except as to lands actually reclaimed and maintained, pursuant to Act 645 of 1978. Eroded lands contiguous to the coast of the Gulf of Mexico as defined in the Decree of the United States Supreme Court dated July 16, 1975, in *United States vs. Louisiana*, Number 9 Original, may be reclaimed under reclamation permits, out to the coastline.

8. Copies to Local Governments

A copy of the permit issued, along with the pertinent plats attached and the documentation required to be submitted 60 days after completion of work shall be filed with the clerk of court of the parish or parishes affected. A copy of the above shall also be furnished the assessor of the parish or parishes for assessment purposes.

CLASS A OR E PERMIT APPLICATION DEPARTMENT OF NATURAL RESOURCES ACT 645 PERMIT APPLICATION REQUIREMENTS

This permit application must be accompanied by the following:
CHECK LIST:

- _____ (1) Approval of the parish governing authority (Policy Jury, Parish Council, etc.)
- _____ (2) One certified copy of the deed of ownership (cash sale, exchange, judgment of possession, etc.)
- _____ (3) If the applicant is not the owner:
 - (a) one certified copy of the instrument showing applicant's interest (lease, etc.)
 - (b) permission from the owner approving applicant's project
- _____ (4) Certified survey plat showing old shorelines, present shorelines and limits of reclamation*
- _____ (5) Plan view of the activity site*
- _____ (6) Section view of the activity site*
- _____ (7) Administrative fee of \$50
- _____ (8) Letter of intent

Class A must be followed by a boundary agreement.

Class E must be followed by a lease agreement.

*See rules and regulations for complete application requirements.

CLASS B, C, OR D PERMIT APPLICATION
DEPARTMENT OF NATURAL RESOURCES
ACT 645 PERMIT APPLICATION REQUIREMENTS

This permit application must be accompanied by the following:
CHECK LIST;

- _____ (1) Approval of the parish governing authority (Police Jury, Parish Council, etc.)
- _____ (2) One certified copy of the deed of ownership (cash sale, exchange, judgment of possession, etc.)
- _____ (3) If the applicant is not the owner:
 - (a) one certified copy of the instrument showing applicant's interest (lease, etc.)
 - (b) permission from the owner approving applicant's project
- _____ (4) Map or plat of the activity site showing the property along the bank*
- _____ (5) Plan view of the activity site*
- _____ (6) Section view of the activity site*
- _____ (7) Administrative fee of \$10
- _____ (8) Letter of intent

Class C and D permits must be followed by a lease agreement.

*See rules and regulations for complete application requirements.

All persons interested in this proposal are invited to submit written comments no later than March 31, 1986, to Karl Morgan, Department of Natural Resources, Box 44124, Baton Rouge, LA 70804.

B. Jim Porter
Secretary

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

Rule Title: Permits for Reclamation and Encroachments

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no cost or savings to governmental units because the program will still be handled by Division of State Lands personnel and it does not affect local governments.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Revenues should increase \$5000 the first year and increment upwards as more leases are issued; estimated \$20,000 - \$30,000 increase within five years to the state general fund.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
Cost should increase in relation to the value of the property to those holding leases on properties constructed on state-owned waterbodies.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No effect.

Michael J. Bourgeois
Deputy Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of State Police**

The Louisiana Department of Public Safety and Corrections announces its intent to adopt rules and regulations pursuant

to authority granted by Act 435 of the 1985 Louisiana Legislature. A copy of these regulations will be made available for viewing and study at the Louisiana State Police Hazardous Materials Unit, 265 South Foster Drive, Baton Rouge, Louisiana.

These rules and regulations establish the format and procedure mandated by Act 435 for the "Hazardous Materials Survey Form." These rules will further provide for emergency notification procedures and a list of hazardous materials to be regulated by Act 435.

Interested persons may comment on the proposed rules in writing until 4:30 p.m., April 7, 1986, at the following address: Lieutenant P. A. Touchard, Louisiana State Police, Hazardous Materials Unit, Box 66614, Baton Rouge, LA 70896.

Additionally, a public hearing will be held for the purpose of hearing objections and comments at the Louisiana State Police Training Academy Auditorium, 7901 Independence Boulevard, Baton Rouge, LA. This public hearing is scheduled for 7 p.m. on March 26, 1986.

Colonel Wiley D. McCormick
Deputy Secretary

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no implementation costs or savings to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There will be no costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment.

P. A. Touchard
Lieutenant

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Revenue and Taxation
Excise Taxes Section**

Under the authority granted by LSA-R.S. 47:831C, the Secretary of the Department of Revenue and Taxation intends to adopt the following rules and regulations concerning the administration and enforcement of the hazardous waste disposal tax (Part V of Chapter 7-A of Title 47 of the Louisiana Revised Statutes of 1950).

Proposed Rules

Regulations for the administration and enforcement of the Hazardous Waste Disposal Tax

Article 821.1 Definitions

A. The terms used in this Chapter shall be defined as provided in R.S. 30:1054 and R.S. 30:1133, with R.S. 30:1133 gov-

erning in any case of conflict between them, unless another definition is specifically provided or a definition is specifically modified.

B. The words defined in R.S. 47:821B have the meaning ascribed to them in that section unless the context clearly indicates otherwise.

1. *Disposal* means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste as defined in this Section, into or on any land or water in a hazardous waste disposal facility within Louisiana in such a manner that the hazardous waste so disposed becomes part of the surrounding or underlying land. Storage in excess of 90 days shall be presumed to constitute disposal for purposes of collection of the tax but shall not subject those wastes stored in excess of 90 days to additional taxation when ultimately disposed.

(a) *Hazardous waste disposal facility* means any facility or location where any treatment, incineration, processing, or deposition of hazardous waste occurs or is contained. This includes any location where waste is disposed in violation of law or the regulations of the Louisiana Department of Environmental Quality.

(b) *Storage* means the containment of hazardous waste on a temporary basis in such a manner as not to constitute disposal of such hazardous waste. In order to comply with this definition, the waste in storage cannot become part of the surrounding or underlying land or water.

2. *Dry-weight ton* means a ton of hazardous waste excluding the weight of the water, and for underground injection shall include no more than one percent of the inorganic solids contained in the hazardous waste. Calculation of the taxable dry-weight tons of a waste is accomplished through the use of a dry-weight conversion factor which is determined with reference to a chemical analysis, or, when appropriate, by reference to the standard dry-weight conversion factors established by Article 821.2. The chemical analysis shall determine the percentage of water content of the waste and, when the waste is to be disposed by underground injection and the one-percent inorganic solids limitation applies, the percentage of inorganic solids content.

(a) When the one-percent inorganic solids limitation does not apply, the dry-weight conversion factor shall be 100 percent less the percentage of water content. For example, if the chemical analysis determines that the waste is 30 percent water, the dry-weight conversion factor is 100 percent - 30 percent = 70 percent and the taxable dry weight of the waste is 70 percent of the total weight of the waste.

(b) When the waste is to be disposed of by underground injection and the one-percent inorganic solids limitation applies, the dry-weight conversion factor shall be 100 percent less the percentage of water content and less the percentage of inorganic solids in excess of one percent. For example, if the chemical analysis determines that the waste is 30 percent water and 5 percent inorganic solids, the dry-weight conversion factor is 100 percent less the 30 percent water content and less the 4 percent by which the percentage of inorganic solids exceeds 1 percent, or 100 percent - 30 percent - 4 percent = 66 percent. In this example the taxable dry weight should be 66 percent of the total weight of the waste.

3. *Hazardous waste* means a substance identified or listed as a hazardous waste in the Louisiana Hazardous Waste Regulations of the Department of Environmental Quality in effect on July 1, 1984, except that the term *hazardous waste* shall not include special waste as defined in R.S. 47:821.

The regulations of the Department of Environmental Quality in effect on July 1, 1984, provide that to be a *hazardous waste*, a substance must first be a *waste* and define waste to be *any material for which no use or reuse is intended and which is to be discarded*. Any substance for which the generator has further use is

not considered a waste or hazardous waste. Examples of further use include use as a feed stream to processes from which usable substances are extracted, use as a fuel-producing energy, and sale of the substance.

Article 821.2 Standard dry-weight conversion factors

A. In order to minimize instances in which the cost to the taxpayer of testing waste to determine the actual dry weight exceeds the tax liability, and to minimize instances in which the cost to the state of administering and enforcing the tax exceeds the tax revenue, the secretary herein establishes standard dry-weight conversion factors and guidelines for the use of these factors. The standard conversion factors can be used only in instances which meet all conditions established by the guidelines.

B. The guidelines for use of the standard conversion factors are:

1. Any generator may use the standard conversion factors in computing the taxable dry weight of a hazardous waste when the wet weight is ten tons or less for the taxable quarter.

2. When a taxpayer files a consolidated return covering several generation sites, the ten-ton limit is to be applied on a per-site basis.

3. The ten-ton limit applies to each waste. The total tons of all wastes which are substantially the same must be combined in determining if the ten-ton limit is exceeded. A taxpayer may qualify to use the standard factors in computing the dry weight of some wastes on a return while being required to use the actual conversion factor for other wastes on the same return.

4. Taxpayers are not required to use the standard conversion factors. The actual conversion factor or the wet weight may be used.

C. When use of the standard conversion factors is allowed, and the taxpayer elects to use them, the allowable factor is based upon the method of disposal. Listed below are the disposal methods for which standard conversion factors have been established, and their associated factors.

Landfill	.75, i.e., total wt. × .75 = dry wt.
Landfarm	.25, i.e., total wt. × .25 = dry wt.
Impoundments	.05, i.e., total wt. × .05 = dry wt.
Injection wells	.02, i.e., total wt. × .02 = dry wt.

Article 822.1 Imposition of tax

A. The tax is imposed upon the disposal, as defined by R.S. 47:821, of any hazardous waste and on hazardous waste stored for more than 90 days for the purpose of eventual incineration at sea. R.S. 47:821 defines disposal to include storage in excess of 90 days; therefore, the tax is imposed on any storage in excess of 90 days, not only on storage for the purpose of eventual incineration at sea.

B. A disposer or generator who voluntarily removes hazardous waste from an inactive or abandoned site shall not be subjected to imposition of this tax when the hazardous waste is disposed of again. Disposers receiving such waste are required to charge the tax on waste received by them and disposers or generators voluntarily removing waste from an inactive or abandoned site are required to pay the tax to the disposer; however, the disposer or generator voluntarily removing the waste may exclude the exempt amounts from the calculation of the tax on his return while taking credit on his return for the tax paid to the disposer. Whenever a generator or disposer excludes waste from the tax calculation under this provision, he shall attach to his return a signed statement declaring that he is entitled to the exemption and a schedule detailing by manifest number the total gross tons excluded, the type of waste, and the disposer who received the waste, or other appropriate records acceptable to the Secretary. Credit claimed under this provision shall be disallowed if it is determined that the removal or redisposal of the waste was in violation of the

laws, rules, or regulations administered by the Department of Environmental Quality or that the waste was not voluntarily removed from an inactive or abandoned site.

C. A generator who has been classified as a small-quantity generator by the Department of Environmental Quality and has received written permission from the Department of Environmental Quality to store hazardous waste in excess of 90 days may elect to report the taxable storage in excess of 90 days in the quarter in which the waste is removed from storage, rather than the quarter in which the storage period actually exceeded 90 days. This method of reporting may be used only for those wastes authorized by the Department of Environmental Quality to be stored in excess of 90 days. If this method of reporting is elected, the tax shall be due at the rate established for taxable disposal at a site other than the site at which the waste is generated, regardless of how or where the waste is ultimately disposed of.

Article 823.1 Rate of tax

The tax is levied at the rate of five dollars per dry-weight ton of hazardous waste disposed or stored in excess of 90 days for eventual disposal on or at the site upon which the generator's act or process produced the hazardous waste, and at the rate of ten dollars per dry-weight ton of hazardous waste disposed or stored in excess of 90 days for eventual disposal on or at a site other than the site upon which the generator's act or process produced the hazardous waste.

Article 824.1

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Article 825.1 Direct payment by generator

The tax imposed by R.S. 47:822 shall be collectible from and shall be paid by the generator of the hazardous waste directly to the secretary if the generator disposes of his own waste on or at his own disposal site. In addition, R.S. 47:826A provides that the secretary shall have the authority to collect the tax from the generator if the disposer fails to collect the tax; and in support of this, the generator is required to pay directly to the secretary any tax due not collected by a disposer.

Article 826.1 Collection by disposer; liability of disposer

R.S. 47:826A provides that when the generator does not dispose of his own hazardous waste on or at his own disposal site, the disposer shall collect the tax from the generator at the time the disposer receives the hazardous waste and shall remit the tax so collected to the secretary.

The disposer is required by R.S. 47:826B to state and collect the tax separately from any other fee, charge, or other price charged to the generator, and is required to provide the generator with documentation of the amount of tax collected. The disposer shall not advertise or hold out to the generator that he will relieve the generator from the payment of all or any part of the tax and the generator shall not be deemed to have paid the tax unless he receives a document from the disposer separately stating the amount of the tax that has been paid. The tax charged by the disposer shall be a debt from the generator to the disposer, until paid, and shall be recoverable at law in the same manner as other debts.

If the disposer neglects, fails, or refuses to collect or remit the tax, he shall be liable and shall pay the tax himself. However, the secretary shall have the authority to collect the tax from the generator if the disposer fails to collect the tax.

Article 826.2 Exempt disposal by disposer

R.S. 47:826C provides in part that if hazardous waste is received by a disposer and it is stored for 90 days or less and then not disposed of in a taxable manner, then the generator shall be entitled to a refund from the secretary for the amount of any taxes collected from the generator for that hazardous waste.

Whenever waste is received by a disposer from a generator and stored for 90 days or less and then disposed of in a tax-free

manner, the disposer must certify this to the generator. The certification must identify the waste, the amount of waste, the invoice on which the tax was charged, and the amount of tax collected. The generator may take credit on his return for the amount of tax paid on the certified exempt disposals, provided copies of certifications are attached to the return.

When hazardous waste is to be disposed of in a tax-free manner, the secretary of the Department of Revenue and Taxation may allow the disposer to post a surety bond, or other such financial assurances acceptable to the secretary, in lieu of payment of the tax. The minimum amount of the surety bond or other financial assurances shall not be less than the amount of the average quarterly tax liability that would have been due had no bond or financial assurance been pledged. If this alternate method is allowed, then both the generator and the disposer of the hazardous waste must attach a schedule to their quarterly tax reports, detailing all shipments and/or disposals of hazardous waste on which no tax was paid.

Additionally, the disposer of the hazardous waste must enter into an agreement with the Department of Revenue and Taxation guaranteeing payment of the hazardous-waste tax in the event that the hazardous waste was not disposed of (a) within 90 days, or (b) in a tax-free manner.

Any disposer wishing to use this alternate method must submit a proposal to this department, in writing, for approval. Any disposer employing this method without proper approval or any disposer found not charging the tax may be assessed the fine outlined in R.S. 47:827.

Article 827.1 Returns and payment

The tax due for each quarter shall be remitted to the secretary, by the person responsible for remitting the tax, on or before the 20th day of the subsequent quarter. All generators and disposers doing business in Louisiana are required to file a tax return quarterly, unless otherwise provided, on forms prescribed by the secretary. Forms are available from the secretary; and although forms are usually mailed to each taxpayer, failure to receive a form will not relieve the taxpayer of the necessity of filing and remitting the tax currently due.

Corporations that violate the provisions of R.S. 47:827 shall be fined an amount not to exceed \$100,000. Individuals who violate the provisions of R.S. 47:827 shall be fined an amount not to exceed \$10,000, or imprisoned for not more than one year, or both.

When any taxpayer fails to pay any tax, penalty, and interest assessed, as provided in this Chapter, the secretary of the Department of Revenue and Taxation may proceed to enforce the collection thereof by distraint and sale under the provisions of R.S. 47:1570 through 1573.

Article 829.1 Refunds

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Article 830.1 Suspension of prescription

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Article 831.1 Records

Every person required to pay, collect, or remit the tax imposed under this Chapter shall keep a permanent record of all production, handling, storage, disposal, shipment, and receipt of hazardous waste by him in sufficient detail to be of value in determining the correct tax liability under this Chapter. These records must be kept whether or not the person believes the tax imposed by this Chapter is applicable.

Whenever the dry weight of a waste is used as the basis for computing the tax on a return, full documentation of the facts and methodology used in calculating the dry weight must be maintained. This documentation includes, but is not limited to, testing

procedures followed, test results obtained, assumptions made, and the basis for assumptions made.

Where required records are voluminous, they must be kept in chronological order or in some other systematic order compatible with the taxpayer's regular bookkeeping system which will enable the secretary to verify the accuracy of information contained in tax returns.

Records kept on punched cards, magnetic tape, or other mechanical or electronic record-keeping devices are permissible provided the taxpayer makes available all necessary codes and equipment to enable the secretary to audit such records, or provides the secretary with written transcripts of those parts of the records which the secretary wishes to examine.

The books and records must contain complete information pertaining to both taxable and non-taxable items which are the subject of taxes imposed herein, and must be retained until the tax period to which they relate has prescribed. Records required by this Section must be available at all times during the regular business hours of the day for inspection by the secretary or duly authorized agents of the secretary.

For the purpose of computing, collecting, or auditing the tax imposed by this Chapter, the secretary shall have access to all manifests and records which are collected by the Department of Environmental Quality.

Article 832.1 Disposition of collection

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A copy of the proposed rules and regulations may be obtained by writing to L. Kent LaPlace, Excise Taxes Section, Department of Revenue and Taxation, 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 Department of Revenue and Taxation Building, 330 North Ardenwood Drive, Baton Rouge, LA.

Written comments will be accepted by Mr. LaPlace through the close of business, April 7, 1986. He is responsible for answering inquiries about the proposed rules and regulations.

Shirley McNamara
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Hazardous Waste Disposal Tax**

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

These rules will not add any cost to the implementation and administration of the hazardous waste disposal tax enacted by the Legislature in March, 1984.

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

These rules should not have any effect on the revenue collections of the state or any local governmental units.

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

These rules should not have any effect on the costs and/or the economic benefits to any persons or non-governmental groups.

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

These rules should not have any effect on competition and employment.

L. Kent LaPlace
Director of the
Excise Taxes Section

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Revenue and Taxation
Excise Taxes Section**

Under the authority granted by LSA-R.S. 47:1511, the Secretary of the Department of Revenue and Taxation intends to adopt the following rules and regulations concerning the administration and enforcement of the inspection and supervision fee (Part V of Chapter 9 of Title 45 of the Louisiana Revised Statutes of 1950).

Proposed Rules

Regulations for the administration and enforcement of the Inspection and Supervision Fee
Article 45:1177. Inspection and Supervision Fee; amount; payment; appointment and payment of attorney; supplemental fees.

A. General; amount and payment of fee.

R.S. 45:1177 imposes a fee on each common carrier, contract carrier, and public utility doing business in Louisiana and subject to control and jurisdiction of the Louisiana Public Service Commission. This fee is for the inspection, control, and supervision of the business service and rates of such common carrier, contract carrier, and public utility and shall be in addition to any and all property, franchise, license, and other taxes, fees, and charges now or hereafter fixed, assessed, or charged by law against such common carrier, contract carrier, and public utility. This fee shall be paid to the Department of Revenue and Taxation on or before April 1 of each year and shall be measured by the gross receipts of each common carrier, contract carrier, and public utility from its Louisiana intrastate business for the prior calendar year. The fee to be paid by each common carrier, contract carrier, and public utility shall be as follows:

- (1) \$3 per \$1,000 for the first \$100,000 or less of such gross receipts;
- (2) \$2.50 per \$1,000 of such gross receipts in excess of \$100,000 and not more than \$250,000;
- (3) \$2 per \$1,000 of such gross receipts in excess of \$250,000 and not more than \$500,000;
- (4) \$1.50 per \$1,000 of such gross receipts in excess of \$500,000 and not more than \$750,000;
- (5) \$1 per \$1,000 of such gross receipts in excess of \$750,000 and not more than \$1,000,000;
- (6) \$.70 per \$1,000 of such gross receipts in excess of \$1,000,000 and not more than \$2,000,000;
- (7) \$.50 per \$1,000 of such gross receipts in excess of \$2,000,000 and not more than \$5,000,000;
- (8) \$.35 per \$1,000 of such gross receipts in excess of \$5,000,000 and not more than \$10,000,000;
- (9) \$.25 per \$1,000 of such gross receipts in excess of \$10,000,000 and not more than \$25,000,000;
- (10) \$.20 per \$1,000 of such gross receipts in excess of \$25,000,000 and not more than \$100,000,000; and
- (11) \$.15 per \$1,000 of such gross receipts in excess of \$100,000,000.

In the case of a contract carrier, the first \$500,000 of gross receipts shall be exempt and the fee due on the excess of gross receipts shall be computed commencing with Item (4), but in no case shall the fee to be paid be less than \$35.

B. Newly taxable businesses.

Every common carrier, contract carrier, and public utility doing business in Louisiana and subject to control and jurisdiction of the Louisiana Public Service Commission shall pay the minimum fee of \$35 for the first period of operation ending December 31. The fee is due and payable within 90 days from the date the

Louisiana Public Service Commission grants the business authority to operate in Louisiana.

C. Supplemental Fees.

Each gas, electric, and telephone utility doing business in Louisiana and subject to regulation, with respect to rates and services, by the Louisiana Public Service Commission shall pay to the state, in addition to the fees prescribed in R.S. 45:1177 A and B, supplemental fees for the financing of the costs of the economic and rate analysis division. The supplemental fee shall be an additional 20 percent of the fee prescribed in R.S. 45:1177 A and B. In the case where the gas, electric, and telephone utility may have other utility operations, the supplemental fee shall be computed only on that portion of the fee prescribed in R.S. 45:1177 A and B which was based on the gas, electric, and/or telephone utility receipts.

A copy of the proposed rules and regulations may be obtained by writing to: L. Kent LaPlace, Excise Taxes Section, Department of Revenue and Taxation, 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, 330 North Ardenwood Drive, Baton Rouge, LA.

Written comments will be accepted by Mr. LaPlace through the close of business, April 7, 1986. He is responsible for answering inquiries about the proposed rules and regulations.

Shirley McNamara
Secretary

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
These rules will not add any cost to the administration of the inspection and supervision fee.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
These rules should not have any effect on the revenue collections of the state or any local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
These rules should not have any effect on the costs and/or the economic benefits to any persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
These rules should not have any effect on competition and employment.

L. Kent LaPlace
Director of the
Excise Taxes Section

Mark C. Drennen
Legislative Fiscal Officer

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

Notice is hereby given that the Department of Treasury, Board of Trustees of the State Employees Group Benefits Pro-

gram intends to amend plan document of benefits, effective July 1, 1986, as follows:

Article 3, Section VIII (H) on page 44, to be amended as follows:

"Expenses incurred while a covered person in connection with cosmetic or reconstructive surgery, unless necessary for the immediate repair of a deformity caused by a non-occupational disease, illness, accident or injury which occurs while coverage is in force; provided, however, no payment shall be made for expenses incurred in connection with the treatment of any body part not affected by the non-occupational disease, illness, accident or injury."

Article 1, Section II (A) (2) on page 18, after the word "plan" on the 3rd line, insert the following language:

"NOR MAY A DEPENDENT BE COVERED BY MORE THAN ONE EMPLOYEE."

Article 3, Section I (I) on page 33, line 26, after the word "to" and before the word "two" insert the following language:

"the first"

Article 2, Section II (C) on page 26, shall be amended to read as follows:

"C. On the date the dependent ceases to be an eligible dependent of the covered employee as defined in this contract;"

Article 3, Section VIII, on page 45, add the following section:

"DD. hearing aids;"

Article 3, Section VIII, on page 45, add the following section:

"EE. hair transplants."

Article 3, Section I (G) on page 28, the first three lines should be amended to read as follows:

"When a non-occupational disease, illness, accident or injury causes a covered person to receive treatment, the following shall be considered eligible expenses under comprehensive medical benefits when prescribed by a physician and medically necessary for the treatment of a covered person.

Article 3, Section VIII (M) on page 44, should be amended to read as follows:

"Maternity expenses incurred by, or on behalf of, any person other than the covered employee or the covered employee's legal spouse."

Article 3, Section I (I) on page 33, by adding a last paragraph to that Section which shall read as follows:

"For purposes of this Section (Article 3, Section I (I)) only, the term confinement shall mean that period of time between the date of admission to a hospital or other medical facility or institution and the date of discharge from that same hospital, medical facility or institution."

Comments or objections will be accepted, in writing, by the executive director of the State Employees Group Benefits Program until 4:30 p.m. on April 29, 1986, at the following address: Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Amendments to Plan Document**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no implementation costs or savings to state

or local governmental units and there will only be minimal implementation costs and no implementation savings.

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

The proposed amendment to plan document language will have no effect on revenue collections of state or local governmental units.

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

Clarification of plan document language will not result in costs and/or economic benefits to directly affected persons or non-governmental groups.

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

These rule changes will have no effect on competition and employment.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

Committee Reports

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on February 25, 1986 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the December 20 *Louisiana Register* with the following results:

1) Proposal to amend Subpart F - Emission Standards for asbestos, Part IV of the Louisiana Air Quality Regulations, to clarify several definitions used in asbestos demolition/renovation reporting, to eliminate "deminimus" reportable quantities, and to initiate an asbestos disposal tracking system.

Approved by a vote of 5-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on February 25, 1986 and reviewed certain changes in state regulations proposed by the Louisiana Department of Wildlife and Fisheries for which notice of intent was published in the January 20 *Louisiana Register* with the following results:

1) Proposal by the Louisiana Wildlife and Fisheries Commission to promulgate and enact rules, as authorized by Act 402 of the 1985 Louisiana Legislature, that will allow a Louisiana res-

ident to raise and sell freshwater gamefish fingerlings for stocking private waters.

2) An administrative fee of \$50, which was originally included in the proposal, was withdrawn from the rule by request of the Department of Wildlife and Fisheries, and was not acted upon by the oversight subcommittee.

Approved by a vote of 5-0.

Clyde W. Kimball
Chairman

Administrative Code Update

LOUISIANA ADMINISTRATIVE CODE Supplement Changes

The following are corrections to the Volume 1 Supplement to the *Louisiana Administrative Code*, Titles 1, 10, 35 & 64. All of these corrections refer to Title 35, Horse Racing.

PAGE	RULE#	CORRECTION
iii	35:6347	Delete line.
6	35:1513	Historical note, last entry should read LR 11:6 (January, 1985).
6	35:1709	Historical note, last entry should read LR 10:495 (July, 1984).
9	35:6347	Delete entire rule (the rule is correctly printed as 35:6353; 6347 remains the same as in main text).

These corrections are needed due to typographical or printer's errors and should clarify the content of the above-mentioned Supplement.

Potpourri

POTPOURRI

Department of Agriculture Office of Agricultural and Environmental Sciences State Entomologist

In accordance with LAC 7:XV.9507 and 9509, we are hereby publishing the annual quarantine.

1.0 Sweet Potato Weevil (*Cylas formicarius*, *elegantulus*, Sum)

(a) In the United States: the states of Alabama, Florida, Georgia, Mississippi, Texas, and South Carolina.

(b) In the State of Louisiana:

1) The entire parishes of: Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Rapides, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Washington, West Baton Rouge, West Feliciana.

Those portions of the Parish of Bienville as follows: The

properties of Lamar Brown and Vester Harper in the Northwest Quarter of Section 24, Township 14 North, Range 6 West; the property of Prentis Boston in the Northwest Quarter of Section 5, Township 14 North, Range 6 West; the property of William P. Daniels in the Southwest Quarter of Section 30, Township 14 North, Range 6 West; the property of Doyle Jackson in the Northeast Quarter of Section 21, Township 14 North, Range 5 West; the property of Marshall Hough in the Northwest Quarter of Section 33, Township 14 North, Range 6 West; the property of Prentis Riddle in the Southeast Quarter of Section 27, Township 14 North, Range 6 West; the property of Bobby Boston in the Southwest Quarter of Section 17, Township 15 North, Range 6 West; the property of S. M. Hennigan, Jr., in the Southeast Quarter of Section 32, Township 14 North, Range 6 West; and all properties within a one mile radius thereof.

3) Those portions of the Parish of Jackson as follows: The property of James Donnie Norred in Section 18, Township 15 North, Range 3 West; and all properties within a one mile radius thereof.

4) Those portions of the Parish of LaSalle as follows: The property of Willie B. Worthington in Section 15, Township 8 North, Range 3 East; the property of Fred Worthington in Section 15, Township 8 North, Range 3 East; the property of Louis Welch in Section 15, Township 8 North, Range 3 East; and all properties within a one mile radius thereof.

5) Those portions of the Parish of Union as follows: The property of Elgin Dean in Section 33, Township 21 North, Range 1 East; and all properties within a one mile radius thereof.

6) Those portions of the Parish of Winn as follows: The property of Johnnie Toms in Section 16, Township 13 North, Range 5 West; and all properties within a one mile radius thereof.

2.0 Pink Bollworm (*Pectinophora gossypiella*, Saunders)

Pink bollworm quarantined areas are divided into generally infested and/or suppressive areas as described by USDA-PPQ.

ARIZONA

(1) Generally infested area: the entire state.

ARKANSAS

(1) Generally infested area: None.

(2) Suppressive area: Clark County: The entire county; Dallas County: The entire county; Jefferson County: The entire county except that area south of U.S. Highway 65; Lafayette County: The entire county; Lonoke County: The entire county lying south of Interstate 40; Miller County: The entire county; Ouachita County: The entire county; Pulaski County: That area of the county lying east of the Arkansas River and south of Interstate 40.

CALIFORNIA

(1) Generally infested area: The entire Counties of: Imperial, Inyo, Los Angeles, Orange, Riverside, San Bernardino, San Diego.

(2) Suppressive area: The entire Counties of: Fresno, Kern, Kings, Madera, Merced, San Benito, Tulare.

LOUISIANA

(1) Generally infested area: The entire Parish of Caddo

(2) Suppressive area: None

NEVADA

(1) Generally infested area: The entire Counties of Clark and Nyle.

(2) Suppressive area: None.

NEW MEXICO

(1) Generally infested area: The entire state.

OKLAHOMA

(1) Generally infested area: The entire state.

TEXAS

(1) Generally infested area: The entire state.

3.0 Brown Garden Snail (*Helix aspersa*)

The entire State of California.

4.0 Leaf Scald (*Xanthomonas albilineans*)

All areas of the country where sugarcane is grown.

5.0 Lethal Yellowing

The states of Florida and Texas and the Commonwealth of Puerto Rico.

6.0 Sweet Potato Mosaic

The states of Alabama and Georgia and any other state which may hereafter be found to be infected with sweet potato mosaic; and all other states which do not maintain restrictions against the movement of regulated products from the quarantined area.

7.0 Tristeza, xyloporosis, psorosis, exocortis.

All citrus growing areas of the United States.

8.0 Burrowing nematode (*Radopholus similis*)

The states of Florida and Hawaii and the Commonwealth of Puerto Rico.

9.0 Oak Wilt (*Ceratocystis fagacearum*)

ARKANSAS

Infected counties: Baxter, Benton, Boone, Carroll, Clay, Craighead, Crawford, Franklin, Fulton, Independence, Izard, Johnson, Lawrence, Logan, Madison, Marion, Mississippi, Nevada, Newton, Poinsett, Pope, Randolph, Scott, Searcy, Sharp, Stone, Washington, and Yell.

ILLINOIS

Entire state is quarantined.

IOWA

Entire state is quarantined.

KANSAS

Infected counties: Anderson, Atchison, Cherokee, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Linn, Miami, Neosho, Pottawatomie, Shawnee, and Wyandotte.

MARYLAND

Infected counties: Allegany, Frederick, Garrett, and Washington.

MICHIGAN

Infected counties: Barry, Barrien, Calhoun, Cass, Clare, Clinton, Grand Traverse, Kalamazoo, Kent, Lake, Livingston, Manistee, Missaukee, Muskegon, Oakland, Roscommon, St. Joseph, Van Buren, Washtenaw, Wayne, and Menominee.

MINNESOTA

Infected counties: Anoka, Aitkin, Blue Earth, Carver, Cass, Chicago, Crow Wing, Dakota, Dodge, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Le Sueur, McLeod, Mille Lacs, Morrison, Mower, Nicollet, Olmsted, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Waseca, Washington, Winona, and Wright.

MISSOURI

Entire state is quarantined.

NEBRASKA

Infected counties: Cass, Douglas, Nemaha, Otoe, Richardson, and Sarpy.

NORTH CAROLINA

Infected counties: Buncombe, Burke, Haywood, Jackson, Lenoir, Macon, Madison, and Swain.

OKLAHOMA

Infected counties: Adair, Cherokee, Craig, Delaware, Haskell, Latimer, LeFlore, Mayes, McCurtain, McIntosh, Ottawa, Pittsburg, Rogers, Sequoyah, and Wagoner.

PENNSYLVANIA

Infected counties: Adams, Allegheny, Armstrong, Beaver,

Bedford, Blair, Butler, Cambria, Centre, Clarion, Clinton, Cumberland, Erie, Fayette, Franklin, Fulton, Greene, Huningdon, Indiana, Jefferson, Juniata, Lawrence, Mifflin, Perry, Somerset, Venango, Washington, and Westmoreland.

SOUTH CAROLINA

Infected counties: Chesterfield, Kershaw, Lancaster, Lee, and Richland.

TENNESSEE

Infected counties: Blount, Carter, Cocke, Cumberland, Grainger, Greene, Hamblen, Hancock, Hardeman, Hawkins, Jefferson, Knox, Lincoln, Loudon, Montgomery, Rhea, Roane, Robertson, Sevier, Sullivan, Union, Washington, and White.

TEXAS

Infected counties: Bandera, Bastrop, Bexar, Blanco, Basque, Burnett, Dallas, Erath, Fayette, Gillespie, Hamilton, Kendall, Kerr, Lampasas, Lavaca, McLennan, Midland, Tarrant, Travis, Williamson.

VIRGINIA

Infected counties: Aleghany, Augusta, Bath, Botetoust, Clarke, Frederick, Giles, Highland, Lee, Loudoun, Montgomery, Page, Rockbridge, Rockingham, Scott, Shenandoah, Smyth, Warren, Washington, Wise, and Wythe.

WEST VIRGINIA

Infected counties: all counties except Tucker and Webster.

WISCONSIN

Infected counties: Adams, Brown, Buffalo, Chippewa, Clark, Columbia, Crawford, Dane, Dodge, Dunn, Eau Claire, Fond du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kenosha, La Crosse, Lafayette, Lincoln, Marquette, Milwaukee, Monroe, Oconto, Outagamie, Ozaukee, Pepin, Pierce, Polk, Portage, Racine, Richland, Rock, St. Croix, Sauk, Shawano, Trempealeau, Vernon, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood.

10.0 Phony Peach

ALABAMA

Entire state.

FLORIDA

Entire state.

GEORGIA

Entire state.

ARKANSAS

Counties of Arkansas, Ashley, Bradley, Chicot, Columbia, Crittendon, Cross, Desha, Drew, Hempstead, Howard, Jefferson, Lafayette, Lee, Lincoln, Little River, Miller, Monroe, Nevada, Phillips, Pike, Poinsett, St. Francis, Sevier, Union, and Woodruff.

KENTUCKY

County of McCracken.

LOUISIANA

Parishes of Bienville, Bossier, Caddo, Claiborne, DeSoto, Jackson, Lincoln, Morehouse, Natchitoches, Ouachita, Red River and Union.

MISSISSIPPI

Entire state.

MISSOURI

County of Dunklin.

NORTH CAROLINA

Counties of Anson, Cumberland, Gaston, Hoke, Polk and Rutherford.

SOUTH CAROLINA

Counties of Aiken, Allendale, Bamberg, Barnwell, Cherokee, Chesterfield, Edgefield, Greenville, Lancaster, Laurens, Lexington, Marlboro, Orangeburg, Richland, Saluda, Spartanburg, Sumter, and York.

TENNESSEE

Counties of Chester, Crockett, Dyer, Fayette, Hardman, Hardin, Lake, Lauderdale, McNairy, Madison, and Weakley.

TEXAS

Counties of Anderson, Bexar, Brazos, Cherokee, Freestone, Limestone, McLennan, Milan, Rusk, San Augustine, Smith, and Upshur.

11.0 Citrus Canker (*Xanthomonas campestris pv citri* (Hasse) Dawson)

The entire State of Florida.

12.0 Southern Pine Beetle (*Dendroctonus frontalis* Zimm.)

The Parishes of: LaSalle, Catahoula, Grant, Caldwell, Bienville, Jackson, East Feliciana, St. Helena, DeSoto, Red River, Sabine, Natchitoches, and Evangeline.

John W. Impson
State Entomologist

Bob Odom
Commissioner of Agriculture

POTPOURRI

Department of Health and Human Resources Office of Management and Finance

The Section 1122 Policies and Guidelines published as a Rule on April 20, 1985 in the *Louisiana Register* lists types of capital expenditures which are subject to review under the program (p. 354). It is noted that questions regarding appropriateness of review of a particular capital expenditure should be directed to DPPE for an official determination. The Department of Health and Human Services has recently clarified their response to one such question which has arisen several times.

A change in an approved capital expenditure proposal which is related to a change in bed capacity or substantial change in services will be subject to full review including determination of need as related to the change. The need for a change in bed capacity will be determined based on whether said change causes the original proposal to more closely conform to the applicable criteria in the State Health Plan. The need for a change in services will be determined based on the need in the service area for the service(s) proposed for change.

If the change is approved, the due date for evidence of obligation to make the capital expenditure for the change remains the same as the due date for the original approval.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

POTPOURRI

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources hereby gives notice that, in addition to any currently used reference system, the Louisiana Administrative Code (LAC) reference system will be indicated, wherever possible, on all DHHR material appearing in the *Louisiana Register*.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

POTPOURRI

House of Representatives Legislative Research Library

TO: All State Agencies

RE: Reports to the Legislature

Act 905 of 1985 R.S. changes the requirements for sub-

mission of reports requested by the Legislature or required by law or resolution to be submitted to the Legislature. Pursuant to Act 905, copies should be distributed as follows:

1. One copy to the presiding officer of each house of the Legislature.

2. Two copies of each report filed with the Legislative Research Library, Box 94012, Baton Rouge, LA 70804-9012. Reports should be furnished without cost to the library within five days of publication.

The Legislative Research Library will distribute a list of such reports to the members of the Legislature who may then request a copy from the distributing agency if they so desire. The library will be the depository for all reports.

Suzanne Hughes
Administrator
Legislative Research Library

POTPOURRI

Department of Natural Resources Office of the Secretary Coastal Management Division

The secretary previously gave notice in the December 20, 1985 *Louisiana Register* of his intent to amend the rules and procedures of the Coastal Zone Management Program under the authority of the State and Local Coastal Resources Management Act of 1978, R.S. 49:213.1 et. seq., in particular Sections 213.11B, 213.11C and E, and 213.16C, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et. seq.

The proposed amendments would implement regulations for the orderly consideration and disposition of reconsideration petitions to the secretary of the Department of Natural Resources. The amendments also rescind Section E of Part VI and Sections D and E of Part VIII of Appendix c1, Rules and Procedures for Coastal Use Permits, and Appendix c5, Procedural Rules for the Hearing of Appeals by the Louisiana Coastal Commission. A public hearing was held on January 6, 1986 in the Conservation Auditorium on the first floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

As a result of public comments received, certain corrections and revisions were made to the proposed amendments, upon which the department wishes to hold a second hearing. A public hearing will be held at 7 p.m. on April 2, 1986 in the Conservation Auditorium on the first floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral and/or written comments on the corrections and revisions to the proposed amendments.

All interested persons are invited to submit written comments on the corrections and revisions to the proposed amendments. Such comments should be submitted no later than April 11, 1986, to Dr. Charles G. Groat, Assistant to the Secretary, Department of Natural Resources, Box 94396, Baton Rouge, LA 70804-9396. Dr. Groat may be contacted at the address above, or telephone (504) 342-7591. A copy of the proposed amendments as revised and corrected may be obtained from the Coastal Management Division, State Land and Natural Resources Building, tenth floor, 625 North Fourth Street, Baton Rouge, LA.

B. Jim Porter
Secretary

POTPOURRI

Department of Natural Resources Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56:7001 through 56:700.5, and regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980, notice is given that 50 claims amounting to \$67,266.22 were received during the month of February, 1986. No claims were paid during the month of February, 1986.

The following claims are the subjects of public hearings to be held at the locations indicated:

Friday, April 4, 1986, at 2 p.m., in the Lafitte City Hall, Lafitte, LA.:

CLAIM NO. 85-2447 (RESCHEDULED)

Lester C. Arcement, of Lafitte, LA, while trawling on the vessel, "CHARLIE'S ANGELS", in the Gulf of Mexico, northeast of North Pass, at LORAN-C readings of 29,119.8 and 46,830.4, Plaquemines Parish, encountered a submerged boat mast on June 13, 1985, at approximately 12:30 p.m., causing loss of his 85 foot trawl. Amount of Claim: \$635.64

CLAIM NO. 85-2523 (RESCHEDULED)

Lester C. Arcement, of Lafitte, LA, while trawling on the vessel, "CHARLIE'S ANGELS", in the Gulf of Mexico, southeast of Rollover Bayou, at LORAN-C readings of 27,091.7 and 46,944.2, Vermilion Parish, encountered a submerged piece of rope on July 7, 1985, at approximately 8:30 p.m., causing damage to his vessel. Amount of Claim: \$785.79

CLAIM NO. 85-2646 (RESCHEDULED)

Herbert Schultz, Jr., of Lafitte, LA, while trawling on the vessel, "LADY SARAH", in Garden Island Bay, southeast of Port Eads at approximate LORAN-C readings of 28,977.0 and 46,776.1, Plaquemines Parish, encountered an unidentified submerged obstruction on August 6, 1985, at approximately 8 a.m., causing loss of one 9½ foot by 40 inch trawl board. Amount of Claim: \$513.84

CLAIM NO. 85-2700 (RESCHEDULED)

Allen Wiseman, of Harvey, LA, while trawling on the vessel, "MIDNIGHT SPECIAL", in the Houma Navigation Canal, at the mouth of Little Cocodrie Bayou, Terrebonne Parish, encountered a large piece of rope on September 4, 1985, at approximately 5 p.m., causing damage to his vessel. Amount of Claim: \$2,725

CLAIM NO. 85-2717

Eddie Matherne, of Lafitte, LA, while trawling on the vessel, "KEITH & LYNN", in the Gulf of Mexico, south of Grand Terre Islands, at LORAN-C readings of 28,608.2, and 46,863.4, Jefferson Parish, encountered an unidentified submerged obstruction on September 1, 1985, at approximately 11 a.m., causing loss of 62 foot trawl. Amount of Claim: \$1,050

CLAIM NO. 85-2726

Floyd A. Robin, of Lafitte, LA, while trawling on the vessel, "LADY BEA", in Vermilion Bay, west of Boston Bayou ¼ mile from land, Vermilion Parish, encountered an unidentified submerged obstruction on September 11, 1985, at approximately 11:30 a.m., causing loss of 50 foot trawl. Amount of Claim: \$825

CLAIM NO. 85-2772

Brian K. Plaisance, of Westwego, LA, while trawling on the vessel, "LITTLE REO", in the Gulf of Mexico, ¾ mile off Scofield Bay, Plaquemines Parish, encountered an unidentified submerged obstruction on September 19, 1985, at approximately 12 p.m., causing loss of try net and boards. Amount of Claim: \$151.90

CLAIM NO. 85-2807

Joseph Rogers, Jr., of Lafitte, LA, while trawling on the vessel, "L&A", in the Gulf of Mexico, between Main Pass and

North Pass, Plaquemines Parish, encountered an unidentified submerged obstruction on September 27, 1985, at approximately 4 p.m., causing loss of one set of boards, two 50 foot trawls and chains. Amount of Claim: \$2,769.70
CLAIM NO. 85-2817

E. J. Foret, Jr., of Harahan, LA, while trawling on the vessel, "JENNIFER", in Between the Passes, approximately ½ mile east, southeast of mouth of North Pass, Plaquemines Parish, encountered an unidentified submerged obstruction on October 9, 1985, at approximately 9 a.m., causing damage to propeller. Amount of Claim: \$475.96
CLAIM NO. 85-2828

August E. Despaux, Jr., of Barataria, LA, while trawling on the vessel, "THERESA ANNE", in Barataria Bay, east side of #26 channel marker, Jefferson Parish, encountered a submerged channel marker piling on October 13, 1985, at approximately 11 a.m., causing damage to 50 foot trawl. Amount of Claim: \$287.67
CLAIM NO. 85-2830

Cyrus Blanchard, of Lafitte, LA, while trawling on the vessel, "WILD TURKEY", in the Barataria Waterway, 1½ miles south of the mouth of Bayou Dupont, Jefferson Parish, encountered an unidentified submerged obstruction on September 22, 1985, at approximately 7:30 p.m., causing loss of a pair of wing nets. Amount of Claim: \$406.03
CLAIM NO. 85-2833

George D. Eckerle, of Lafitte, LA, while trawling on the vessel, "LADY JANET", in Bay Batiste, at mouth of Bay Batiste, Plaquemines Parish, encountered an unidentified submerged obstruction on October 16, 1985, at approximately 1 p.m., causing loss of 50 foot trawl. Amount of Claim: \$480
CLAIM NO. 85-2845

Eddie J. Matherne, of Lafitte, LA, while trawling on the vessel, "KEITH & LYNN", in West Bay, Plaquemines Parish, encountered an unidentified submerged obstruction on October 15, 1985, at approximately 10 a.m., causing damage to his vessel. Amount of Claim: \$3,085
CLAIM NO. 85-2859

Hillen W. Boudreaux, Jr., of Marrero, LA, while trawling on the vessel, "BRANDI LYNN", in the Gulf of Mexico, approximately three miles east of Four Bayous, at LORAN-C readings 28,671.4 and 46,865.8, Plaquemines Parish, encountered an unidentified submerged obstruction on October 16, 1985, at approximately 10:30 a.m., causing loss of 55 foot trawl and set of boards. Amount of Claim: \$1,820.85
CLAIM NO. 85-2903

Floyd A. Robin, of Lafitte, LA, while trawling on the vessel, "LADY BEA", in Vermilion Bay, west of Cypremort Point, Vermilion Parish, encountered an unidentified submerged obstruction on October 18, 1985, at approximately 9 a.m., causing loss of 14 foot try net and set of boards. Amount of Claim: \$240.90
CLAIM NO. 85-2909

George D. Eckerle, of Lafitte, LA, while trawling on the vessel, "LADY JANET", in the Barataria Waterway, one mile past Texaco Dock, Jefferson Parish, encountered a submerged plastic rope on October 27, 1985, at approximately 4 a.m., causing damage to vessel. Amount of Claim: \$378.90
CLAIM NO. 85-2910

Joseph A. Rivere, of Westwego, LA, while trawling on the vessel, "MASTER TODD", in Bayou Segnette, south of the power lines which cross the bayou, Jefferson Parish, encountered an unidentified submerged obstruction on September 19, 1985, at approximately 2 p.m., causing damage to vessel's shaft and wheel. Amount of Claim: \$627.02
CLAIM NO. 85-2911

Joseph A. Rivere, of Westwego, LA, while trawling on the

vessel, "MASTER TODD," in Lake Cataouatche, the north central section, Jefferson Parish, encountered an unidentified submerged obstruction on September 25, 1985, at approximately 9 a.m., causing damage to trawl. Amount of Claim: \$255.80
CLAIM NO. 85-2912

Brian K. Plaisance, of Westwego, LA, while trawling on the vessel, "LITTLE REO," in the Gulf of Mexico, ¾ mile south of Bay la Mer, Plaquemines Parish, encountered an unidentified submerged obstruction on November 9, 1985, at approximately 2 p.m., causing loss of 16 foot trinet and boards. Amount of Claim: \$151.90
CLAIM NO. 85-2919

Lionel B. Fitzgerald, Sr., of Barataria, LA, while trawling on the vessel "MISS LYRIA," Barataria Bay, at the mouth of Bayou St. Denis, Jefferson Parish, encountered an unidentified submerged obstruction on November 13, 1985, at approximately 9 a.m., causing loss of one 38 foot trawl. Amount of Claim: \$475
CLAIM NO. 85-2933

Lawrence Plaisance, of Lafitte, LA, while trawling on the vessel, "CAPT. LAWRENCE," in Lake Salvador, the north central section, Jefferson Parish, encountered an unidentified submerged obstruction on October 25, 1985, at approximately 9 a.m., causing loss of 50 foot trawl. Amount of Claim: \$450
CLAIM NO. 85-2939

Curtis Silver, of Lafitte, LA, while trawling on the vessel, "SHINING STAR," in the Gulf of Mexico, at the entrance of Bay la Mer, Plaquemines Parish, encountered an unidentified submerged obstruction on November 14, 1985, at approximately 12 a.m., causing loss of 55 foot trawl. Amount of Claim: \$814
CLAIM NO. 85-2956

Lester C. Arcement, of Lafitte, LA, while trawling on the vessel, "CAPT. CRAIG," in South East Pass, at approximate LORAN-C readings 29,057.3 and 46,797.2, Plaquemines Parish, encountered an unidentified submerged obstruction on October 21, 1985, at approximately 10 a.m., causing loss of 68 foot trawl. Amount of Claim: \$485
CLAIM NO. 85-2957

Lester C. Arcement, of Lafitte, LA, while trawling on the vessel, "CHARLIE'S ANGELS," in South Pass, at approximate LORAN-C readings 28,993.3 and 46,767.6, Plaquemines Parish, encountered an unidentified submerged obstruction on November 15, 1985, at approximately 11:30 a.m., causing damage to 68 foot trawl. Amount of Claim: \$500
CLAIM NO. 85-2958

Lester C. Arcement, of Lafitte, LA, while trawling on the vessel, "CAPT. CRAIG," in the Gulf of Mexico, South Pass, at LORAN-C readings 28,995.5 and 46,771.0, Plaquemines Parish, encountered an unidentified submerged obstruction on November 17, 1985, at approximately 10 a.m., causing loss of trawl and boards. Amount of Claim: \$2,702.73
CLAIM NO. 85-2963

Floyd A. Robin, of Lafitte, LA, while trawling on the vessel, "LADY BEA," in the Gulf of Mexico, east of Four Bayou about ½ mile from shore near Bay la Mer, Plaquemines Parish, encountered a submerged piece of iron on November 18, 1985, at approximately 12:30 a.m., causing damage to 55 foot trawl. Amount of Claim: \$275
CLAIM NO. 85-2995

August Gisclair, of Barataria, LA, while trawling on the vessel, "MASTER DOYLE," in North Pass, at approximate LORAN-C readings 29,095.6 and 46,835.8, Plaquemines Parish, encountered an unidentified submerged obstruction on October 16, 1985, at approximately 1 a.m., causing loss of 47 foot trawl. Amount of Claim: \$1,150

CLAIM NO. 85-3018

Brian K. Plaisance, of Westwego, LA, while trawling on the vessel, "LITTLE REO," in the Gulf of Mexico, about ¾ mile east of Four Bayou Pass, Plaquemines Parish, encountered an unidentified submerged obstruction on November 26, 1985, at approximately 12 p.m., causing damage to trawl. Amount of Claim: \$402.85

CLAIM NO. 85-3019

Eric J. Frickey, of Lafitte, LA, while enroute to a shrimping area in the vessel, "MR. LUCKY," in the Barataria Waterway, near Bayou St. Denis, Jefferson Parish, encountered a submerged pil-ing marker on December 3, 1985, at approximately 10 a.m., causing damage to propeller. Amount of Claim: \$159

CLAIM NO. 85-3020

Manuel Creppel, of Marrero, LA, while trawling on the ves-sel, "SEVEN C's," in the Gulf of Mexico, at the mouth of Main Pass, Plaquemines Parish, encountered a submerged cable spool on October 23, 1985, at approximately 7:30 a.m., causing damage to trawl. Amount of Claim: \$150

CLAIM NO. 85-3021

Manuel Creppel, of Marrero, LA, while trawling on the ves-sel, "SEVEN C's," in North Pass, Plaquemines Parish, encoun-tered an unidentified submerged obstruction on October 22, 1985, at approximately 9:30 a.m., causing loss of 50 foot trawl. Amount of Claim: \$475

CLAIM NO. 85-3022

Manuel Creppel, of Marrero, LA, while trawling on the ves-sel, "SEVEN C's," in the Lonesome Bayou, Plaquemines Parish, encountered an unidentified submerged obstruction on October 21, 1985, at approximately 10 a.m., causing loss of trawl. Amount of Claim: \$450

CLAIM NO. 85-3023

Keith E. Trosclair, of Marrero, LA, while trawling on the vessel, "LADY NELLIE," in the Gulf of Mexico, about 1¼ miles south of Chaland Pass, at approximate LORAN-C readings of 28,687.7 and 46,862.2, Jefferson Parish, encountered an un-identified submerged obstruction on December 5, 1985, at ap-proximately 3 p.m., causing damage to trawls. Amount of Claim: \$450

CLAIM NO. 85-3044

Edward J. Cheramie, Jr., of Lafitte, LA, while trawling on the vessel, bearing Louisiana Registration Number LA-8751-AS, in the Gulf of Mexico, just north of Caminada Pass, Jefferson Par-ish, encountered an unidentified submerged obstruction on May 10, 1985, at approximately 3:30 p.m., causing loss of trawl. Amount of Claim: \$602.55

CLAIM NO. 85-3045

Edward J. Cheramie, Jr., of Lafitte, LA, while trawling on the vessel, bearing Louisiana Registration Number LA-8751-AS, in the Gulf of Mexico, just northeast of Quatre Bayou Pass, Jef-ferson Parish, encountered an unidentified submerged obstruc-tion on June 7, 1985, at approximately 11:15 a.m., causing loss of trawl. Amount of Claim: \$589.93

CLAIM NO. 85-3046

Edward J. Cheramie, Jr., of Lafitte, LA, while trawling on the vessel, bearing Louisiana Registration Number LA-8751-AS, in the Gulf of Mexico, south of Grand Terre Islands, Jefferson Par-ish, encountered an unidentified submerged obstruction on June 13, 1985, at approximately 11:45 a.m., causing loss of trawl. Amount of Claim: \$589.93

CLAIM NO. 85-3069

Marcello Reynon, Jr., of Marrero, LA, while trawling on the vessel, "LADY CRESHIA," in the Gulf of Mexico, east of Main Pass, Plaquemines Parish, encountered and unidentified sub-

merged obstruction on October 20, 1985, causing loss of 50 foot trawl. Amount of Claim: \$504.95

CLAIM NO. 85-3070

Marcello Reynon, Jr., of Marrero, LA, while trawling on the vessel, "LADY CRESHIA," in the Gulf of Mexico, west of Pass du Bois, Plaquemines Parish, encountered an unidentified sub-merged obstruction on November 15, 1985, at approximately 10 a.m., causing loss of trawl. Amount of Claim: \$554.95

CLAIM NO. 85-3090

Eugene Coulon, of Lafitte, LA, while trawling on the ves-sel, "SUMMER BREEZE," in the Gulf of Mexico, east of Cat Is-land Pass, at approximate LORAN-C readings of 28,151.0 and 46,822.2, Terrebonne Parish, encountered an unidentified sub-merged obstruction on November 28, 1985, at approximately 7:15 p.m., causing loss of 55 foot net and damage to vessel. Amount of Claim: \$5,000

CLAIM NO. 85-3097

John Otero, of Lafitte, LA, while trawling on the vessel "MISS FLUFFIE," in the Gulf of Mexico, east of Four Bayous, at approximate LORAN-C readings 28,671.5 and 46,865.7, Jeffer-son Parish, encountered an unidentified submerged obstruction on December 9, 1985 at approximately 11 a.m., causing loss of trawl, boards and cable. Amount of Claim: \$1,282

CLAIM NO. 86-3111

Irvin Helmer, Sr., of Westwego, LA, while trawling on the vessel, "JUDY DEE," in the Gulf of Mexico, east side of Grand Isle Pass, at LORAN-C readings of 28,568.0 and 46,865.1, Jefferson Parish, encountered an unidentified submerged obstruction on December 6, 1985, at approximately 12:30 p.m., causing loss of two 55 foot trawls, boards, and cables. Amount of Claim: \$3,653

CLAIM NO. 86-3120

Rufus Boutte, of Lafitte, LA, while trawling on the vessel, "MR. D. J.," in the Gulf of Mexico, one mile south of Four Bayou, Jefferson Parish, encountered an unidentified submerged ob-struction on November 10, 1985, at approximately 9 a.m., caus-ing loss of 40 foot trawl. Amount of Claim: \$420

Wednesday, April 9, 1986, at 10 a.m., in the Louisiana State University Cooperative Extension Service Office, 511 Roussel Street, Houma, LA:

CLAIM NO. 85-2760

Korl Authement, of Houma, LA, while trawling on the ves-sel, "CAPT. KORL," in Terrebonne Bay, Terrebonne Parish, en-counterred an unidentified submerged obstruction on September 18, 1985, at approximately 10 a.m., causing loss of 50 foot trawl, 16 foot test, and boards. Amount of Claim: \$1,968.10

CLAIM NO. 85-2781

Larry J. Dupre, Sr., of Chauvin, LA, while trawling on the vessel, "MISS MARIE," in the Gulf of Mexico, just east of the mouth of Hog Bayou, approximate LORAN-C readings 26,907.0 and 46,965.4, Cameron Parish, encountered an unidentified sub-merged obstruction on September 8, 1985, at 8:30 a.m., causing loss of two 50 foot trawls, and 18 foot Tri-net. Amount of Claim: \$2,361.90

CLAIM NO. 85-2799

Adam J. Fitch, of Dulac, LA, while trawling on the vessel, "VIOLA B," in the Gulf of Mexico, just west of Shell Keys, at ap-proximate LORAN-C readings of 27,373.0 and 46,922.6, St. Mary Parish, encountered an unidentified submerged obstruction on October 7, 1985, causing loss of trawls and boards. Amount of Claim: \$2,425.40

CLAIM NO. 85-2879

Roy Dion, of Dulac, LA, while trawling on the vessel, "ROY & JOBY," off of Marsh Island, South Point, at approximate LORAN-C readings of 27,523.5 and 46,922.7, Iberia Parish, en-

countered old pilings on October 24, 1985, at approximately 9 a.m., causing loss of two 50 foot trawls and tickler chain. Amount of Claim: \$1,905.05
CLAIM NO. 85-2880

Charles J. Cunningham, of Chauvin, LA, while trawling on the vessel, "AMY SUE," in the Gulf of Mexico, about 2½ miles off Joseph Harbor Cut Blk. 17, Terrebonne Parish, encountered a 4" pipe line on October 24, 1985, at approximately 1:20 p.m., causing loss of two 55 foot trawls, and two 70 foot tickle chains. Amount of Claim: \$2,272.80
CLAIM NO. 85-2886

Houston Trahan, of Chauvin, LA, while trawling on the vessel, "REBECCA LYNN," in the Gulf of Mexico, south of Trinity Bay, Terrebonne Parish, encountered an unidentified submerged obstruction on October 21, 1985, causing loss of his 50 foot trawl and chain. Amount of Claim: \$1,000.25
CLAIM NO. 85-2895

Floyd Trosclair, of Bourg, LA, while trawling on the vessel, "MISTRESS MARY," in East Cote Blanche Bay, at approximate LORAN-C readings 27,613.2 and 46,948, St. Mary Parish, encountered an unidentified submerged obstruction on November 3, 1985, at approximately 6 p.m., causing loss of 50 foot trawl, tickle chain, and boards. Amount of Claim: \$1,573.63
CLAIM NO. 85-2924

Joseph Ernest Verdin, of Houma, LA, while trawling on the vessel, "CAPT. J.V.," in the Gulf of Mexico, about 2 or 2½ miles from Roquet Pass going south, at approximate LORAN-C readings 27,699.0 and 46,900.4, Terrebonne Parish, encountered an unidentified submerged obstruction on October 25, 1985, at approximately 3 p.m., causing loss of trawl and damage to other. Amount of Claim: \$1,071.96
CLAIM NO. 85-2935

Edwin J. Voisin, of Houma, LA, while trawling on the vessel, "CAPT. EDDIE," in the Gulf of Mexico, just south of Point Au Fer, at approximate LORAN-C readings 46,889.3 and 27,681.6, Terrebonne Parish, encountered an unidentified submerged obstruction, causing damage to vessel. Amount of Claim: \$5,000
CLAIM NO. 85-2952

Theodore J. Buquet, Jr., of Houma, LA, while trawling on the vessel, "MOKIE THE BANDIT," in the Gulf of Mexico, at approximate LORAN-C readings of 27,471.4 and 46,912.6, Terrebonne Parish, encountered an unidentified submerged obstruction on July 21, 1985, at approximately 7 a.m., causing loss of Try-net and 1000' of wire rope and damage to two balloon nets. Amount of Claim: \$2,330.38
CLAIM NO. 85-2973

James Bergeron, of Chauvin, LA, while trawling on the vessel, "SWEET LORRAINE," in the Gulf of Mexico, ¾ mile off beach at Timbalier Island, at approximate LORAN-C readings 28,147.8 and 46,834.3, Terrebonne Parish, encountered a sunken boat on November 24, 1985, at approximately 3 a.m., causing loss of 50 foot net, 16 foot Try-net and board. Amount of Claim: \$1,274.69
CLAIM NO. 85-3029

Douglas Bourg, of Theriot, LA, while trawling on the vessel, "MATTHEW-ALINA," in East Cote Blanche Bay, outside Rabbit Island St. Mary Parish, encountered an unidentified submerged obstruction on December 4, 1985, at approximately 3 p.m., causing loss of 50 foot trawl. Amount of Claim: \$924.77
CLAIM NO. 85-3092

Raymond LeBouef, of Chauvin, LA, while trawling on the vessel, "LADY VICKIE," in the Gulf of Mexico, off Grand Caillou Bayou, at approximate LORAN-C readings of 29,095.3 and 90,580.9, Terrebonne Parish, encountered completely sub-

merged sunken boat on December 7, 1985, at approximately 10 a.m., causing damage to vessel. Amount of Claim: \$1,169.10
CLAIM NO. 85-3142

Wayne Boudwin, of Houma, LA, while trawling on the vessel, "CAPT. WAYNE," in the Gulf of Mexico, ¼ mile off of Blue Point Tanks, Terrebonne Parish, encountered an unidentified submerged obstruction on January 5, 1986, at approximately 8:30 a.m., causing damage to vessel. Amount of Claim: \$4,013.86
CLAIM NO. 85-2691

Paul Himel Lovell, of Theriot, LA, while trawling on the vessel, "LISA-RITA," in Breton Sound, a few 100 feet from Beacon 53, Terrebonne Parish, encountered an unidentified submerged obstruction on August 15, 1985, at approximately 2:30 p.m., causing loss of two 40 foot trawls and two sets of boards. Amount of Claim: \$2,158.88
CLAIM NO. 85-2773

Houston Trahan, of Chauvin, LA, while trawling on the vessel, "REBECCA LYNN," in Lake Pelto, Terrebonne Parish, encountered an unidentified submerged obstruction on September 27, 1985, at approximately 11 a.m., causing damage to trawl. Amount of Claim: \$1,005.25
Wednesday, April 16, 1986, at 3 p.m. in the L.S.U. Co-

operative Extension Service Office, Cameron Parish Court House, Cameron, LA:

CLAIM NO. 85-2777

Frankie E. Mock, Jr., of Cameron, LA, while trawling on the vessel, "BELLE-B," in the Gulf of Mexico, 1¼ miles from beach 3¼ miles from Jetties, Cameron Parish, encountered a sunken boat on September 28, 1985, at approximately 11 a.m., causing loss of nets and bridel. Amount of Claim: \$1,122
CLAIM NO. 85-2800

Conrad J. Nunez, of Lake Charles, LA, while trawling on the vessel, "MISS GLENDA," in the East Pass of Calcasieu River, Cameron Parish, encountered a submerged rope on September 25, 1985, at approximately 6:30 p.m., causing damage to nets, frame and transducer. Amount of Claim: \$385
CLAIM NO. 85-2877

Jesse McDaniel, of Grand Chenere, LA, while trawling on the vessel, "LADY JESSICA," in the Gulf of Mexico, ¼ mile east of Mermentau River, at approximate LORAN-C readings 26,866.4 and 46,970.3, Cameron Parish, encountered an unidentified submerged obstruction on October 23, 1985, at approximately 12:45 p.m., causing damage to vessel and nets. Amount of Claim: \$898.91
CLAIM NO. 85-2882

Floyd Stanley, of Vinton, LA, while trawling on the vessel, "LYDIA GAIL," in the East Pass of Calcasieu River, Cameron Parish, encountered a submerged 3" steel cable on October 19, 1985, at approximately 9 a.m., causing loss of anchor, rope, and chain. Amount of Claim: \$742.21
CLAIM NO. 85-2885

Ashful Authement, of Cameron, LA, while trawling on the vessel, "CAPT. ASHFUL," in the Gulf of Mexico, ⅛ mile off beach, at approximate LORAN-C readings 26,620.2 and 46,977.9, Cameron Parish, encountered an unidentified submerged obstruction on October 22, 1985, at approximately 3:15 p.m., causing damage to 50 foot net. Amount of Claim: \$150
CLAIM NO. 85-2951

Justin Picou, Sr., of Cameron, LA, while trawling on the vessel, "LITTLE JOHN," in the Gulf of Mexico, along Jetties, 500' from cap in rocks, Cameron Parish, encountered an unidentified submerged obstruction on November 2, 1985, at approximately 8 a.m., causing loss of 50 foot net, chain, and lazy line. Amount of Claim: \$864.27

CLAIM NO. 85-2955

D. J. East, of Hackberry, LA, while trawling on the vessel, "LITTLE JOE", in the Calcasieu Ship Channel, five miles south of Hackberry, Cameron Parish, encountered a submerged steel cable on November 19, 1985, at approximately 8 a.m., causing damage to vessel. Amount of Claim: \$5,000

CLAIM NO. 85-2967

Frederick W. Wannage, Sr., of Lake Charles, LA, while trawling on the vessel, "MS. KAT", in the Intracoastal Canal, Devils Elbow, Calcasieu Parish, encountered a rope tied to tree beneath water's surface on November 15, 1985, at approximately 4 p.m., causing damage to vessel. Amount of Claim: \$5,000

CLAIM NO. 85-2975

Carlton Styron, of Cameron, LA, while trawling on the vessel, "DRAG'N WAGON," in the Gulf of Mexico, ½ mile west of Cameron Jetties, Cameron Parish, encountered an unidentified submerged obstruction November 21, 1985, at approximately 10 a.m., causing loss of 50 foot net and tow block. Amount of Claim: \$365.40

CLAIM NO. 85-3003

James B. King, of Vinton, LA, while trawling on the vessel, LA Registration Number LA-283-ZS, in Shell Cut, 9 miles south of Vinton, LA or 3 miles west of Gum Cove ferry, Calcasieu and Cameron Parishes, encountered a submerged tree on November 28, 1985, at approximately 9 p.m., causing damage to vessel. Amount of Claim: \$993.03

CLAIM NO. 85-3061

Thomas Debarge, of Cameron, LA, while trawling on the vessel, "CAPTAIN WAYNE," in the Gulf of Mexico, east of the new cut, at approximate LORAN-C readings 26,908.1 and 46,966.7. Cameron Parish, encountered large pieces of wood attached by bolts on December 10, 1985, at approximately 1:30 a.m., causing damage to vessel and nets. Amount of Claim: \$525

CLAIM NO. 85-2510

Bernie Broussard, of Sulphur, LA, while trawling on the vessel, "ST. JUDE," in Calcasieu Lake, Cameron Parish, encountered an unidentified submerged obstruction on July 5, 1985, at approximately 10 a.m., causing loss of 50 foot trawl and chain. Amount of Claim: \$707

Wednesday, April 16, 1986, at 11 a.m., in the Delcambre Town Hall, Delcambre, LA:

CLAIM NO. 85-2751

Harold Dressendorfer, of New Iberia, LA, while enroute to Delcambre after leaving a shrimping area, the "GWEN DOE," in the Intercoastal Canal, Vermilion Parish, encountered an unidentified submerged obstruction on September 19, 1985, at approximately 4:30 p.m., causing damage to vessel. Amount of Claim: \$1,283.25

CLAIM NO. 85-2726

Roland Guidry, of Brusly, LA, while trawling on the vessel, "MISS BRINA," in Vermilion Bay, ¼ mile Northeast of Mico Tower, St. Mary Parish, encountered an unidentified submerged obstruction on September 14, 1985, at approximately 2 p.m., causing damage to 40 foot trawl. Amount of Claim: \$156

CLAIM NO. 85-2783

Clyde Peltier, of Breaux Bridge, LA, while trawling on the vessel, "MIS HUN," in East Cote Blanche Bay, 100 feet north of Pan-AM Point, Iberia Parish, encountered an unidentified submerged obstruction on September 20, 1985, at approximately 11 a.m., causing damage to trawl. Amount of Claim: \$50.88

CLAIM NO. 85-2784

Clyde Peltier, of Breaux Bridge, LA, while trawling on the vessel, "MIS HUN," in East Cote Blanche Bay, one quarter mile west of East Point of Marsh Island, Iberia Parish, encountered an

unidentified submerged obstruction on September 29, 1985, at approximately 9 a.m., causing damage to trawl. Amount of Claim: \$53.20

CLAIM NO. 85-2838

John N. Castille, of Opelousas, LA, while trawling on the vessel, "AMERICAN WAY," in Calcasieu Lake, 1000 feet west of tank battery in Big Lake Section, Cameron Parish, encountered an unidentified submerged obstruction on October 15, 1985, at approximately 3:30 p.m., causing loss of 40 foot trawl. Amount of Claim: \$350

CLAIM NO. 85-2872

Jerry Castille, of Castille Enterprises, Inc., St. Martinville, LA, while trawling on the vessel, "LADY ANN MARIE," in Freshwater Bayou, near Freshwater City, Vermilion Parish, encountered an unidentified submerged obstruction on October 19, 1985, at approximately 5 a.m., causing damage to vessel. Amount of Claim: \$480.40

CLAIM NO. 85-2873

Leroy Romig, of Maringouin, LA, while trawling on the vessel, "KING DAVID," in West Cote Blanche Bay, approximately 200 yards southeast of Lark Point, St. Mary Parish, encountered an unidentified submerged obstruction October 15, 1985, at approximately 11 a.m., causing loss of 50 foot trawl. Amount of Claim: \$600

CLAIM NO. 85-2874

Leroy Romig, of Maringouin, LA, while trawling on the vessel, "KING DAVID," in Cote Blanche Bay, approximately 300 yards northeast of East Point, St. Mary Parish, encountered an unidentified submerged obstruction on October 22, 1985, at approximately 9 a.m., causing loss of 45 foot trawl. Amount of Claim: \$500

CLAIM NO. 85-2989

Octa Goutierrez, Jr., of Goutierrez, Inc., Delcambre, LA, while trawling on the vessel, "KRISTI NICOLE," in Mermentau River, Cameron Parish, encountered an unidentified submerged obstruction on October 23, 1985, at approximately 4 p.m., causing damage to vessel. Amount of Claim: \$1,265.71

CLAIM NO. 85-3007

Rodney J. Bourque, of Rodney J. Bourque, Inc., Delcambre, LA, while trawling on the vessel, "MASTER HEATH," Intercoastal Canal, about ten miles from mouth, Vermilion Parish, encountered an submerged piling on November 28, 1985, at approximately 1:30 p.m., causing damage to vessel. Amount of Claim: \$4,949.13

CLAIM NO. 85-3008

Jimmie P. & Carl Lee Leger, of Erath, LA, while trawling on the vessel, "BROTHERS PRIDE," in the Gulf of Mexico, at approximate LORAN-C readings 26,553.0 and 46,975.5, Cameron Parish, encountered an unidentified submerged obstruction on November 19, 1985, at approximately 8 a.m., causing loss of Trineets, doors, and cable. Amount of Claim: \$294.68

CLAIM NO. 85-3010

J & L Boat Company, Inc., of Delcambre, LA, while trawling on the vessel, "THREE GRAND KIDS," in the Gulf of Mexico, at approximate LORAN-C readings 27,157.0 and 46,936.7, Vermilion Parish, encountered an unidentified submerged obstruction, causing loss of nets, boards and cable. Amount of Claim: \$3,261.02

CLAIM NO. 85-3085

Allen J. Comeaux, of Allen J. Comeaux, Inc., Delcambre, LA, while trawling on the vessel, "MARY C. TOOMER," in the Gulf of Mexico, west of Freshwater Bayou, at approximate LORAN-C readings 27,045.3 and 46,945.9, Vermilion Parish, encountered an unidentified submerged obstruction on November 5, 1985, at

approximately 2 p.m., causing loss of and damage to nets. Amount of Claim: \$1,030.25
CLAIM NO. 85-3086

Allen J. Comeaux, of Allen J. Comeaux, Inc., Delcambre, LA, while trawling on the vessel, "MARY K. TOOMER," in the Gulf of Mexico, SE of Big Constance Bayou, at approximate LORAN-C readings 27,143.8 and 46,939.0, Vermilion Parish, encountered an unidentified submerged obstruction on December 8, 1985, at approximately 4 a.m., causing damage to trawl. Amount of Claim: \$439.35

Friday, April 18, 1986, at 10:30 a.m. in the L.S.U. Cooperative Extension Service Office, Greater Lafourche Port Commission Building, Highway 308, Galliano, LA:

CLAIM NO. 85-2785

Brad Friloux, of Ama, LA, while trawling on the vessel, "CALIE-JAMIE," in the Gulf of Mexico, west of Point AuFer, at approximate LORAN-C readings of 27,665.2 and 46,907.1, St. Mary Parish, encountered an unidentified submerged obstruction on September 28, 1985, at approximately 2:30 p.m., causing loss of his 50 foot trawl. Amount of Claim: \$475
CLAIM NO. 85-2834

Webb Cheramie, Jr., of Grand Isle, LA, while trawling on the vessel, "MASTER WAYNE I," in the Gulf of Mexico, near mouth of Bayou Tartellon, at approximate LORAN-C readings of 28,375.0 and 46,831.7, Lafourche Parish, encountered an unidentified submerged obstruction on October 10, 1985, at approximately 2 p.m., causing loss of trawls. Amount of Claim: \$1,573.44
CLAIM NO. 85-2867

Jerry Remont, of Galliano, LA, while trawling on the vessel, "LA 327AS," in Lake Pierre, between Lake Pierre & Oaks Bay, Lafourche Parish, encountered an unidentified submerged obstruction on October 18, 1985, at approximately 10 a.m. causing loss of trawl. Amount of Claim: \$396.72
CLAIM NO. 85-2870

Mervin Ledet, Jr., of Lockport, LA, while trawling on the vessel, "RUDY-JOE," in Gulf of Mexico, six miles south of Pt. Chevreuil, at approximate LORAN-C readings of 27,625.7 and 46,915.4, St. Mary Parish, encountered an unidentified submerged obstruction on October 20, 1985, at approximately 5 p.m., causing loss of one 55 foot net. Amount of Claim: \$900
CLAIM NO. 85-2928

Herbert Charpentier, of Sea Durbin, Inc., Cut Off, LA, while trawling on the vessel, "SEA DURBIN," in the Mississippi Sound, at approximate LORAN-C reading of 11,914.1 and 47,045.8, St. Tammany Parish, encountered an unidentified submerged obstruction on November 9, 1985, at approximately 9:30 a.m., causing loss of his 50 foot trawl. Amount of Claim: \$922.34
CLAIM NO. 85-2947

Irvin J. Richoux, of Grand Isle, LA, while trawling on the vessel, "CAJUN QUEEN," in the Gulf of Mexico, west of entrance to Barataria Pass, Jefferson Parish, encountered an unidentified submerged obstruction on November 4, 1985, at approximately 11 a.m., causing damage to net. Amount of Claim: \$410.12
CLAIM NO. 85-2983

Steven Charpentier, Galliano, LA, while trawling on the vessel, "CAPT. STEVEN," in the Gulf of Mexico, just west of Port Eads, at approximate LORAN-C readings of 28,921.2 and 46,779.5, Plaquemines Parish, encountered an unidentified submerged obstruction on November 27, 1985, at approximately 6:30 a.m., causing damage to 55 foot trawl. Amount of Claim: \$355.54
CLAIM NO. 85-2984

Steven Charpentier, Galliano, LA, while trawling on the vessel, "CAPT. STEVEN," in the Gulf of Mexico, due East of Burwood, at approximate LORAN-C readings of 28,866.5 and 46,777.5, Plaquemines Parish, encountered an unidentified sub-

merged obstruction on November 26, 1985, at approximately 2 p.m., causing damage to 55 foot trawl. Amount of Claim: \$509.79
CLAIM NO. 85-2985

Steven Charpentier, of Galliano, LA, while enroute to a shrimping area, on the vessel, "CAPT. STEVEN," in Bayou Lafourche between Golden Meadow and Leesville, Lafourche Parish, encountered unidentified submerged obstruction on November 18, 1985, causing damage to vessel. Amount of Claim: \$1,019.29
CLAIM NO. 85-3009

Randy J. Adams of Galliano, LA, while trawling on the vessel, "SUNSHINE LADY," in the Gulf of Mexico, about two miles southeast of Sandy Point Bay, at approximate LORAN-C readings of 28,794.7 and 46,842.4, Plaquemines Parish, encountered an unidentified submerged obstruction on December 5, 1985, at 7:30 a.m., causing loss of one 50 foot trawl complete. Amount of Claim: \$943.61
CLAIM NO. 85-3024

Lurey Terrebonne, of Cut Off, LA, while trawling on the vessel, "CAPT. BASON," in the Gulf of Mexico, approximately 3/4 miles SW of rocks at Belle Pass, Lafourche Parish, encountered an unidentified submerged obstruction on November 22, 1985, at 5:15 a.m., causing loss of one 48 foot Ballon Trawl. Amount of Claim: \$1,142.61
CLAIM NO. 85-3037

Irvin Bruce, of Scotty Bruce, Inc., Cut Off, LA, while trawling on the vessel, "SCOTTY BRUCE," in Freshwater Bayou Canal, between Beacon 10 and Locks, Vermilion Parish, encountered an unidentified submerged obstruction on December 9, 1985, at 8 p.m., causing damage to vessel. Amount of Claim: \$5000
CLAIM NO. 85-3047

Calvin L. Melancon, of Miss Sandy, Inc., of Galliano, LA, while trawling on the vessel "MISS SANDY," in the Gulf of Mexico, one mile east, northeast of jetties at end of Belle Pass, Lafourche Parish, encountered an unidentified submerged obstruction on December 4, 1985, at approximately 7 a.m., causing damage to one 44 foot trawl. Amount of Claim: \$451.21
CLAIM NO. 85-3048

Calvin L. Melancon, of Miss Sandy, Inc., Galliano, LA, while trawling on the vessel "MISS SANDY," in the Gulf of Mexico, 3/4 mile east of jetties at Belle Pass, Lafourche Parish, encountered an unidentified submerged obstruction on December 7, 1985, at approximately 10 a.m., causing damage to his trawl. Amount of Claim: \$440.56
CLAIM NO. 85-3065

Farrel Charpentier, of Galliano, LA, while trawling on the vessel "CAPT. FARREL," in East Bay, Southwest of Port Eads, at LORAN-C readings of 28,918.5 and 46,772.6, Plaquemines Parish, encountered an unidentified submerged obstruction on November 27, 1985, at approximately 8 a.m., causing loss of 62 foot Ballon trawl. Amount of Claim: \$1,096.50
CLAIM NO. 85-3066

Farrel Charpentier, of Galliano, LA, while trawling on the vessel "CAPT. FARREL," in Gulf of Mexico, on the west side of Southwest Pass, at LORAN-C readings of 28,909.6 and 46,774.4, Plaquemines Parish, encountered an unidentified submerged obstruction on November 28, 1985, at approximately 10:10 a.m., causing damage to nets. Amount of Claim: \$229.68
CLAIM NO. 85-3067

Farrel Charpentier, of Galliano, LA, while trawling on the vessel "CAPT. FARREL," in Gulf of Mexico, in between Belle Pass and Little Pass Timbalier, at LORAN-C readings of 28,262.1 and 46,822.7, Lafourche Parish, encountered an unidentified submerged obstruction on December 1, 1985, at approximately 4:15 p.m., causing damage to nets. Amount of Claim: \$351

CLAIM NO. 85-3068

Farrel Charpentier, of Galliano, LA, while trawling on the vessel, "CAPT. FARREL", in the Gulf of Mexico, on the East Side of Southwest Pass, at LORAN-C readings of 28,847.3 and 46,773.9, Plaquemines Parish, encountered an unidentified submerged obstruction on December 18, 1985, at approximately 11:30 a.m., causing loss of 62 foot trawl. Amount of Claim: \$882.30

CLAIM NO. 85-3077

Steven Charpentier, of Galliano, LA, while trawling on the vessel, "CAPT. STEVEN", in the Gulf of Mexico, just east of Little Pass Timbalier, at LORAN-C readings of 28,265.7 and 46,822.5, Lafourche Parish, encountered an unidentified submerged obstruction on December 9, 1985, at approximately 12:30 p.m., causing damage to nets. Amount of Claim: \$629.42

CLAIM NO. 85-3084

Ernest Sponge, of Beachcomber, Inc., Galliano, LA, while enroute to a shrimping area on the vessel, "MR. ESPONGE", in the Intracoastal Canal, near 155 mile marker, Vermilion Parish, encountered an unidentified submerged obstruction on December 13, 1985, at approximately 4:30 p.m., causing damage to vessel. Amount of Claim: \$2,026.45

CLAIM NO. 85-3096

Leonard F. Billot, Jr., of Golden Meadow, LA, while trawling on the vessel, "GULF COAST I", in the Gulf of Mexico, approximately ¾ miles west-south-west of the rocks at Belle Pass, Lafourche Parish, encountered an unidentified submerged obstruction on December 29, 1985, at approximately 10 a.m., causing loss of 50 foot shrimp trawl and tickle chain. Amount of Claim: \$1,096.55

CLAIM NO. 85-3017

Michael Gaspard, of Grand Isle, LA, while trawling on the vessel, "QUEEN TORI", in the Gulf of Mexico, just South of Caminada Pass, Jefferson Parish, encountered an unidentified submerged obstruction on December 20, 1985, at approximately 9:30 a.m., causing loss of two 45 foot trawls. Amount of Claim: \$1,355.54

CLAIM NO. 85-2413 (RESCHEDULED)

Webb Cheramie, Jr., of Grand Isle, LA, while trawling on the vessel, "MASTER WAYNE I", in the Gulf of Mexico, south of Grand Isle, at approximate LORAN-C readings of 28,536.0 and 46,857.8, Jefferson Parish, encountered an unidentified submerged obstruction on June 6, 1985, causing loss of his trawl.

CLAIM NO. 85-2414 (RESCHEDULED)

Wayne Cheramie, of Grand Isle, LA, while trawling on the vessel, "MASTER WAYNE II", in the Gulf of Mexico, south of Grand Isle, at approximate LORAN-C readings of 28,536.0 and 46,857.8, Jefferson Parish, encountered an unidentified submerged obstruction on June 7, 1985, causing loss of his 51 foot balloon trawl and tickle chain. Amount of Claim: \$1,006.22

CLAIM NO. 85-2857 (RESCHEDULED)

Raleigh Rouse, of Galliano, LA, while trawling on the vessel, "CAPT. ROUSSE", in the Barataria Bay, at LORAN-C readings of 28,562 and 46,869, Jefferson Parish, encountered an unidentified submerged obstruction on October 20, 1985, causing loss of trawl. Amount of Claim: \$752.93

CLAIM NO. 85-2668

Werlin LeBouef, of Galliano, LA, while trawling on the vessel, "MASTER CRAIG", in Lake Raccouri, south of Bouy at point near Rosa Bay, at approximate LORAN-C readings of 28,575.0 and 47,033.0, Lafourche Parish, encountered an unidentified submerged obstruction on August 19, 1985, at approximately 11:30 a.m., causing damage to 45 foot Baloon trawl. Amount of Claim: \$183

CLAIM NO. 85-2711

Kearn Chouest, of L&K, Inc., Galliano, LA, while trawling on the vessel "L&K", in East Cote Blanche Bay, about ½ mile S-SW of Pt. Chevreuil, St. Mary Parish, encountered an unidentified submerged obstruction on August 26, 1985, at approximately 7 a.m., causing loss of Try-net and doors. Amount of Claim: \$256.07

CLAIM NO. 85-2775

Murry A. Gaspard, of Grand Isle, LA, while trawling on the vessel, "TE GALOOD", in Caminada Bay, Jefferson Parish, encountered a submerged 30 foot log on September 29, 1985, at approximately 6 p.m., causing loss of 50 foot Balarina trawl. Amount of Claim: \$660.10

CLAIM NO. 85-2849 (RESCHEDULED)

Robert J. Bruce, of Cut Off, LA, while trawling on the vessel, "BOBBY JOE", in the Gulf of Mexico, at LORAN-C readings of 27810.2 and 46865.6, Terrebonne Parish, encountered an unidentified submerged obstruction on October 18, 1985, causing loss of 50 foot balloon trawl and damage to vessel. Amount of Claim: \$1,634.50

Wednesday, April 23, 1986, at 9:30 a.m., in the St. Bernard Police Jury Office, 8201 West Judge Perez Drive, Chalmette, LA:

CLAIM NO. 85-2420 (RESCHEDULED)

Joseph A. Fos, of Meraux, LA, while trawling on the vessel, "THE FOS," in Lake Pontchartrain, west of the Lakefront Airport, at approximate LORAN-C readings of 28,707.0 and 47,029.6, Orleans Parish, encountered an unidentified submerged obstruction on June 13, 1985, at approximately 10 a.m., causing loss of his 35 foot trawl, boards, and cable. Amount of Claim: \$810

CLAIM NO. 85-2661 (RESCHEDULED)

Lenny Serpas, Jr., of Delacroix Island, LA, while trawling on the vessel, "BLUE EYES," in Black Bay, northwest of Mozambique Point, Plaquemines Parish, encountered an unidentified submerged obstruction on August 19, 1985, at approximately 2 a.m., causing loss of his trawl, boards and light. Amount of Claim: \$994.18

CLAIM NO. 85-2710

Wilson Melerine, of Chalmette, LA, while trawling on the vessel, "CAPTAIN TODD," in Bay Crab, near Julius Bayou, Plaquemines Parish, encountered completely submerged sunken boat on July 15, 1985, at approximately 10 a.m., causing damage to 47 foot trawl. Amount of Claim: \$264.08

CLAIM NO. 85-2787

Kenneth R. Adams, Jr., of New Orleans, LA, while trawling on the vessel, "SHANNA BABY," in the Gulf of Mexico, between Southwest Pass and Fresh Water Bayou, Vermilion Parish, encountered an unidentified submerged obstruction on September 21, 1985, at approximately 6:15 p.m., causing loss of balloon trawl, chain, and line. Amount of Claim: \$843

CLAIM NO. 85-2788

Lester B. Schellinger, Jr., of Chalmette, LA, while trawling on the vessel, bearing Louisiana Registration Number LA 8542Y, in Lake Borgne, one mile to the SW of Alligator Point, Orleans Parish, encountered an unidentified submerged obstruction on September 27, 1985, at approximately 4:30 p.m., causing damage to propeller. Amount of Claim: \$228

CLAIM NO. 85-2789

Lester B. Schellinger, of Chalmette, LA, while trawling on the vessel bearing Louisiana Registration Number LA 8542Y, in Chef Pass, ¼ mile from Lake Borgne, Orleans Parish, encountered an unidentified submerged obstruction on September 23, 1985, at approximately 10 a.m., causing loss of 50 foot trawl. Amount of Claim: \$520

CLAIM NO. 85-2809

Harry Friese, of St. Bernard, LA, while trawling on the ves-

sel, "CAPT. SNAKE," in Black Bay, ½ mile southeast of Mozambique Point, Plaquemines Parish, encountered completely submerged sunken rocks on October 3, 1985, at approximately 1 p.m., causing damage to vessel. Amount of Claim: \$1,446.71
CLAIM NO. 85-2812

Scott C. Pete, Jr., of New Orleans, LA, while trawling on the vessel, "HONKY CAT," in Lake Pontchartrain, about 4 miles west of South Draw on the Lake Pontchartrain Causeway Bridge, Jefferson Parish, encountered an unidentified submerged obstruction on October 4, 1985, at approximately 9:30 a.m., causing damage to Tri-net. Amount of Claim: \$217.15
CLAIM NO. 85-2813

Scott C. Pete, Jr., of New Orleans, LA, while trawling on the vessel, "HONKY CAT," in Lake Borgne, approximately ¼ mile east of Alligator Point, Orleans Parish, encountered an unidentified submerged obstruction on October 10, 1985, at approximately 7:30 a.m., causing loss of Tri-net. Amount of Claim: \$153
CLAIM NO. 85-2818

Robert Guerra, of St. Bernard, LA, while trawling on the vessel, "BABY BRIDGETTE," in Long Bay, southeast part, Plaquemines Parish, encountered a submerged round pipe on October 7, 1985, at approximately 7 a.m., causing loss of 50 foot trawl. Amount of Claim: \$850
CLAIM NO. 85-2819

William F. Vila, of New Orleans, LA, while trawling on the vessel "PRETZEL LOGIC," in the Intracoastal Canal, Orleans Parish, encountered an unidentified submerged obstruction September 25, 1985, at approximately 4 p.m., causing damage to vessel. Amount of Claim: \$568
CLAIM NO. 85-2826

Gary J. Treuil, of Metairie, LA, while trawling on the vessel, "DOWN MIST," in Lake Pontchartrain, approximately five miles N-NW of Camp Little Woods, Orleans Parish, encountered an unidentified submerged obstruction on October 15, 1985, at approximately 9:30 a.m., causing loss of trawl and boards. Amount of Claim: \$644
CLAIM NO. 85-2844

James Daspit, of Pearl River, LA, while trawling on the vessel, "COUNTRY GIRL," in Barataria Waterway, two miles below Texaco plant in Channel, Jefferson Parish, encountered a submerged large tree on October 19, 1985, at approximately 8 p.m., causing loss of Butterfly nets. Amount of Claim: \$250
CLAIM NO. 85-2853

Nicholas Gonzales, of Meraux, LA, while trawling on the vessel, "BLUE PERSUASION," in Chandeleur Sound, southeast of Point Chicot, St. Bernard Parish, encountered an unidentified submerged obstruction on September 17, 1985, at approximately 9:15 p.m., causing loss of trawls. Amount of Claim: \$1,075.46
CLAIM NO. 85-2855

Arthur J. Krantz, Jr., of New Orleans, LA, while trawling on the vessel, "LAURIE ANN," in the Chef Pass, Orleans Parish, encountered an unidentified submerged obstruction on October 5, 1985, at approximately 2 p.m., causing loss of 50 foot trawl. Amount of Claim: \$568
CLAIM NO. 85-2856

Arthur Krantz, Jr., of New Orleans, LA, while trawling on the vessel, "LAURIE ANN," in Lake Borgne, near Proctor Point, St. Bernard Parish, encountered an unidentified submerged obstruction on October 19, 1985, at approximately 11 a.m., causing loss of his 50 foot trawl. Amount of Claim: \$600
CLAIM NO. 85-2887

John Domingo, of St. Bernard, LA, while trawling on the vessel, "CAPT. JOHN," in Caillou Bay, south of Taylor's Bayou, at approximate LORAN-C readings of 27,894.5 and 46,861.5, Terrebonne Parish, encountered an unidentified submerged ob-

struction on October 14, 1985, at approximately 10 a.m., causing damage to vessel. Amount of Claim: \$2,111.12

CLAIM NO. 85-2741

Clifford F. Vicknair, of Slidell, LA, while trawling on the vessel, Louisiana Registration Number LA 4911 AT, in the Rigolets, 100 yards from #4 marker, Orleans Parish, encountered a submerged wing net barge on September 15, 1985, at approximately 3:30 p.m., causing loss of 50 foot trawl and tickle chain. Amount of Claim: \$640
CLAIM NO. 85-2690

Manuel M. Perez, of Meraux, LA, while trawling on the vessel, "HUSTLER," in Lake Borgne, St. Bernard Parish, encountered an unidentified submerged obstruction on August 27, 1985, at approximately 10:30 p.m., causing loss of 50 foot trawl, boards, tickle chain, and back boom. Amount of Claim: \$1,722.50
CLAIM NO. 85-3051 (RESCHEDULED)

Leon E. Seghers, of New Orleans, LA, while trawling on the vessel, "MASTER JEFF," in the Lake Pontchartrain, Orleans Parish, encountered an unidentified submerged obstruction on December 11, 1985, causing loss of nets. Amount of Claim: \$685
CLAIM NO. 85-3052 (RESCHEDULED)

Leon E. Seghers, of New Orleans, LA, while trawling on the vessel, "MASTER JEFF," in Lake Borgne, Orleans Parish, encountered an unidentified submerged obstruction on October 10, 1985, causing loss of 50 foot trawl and tickler chain. Amount of Claim: \$490
CLAIM NO. 85-3053 (RESCHEDULED)

Leon E. Seghers, of New Orleans, LA, while trawling on the vessel "MASTER JEFF," in Lake Pontchartrain, St. Tammany Parish, encountered an unidentified submerged obstruction on September 30, 1985, causing loss of 50 foot balloon trawl and tickler chain. Amount of Claim: \$550
CLAIM NO. 85-2505

Anthony Dudenhefer, of Slidell, LA, while trawling on the vessel "LOVELY LADY," in Lake Borgne, Jefferson Parish, encountered an unidentified submerged obstruction on June 25, 1985, at approximately 2 p.m., causing loss of 50 foot trawl. Amount of Claim: \$900
CLAIM NO. 85-2562

David Singletary, of Slidell, LA, while trawling on the vessel, "DAVID L," in Lake Borgne, St. Bernard Parish, encountered an unidentified submerged obstruction on July 13, 1985, at approximately 2 a.m., causing loss of 45 foot trawl. Amount of Claim: \$489
CLAIM NO. 85-2803

Bruce Guerra, Jr., of St. Bernard, LA, while trawling on the vessel, "LADY CANDACE," in Oak River Bay, Lafourche Parish, encountered an unidentified submerged obstruction on October 9, 1985, at approximately 6 a.m., causing damage to vessel. Amount of Claim: \$1,588.74
CLAIM NO. 85-2827

Gary J. Treuil, of Metairie, LA, while trawling on the vessel "DAWN MIST," in Lake Borgne, at mouth of Rigolets, Orleans Parish, encountered parts of fender from train bridge on October 10, 1985, at approximately 8 a.m., causing loss of trawl. Amount of Claim: \$895
CLAIM NO. 85-2823

Manuel L. Campo, Sr., of St. Bernard, LA, while trawling on the vessel, "MISS DOT," in Breton Sound, St. Bernard Parish, encountered an unidentified submerged obstruction on September 28, 1985, at approximately 6 a.m., causing loss of 45 foot trawl. Amount of Claim: \$707.03
CLAIM NO. 85-2822

Manuel L. Campo, of St. Bernard, LA, while trawling on the vessel, "MISS DOT," in Breton Sound, about a mile and a half

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Executive Orders

EXECUTIVE ORDER EWE 86-4

WHEREAS, general revenues have been less than projected; and

WHEREAS, the reduction in the number of state employees and the curtailment of government programs due to declining revenues will reduce the number of automobiles needed by state agencies; and

WHEREAS, vehicle operating costs have increased significantly in recent years; and

WHEREAS, in accordance with the authority vested in the commissioner of administration by Section 361 of Title 39 of the Louisiana Revised Statutes of 1950, it has been determined that there are a number of under-utilized state vehicles; and

WHEREAS, in accordance with the authority vested in the commissioner of administration by Section 361 and 363 of Title 39 of the Revised Statutes of 1950, the Division of Administration shall assume title to all such under-utilized vehicles;

NOW, THEREFORE, I, EDWIN W. EDWARDS, Governor of the State of Louisiana, do hereby order and direct as follows:

SECTION 1. the commissioner of administration shall, by March 3, 1986, direct state agencies to surplus all vehicles determined to be under-utilized.

SECTION 2. the commissioner of administration shall take appropriate steps to dispose of those vehicles determined to be surplus.

SECTION 3. the commissioner of administration shall establish and publish procedures for execution of this order.

SECTION 4. the commissioner of administration shall, in accordance with existing statutes, policies, and procedures, cause to be reduced to the greatest extent possible the personal assignment and home storage of vehicles.

SECTION 5. Exemption. An exemption is hereby provided for the departments of elected officials. In light of our current financial situation, however, all are urged to comply to the greatest extent possible with the spirit of this executive order.

SECTION 6. the commissioner of administration is hereby empowered to provide any other exemptions deemed to be in the best interests of the state or critical to the continued operation of a department.

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 13th day of February, A.D., 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 86-5

WHEREAS, Section 622 of the Tax Reform Act of 1984 (the "Tax Reform Act") restricts the total principal amount of private activity bonds the interest on which is exempt from federal income taxation under Section 104 of the Internal Revenue Code of 1954, as amended (the "bonds"), which may be issued by any state of the United States during each calendar year; and

WHEREAS, the aggregate principal amount of bonds which may be issued in the State of Louisiana (the "state") during the calendar year 1985 is restricted by the Tax Reform Act to \$150 per person, based on the most recently published estimate of population obtained from the U.S. Department of Commerce - Bureau of Census, prior to January 1, 1985 (the "ceiling"); and

WHEREAS, Executive Order Number EWE 85-93 dated December 23, 1985, provides that the governor of the State of Louisiana is responsible for granting allocations from the ceiling for certain issues of bonds; and

WHEREAS, the governor of the State of Louisiana desires to grant allocations for the hereinafter described bonds;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issues described in this Section is hereby granted an allocation from the ceiling in the amount shown below.

AMOUNT OF ALLOCATIONS	NAME OF ISSUER	NAME OF PROJECT
\$5,000,000	La. Public Facilities Authority	Cornerstone Energy Corporation

SECTION 2: The allocations granted hereunder are to be used only for the bond issues described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's IDB Ceiling" submitted in connection with the bonds described in Section 1.

SECTION 3: The bonds granted an allocation hereunder must be delivered to the initial purchasers thereof on or before 60 days from the date hereof, unless an application for a 30-day extension under Section 5.8 of Executive Order Number EWE 85-93 is timely received by the State Bond Commission staff.

SECTION 4: Pursuant to Section 103(N)(12) of the Internal Revenue Code of 1954, as amended, the undersigned certifies, under penalty of perjury, that the allocations granted hereby were not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 6: This executive order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge on this 13th day of February, 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 86-6

WHEREAS, it has been reported to me by the commissioner of administration that the receipts of the Treasury appear to fall short of revenue estimates for the fiscal year 1985-1986; and

WHEREAS, continued maintenance of the appropriated levels of expenditure is likely to result in a deficit; and

NOW, THEREFORE, I, EDWIN W. EDWARDS, Governor of the State of Louisiana, pursuant to the authority granted me by Section 10 of Act 16 of the 1985 Regular Session of the Legislature, Louisiana R.S. 39:55, and Article IV, Section 5 of the Louisiana Constitution of 1974 do hereby order that all departments and all budget units not within a department submit revised

budgets to the commissioner of administration no later than March 1, 1986. The budgets shall reflect a reduction of 5 percent. However, as authorized by Louisiana R.S. 39:55 and additionally by Section 10 of Act 16 of the 1985 Regular Session, certain appropriations will be reduced in greater amounts, and certain appropriations will be exempt from reduction, all as further directed by me and to be made known through the commissioner of administration.

Budget cuts pursuant to this order shall become effective March 1, 1986.

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 18th day of February, A.D., 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 86-7

Section 2(f) of Executive Order EWE 85-30, establishing the Governor's Study Commission on Ad Valorem Taxation, is hereby amended to add the following:

(3) One citizen of the state 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 5th day of March, 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

Emergency Rules

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

Proposed for Amendment
Rule LAC 35:I.1787G "Pre-Race Testing"

§ 1787. Pre-Race Testing

G. Whenever pre-race laboratory test reports indicate the presence of a prohibited medication or drug in the sample taken from a horse scheduled to race, particularly, but not limited to specific maximum by quantitative determination of 2.0 micrograms Phenylbutazone per milliliter of blood or 2.0 micrograms Oxypenbutazone per milliliter of blood, the stewards shall scratch the horse from the race. On the first offense a penalty of not less than \$100, nor more than \$200, shall be assessed the trainer. Upon

second or multiple offenses for positive tests, the stewards shall take whatever action they deem appropriate, consistent with law and the rules of racing.

Albert M. Stall
Chairman

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections Office of Motor Vehicles

The Louisiana Department of Public Safety and Corrections has adopted, effective March 20, 1986, amendments to the standards for licensing commercial driving schools and instructors.

Pursuant to the authority contained in Act 665 of 1983, Revised Statutes, Section 1461 of Title 40, the Department of Public Safety and Corrections through the secretary, adopts the following rules and regulations controlling commercial driving schools and their instructors in the State of Louisiana.

These rules and regulations, together with various requirements set forth in this Act, establish the criteria which will be used by the Department of Public Safety and Corrections in evaluating the qualifications of applicants for licenses or certificates, and periodically investigating the character, scope and condition of licensed schools and instructors.

The owners and officials of commercial driving schools are concerned with the procedures and policies used by the department in administering the provisions of the Act and in enforcing the rules and regulations contained herein.

A copy of the rules and regulations may be obtained at no cost by writing Buster J. Guzzardo, Sr., Office of Motor Vehicles, Box 64886, Baton Rouge, LA 70896, by calling 504/925/6277 or by coming in person to Trailer 22 of the Office of Motor Vehicles at 109 S. Foster Drive, Baton Rouge, LA.

Buster J. Guzzardo, Sr.
Administrator
Field and Safety Enforcement Services

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, and under the authority of R.S. 56:22, the Louisiana Wildlife and Fisheries Commission hereby declares that rules and regulations concerning the Experimental Fisheries Program may be adopted according to language set forth in the *Louisiana Register*, Vol. 11, No. 7, July 20, 1985.

This emergency action is necessary due to the omission of a partial sentence in the rule published in the February, 1986 issue of the *Louisiana Register*. This omission if adopted, would create loopholes in the Program, allowing widespread abuse.

The Declaration of Emergency will enable this department to issue permits to the participants in the Program who have been waiting for final adoption of the rule. The specific language omission has been addressed and the language in the notice of intent will be used to govern the program until the rule is re-published in the March issue of the *Louisiana Register*.

J. Burton Angelle
Secretary

Rules

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published on December 20, 1985 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of Regular Session, adopted as policy, the rule listed below: Rule 3.01.70.w(1).b

Delete the requirement in Bulletin 996 that applicants for teacher certification complete three clock hours of job related counseling prior to entry into a teacher education program, as required by Act 399 of 1985.

James V. Soileau
Executive Director

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, adopts the following rule in the Medical Assistance Program.

SUMMARY

Ostomy Equipment and Supplies are provided with limitations to eligible recipients under Title XIX (Medicaid) as Durable Medical Equipment and Supplies. Currently, Ostomy Equipment and Supplies are limited to bags, supplies, cement, lubricant, solvents, and Tincture of Benzoin. A recent agency appeal decision found that the durable medical equipment limitations do not preclude coverage of disposable diapers when prescribed by a physician for a recipient who cannot use standard ostomy bags. Under this ruling the Medical Assistance Program must cover disposable diapers for all recipients with functional bladder and bowel disorders who cannot use or have difficulty using standard ostomy bags. Because of the cost to the state to begin providing such services, the Medical Assistance Program is proposing to adopt a rule which will preclude disposable diapers from Title XIX coverage under classifications of Durable Medical Equipment.

This rule is authorized under 42 CFR 440.120(c) because a disposable diaper is not a replacement, corrective or supportive device which:

- 1) replaces a missing portion of the body;
- 2) prevents or corrects a physical deformity or malfunction; or
- 3) supports a weak or deformed portion of the body.

It is estimated that 355 potentially eligible recipients will request the Medical Assistance Program to provide disposable diapers if this rule is not adopted. Total state expenditures to include this additional benefit to the Medical Assistance Program are projected to be \$1,810,500 each year.

Provision of disposable diapers as Ostomy Equipment and Supplies is not allowable for federal funding.

RULE

TITLE 50
PART III
SUBPART B: Services
§2321. Prosthetic Devices

* * * *

BB. Ostomy equipment (bags, supplies, cement, lubricant, solvents, and tincture of Benzoin) are considered only if prescribed for clients with ostomies. Diapers or disposable diapers shall

not be considered as ostomy equipment and supplies covered by Medical Assistance Program.

REGULATORY EXCEPTION

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, adopts the following rule in the Medical Assistance Program.

SUMMARY

The maximum income limit before deductions for Long Term Care and Home and Community Based Services recipients is limited by Federal Regulation 42 CFR 435.1005. This limit is 300% of the Supplemental Security Income (SSI) basic monthly payment. Beginning January 1, 1986, the basic monthly SSI payment is being increased by \$11.00 to \$336.00 as allowed by a rule published in the Federal Register, Volume 50, Number 211, Page 45558, dated October 31, 1985. Therefore, the maximum monthly income before deductions of an individual otherwise eligible for Long Term Care and Home and Community Based Services will be increased from \$975.00 to \$1,008.00.

Emergency Rulemaking has been invoked to implement this change effective January 1, 1986. The Emergency Rule was published in the *Louisiana Register*, Volume 11, Number 12, dated December 20, 1985. This rule is included in LAC 50: III: 1307.

RULE

TITLE 50

PART III

SUBPART A: Eligibility

§1307. General Requirements Applicable to the Aged, Blind, and Disabled

The agency shall use the SSI financial eligibility requirements to determine Medical Assistance eligibility of aged, blind, or disabled individuals under the provisions of §333 of this Part. For recipients in institutions whose Medical Assistant eligibility is based on a special income standard established under §339 of this Part, their income before deductions cannot exceed 300 percent of the SSI benefit amount payable under Section 1611(b)(1) of the Social Security Act to an individual in their own home who has no income or resources.

* * * *

REGULATORY EXCEPTION

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, adopts the following rule in the Medical Assistance Program.

SUMMARY

The revised standards for payment for Intermediate Care Facility I and II services and Skilled Nursing Facility services published in the Louisiana Register, Volume 11, Number 9, Page 865, dated September 20, 1985, are amended as follows:

A. Section IV, B. (1) is amended to require allowable costs for salaries to be in accordance with federal cost reporting standards (HIM-15). Additionally, salaries of Administrators and Assistant Administrators will be limited to the maximum amount set by the state based on the agency's audit program review of cost reports statewide.

B. Section IV, B. (2) is amended to allow reasonable costs for travel expenses related to the administration of the facility and patient care.

C. Section IV, B. (3) is amended to allow reasonable costs for ordinary and necessary insurance coverage.

D. Section IV, B. (8) is amended to allow rent costs, paid to unrelated parties, in accordance with HIM-15.

E. Section IV, D. (3) is amended to require providers to maintain financial and statistical information necessary to substantiate their cost data for a period of three years.

F. Section IV, E. is added to clarify Chapter 10 of HIM-15 concerning the treatment of costs applicable to services, facilities, and supplies provided to a facility by organizations related by common ownership and control.

G. Section IV, D. (f) is amended to allow facilities to arrange for the provision of customized wheelchairs, when necessary for an applicant/recipient's use, through family, community resources, etc. Additionally, purchase of customized wheelchairs for this purpose by a facility will be allowable in the cost report.

This rule is authorized under 42 CFR 447.252 which requires the State Agency to establish reasonable and adequate rates, based on the costs that must be incurred by providers to provide services in conformity with applicable State and Federal laws, regulations, and quality and safety standards.

RULE

TITLE 50

PART III

SUBPART C: Standards for Payment for Skilled Nursing and Intermediate Care Facility Services Other than Facilities for the Mentally Retarded

§3103. Allowable Costs

* * * *

B. 1. Salaries

Allowable costs for administrator and assistant administrator salaries are limited to the maximum amount set by the state based on the audit program's review of cost reports statewide.

2. Related Travel Expenses

Reasonable travel expenses are allowable only as related to administration of the facility and patient care.

3. Insurance

Insurance rates are allowable for ordinary and necessary coverage and shall be reasonable in price in addition to any interim increase initiated by the insurance company.

* * * *

B. 8. Rent

* * * *

b. Rent paid to unrelated parties in accordance with HIM-15 are allowable costs.

* * * *

§3107. General Instructions for Completing Cost Reports

* * * *

C. All providers who elect to participate in the Medical Assistance Program shall maintain all financial and statistical information necessary to substantiate cost data for three years following submission of the cost report. All providers are required to make

these records available upon demand to representatives of the state, DHHS, or their contractual representatives.

* * * *

§3109. Related Party Transactions

Chapter 10 of HIM-15 explains the treatment of costs applicable to services, facilities, and supplies provided to the facility by organizations related by common ownership or control. The Medical Assistance cost report can only include the actual cost(s) to the related organization for those services, facilities, and supplies. The cost(s) must not exceed the price of comparable services, facilities, or supplies that could be purchased elsewhere. Any costs in excess of these regulations will not be allowed by the state agency.

Furthermore, when a facility changes ownership, the Deficit Reduction Act limits capital related reimbursement to a new owner based on the lesser of: (1) historical costs (the costs to the original owner); or (2) the purchase price of the asset.

In auditing cost reports, the state agency OFS will apply this HIM-15 regulation in determining actual costs applicable to sales.

If a full disclosure of the facts have not been made to the state agency and the agency approves a transaction, such approval is qualified on the basis of the facts present. Any questions concerning a relatedness situation should be directed, in writing, to the Office of Family Security, Long Term Care Program.

§3745. Services and Supplies Included in the Facilities Vendor Payments

* * * *

F.1.b. The nursing home shall attempt to arrange for the provision of customized wheelchairs as needed for a client's use through family, community resources, etc. If customized wheelchair(s) are purchased by the nursing home for this purpose, the cost shall be allowed in the cost report.

§3945. Services and Supplies Included in the Facilities Vendor Payments

* * * *

F.1.b. The nursing home shall attempt to arrange for the provision of customized wheelchairs as needed for a client's use through family, community resources, etc. If customized wheelchair(s) are purchased by the nursing home for this purpose, the cost shall be allowed in the cost report.

REGULATORY EXCEPTION

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

Department of Public Safety and Corrections
Office of Motor Vehicles

The Louisiana Department of Public Safety and Corrections has adopted the following rule, effective March 20, 1986, setting standards for issuance of veteran's license plates under authority of LRS 47:463.18.

U. S. VETERANS LICENSE PLATE

Special license plates will be issued to any veteran of the Armed Forces of the United States for private passenger cars, minimum pickup trucks and vans.

ELIGIBILITY

A qualified veteran shall include any veteran who has served at least 90 days military duty in a branch of the United States Armed Forces.

REQUIREMENTS

All applications (DPSMV 1799) for veteran license plates must be accompanied by proof of service, such as photocopy of discharge certificate. Discharge must be of honorable condition. If the vehicle is not registered in the applicant's name, he must submit proper title documentation and fees along with the request for U.S. Veteran license plates.

CANCELLATION

Special license plates displayed on vehicles other than those for which they are issued are subject to immediate cancellation. If the owner of a vehicle no longer wishes to display the plate on his vehicle or if the applicant is deceased, the plate shall be returned to the department for cancellation.

FEES

The fee for obtaining a U.S. Veteran license plate is \$50 (2 years). The fee to renew the veteran plate is as follows:

\$56.00 - Private Auto (2 years)

\$ 2.33 - Fee calculation per month for validation sticker (Auto)

\$70.00 - Private Pickup Truck/Van

\$ 2.91 - Fee calculation per month for validation sticker (Truck/Van)

PROCEDURES

Renewals, Duplicate Titles, Title Correction and Replacement Sticker will be processed in field offices. All other requests should be forwarded to Driver/Registration Processing Unit, Room 1, Box 64886, Baton Rouge, LA 70896.

John J. Politz
Assistant Secretary

RULE

Department of Public Safety and Corrections Office of State Police

Pursuant to the authority of R.S. 33:4861.17 the Office of State Police adopted the following rules pertaining to the manufacturing, distribution, and construction of pull tabs for use in Louisiana.

RULE I. STATEMENT OF DEPARTMENT POLICY

The public health, safety and welfare is the primary consideration in the promulgation of pull tab rules and shall continue to be the primary consideration in their application and enforcement.

RULE II. DEFINITIONS

1. As used through this chapter, the following definitions apply:

A. *Act* means the Charitable Bingo, Keno and Raffle Law enacted as Louisiana Revised Statutes 33:4861.1 et seq. including all amendments thereto that may hereafter be enacted including Acts 671 and 823 of 1985.

B. *Applicant* means any person or authorized representative of a corporation who has applied for or is about to apply for registration as a manufacturer or distributor of pull tabs for use in Louisiana.

C. *Pull-tabs* means a single or banded ticket or card or cards each with its face covered to conceal one or more numbers or symbols where one or more cards or tickets in each set has been designated in advance as a winner.

D. *Department* means the Louisiana Department of Public Safety and Corrections, Office of State Police.

RULE III. APPLICATION FOR REGISTRATION

1. An application to register as an approved manufacturer or distributor of pull tabs must be submitted to the department upon forms prescribed by the department. The application is not com-

plete unless it is dated and signed by the applicant, and contains all information and statements required by the department.

2. A separate application must be completed for each manufacturer's label or trademark and distributor.

3. A manufacturer or distributor registered under these rules must comply with all the required specifications in these rules and to the requirements of the act.

RULE IV. ELIGIBILITY FOR REGISTRATION

1. Any person or business entity desiring to manufacture, sell or distribute pull tabs in this state must:

A. be issued and maintain all required federal, state, parish and municipal licenses; and

B. apply to the department on forms prescribed by the department for registration; and

C. furnish to the department reports containing such information the department may determine is necessary to regulate and control pull tabs in accordance with the act and these rules; and

D. meet the suitability and business relationship criteria of Rule V.

2. No person shall be registered who holds a permit to sell liquor of either high or low content, or who is directly or indirectly involved with the operation or the assisting in the operation of any game of chance permitted under the act, or who is involved directly or indirectly in leasing or renting any premises or equipment for such game, or in the providing of any other incidental services in connection with such game or games.

3. No person shall ship pull tabs into this state until his application for registration is approved by the department.

4. No person shall ship pull tabs into this state unless the pull tabs meet the standards for construction, assembly and packaging as required by Rules VII and VIII.

RULE V. MANUFACTURERS SUITABILITY AND BUSINESS RELATIONSHIPS

1. The department may deny an application or revoke, suspend, restrict, or limit approval of registration if it finds an applicant or a business relationship between an applicant and another person or a business entity is unsuitable or endangers the health, safety, or welfare of the citizens of this state. In determining the suitability of an applicant or other persons or business entities in a business relationship, the department may consider the person or business entity's:

a. general character, including honesty and integrity;

b. financial security and stability, competency, and business experience in the capacity of the relationship;

c. record, if any, of violations which may affect the legal and proper operation of a pull tab game, including a violation of the laws or local ordinances of this state, other states, and countries without limits as to the nature of the violations.

d. refusal to provide access to records, information, equipment, or premises to the department or peace officers when such access is reasonably necessary to ensure or protect public health, safety or welfare.

RULE VI. REVOCATION, SUSPENSION, RESTRICTION, DENIAL OR NON RENEWAL OF APPLICATION - FAIR HEARING - JUDICIAL REVIEW

1. When the department revokes, suspends, restricts or denies an application for registration or renewal, the applicant may request a fair hearing. The request for a hearing shall be made in writing to the department within 45 days of the revocation, suspension, restriction or denial by the department. Upon the department's receipt of written request, a fair hearing shall be conducted in accordance with the provisions of the Louisiana Administrative Procedure Act.

2. Administrative procedures conducted by the department are subject to judicial review according to the provisions of the Louisiana Administrative Procedure Act.

RULE VII. STANDARDS FOR CONSTRUCTION

1. Pull tabs shall be constructed so that it is impossible to determine the covered or concealed number, symbol, or set of symbols, on the pull tab until it has been dispensed to and opened by the player, by any method or device, including but not limited to, the use of a marking, variance in size, variance in paper fiber, or light.

2. All pull tabs, except banded and latex covered pull tabs, will be constructed using a two or three ply paper stock construction.

3. The manufacturer shall conspicuously print on the face or cover sheet the series number and the name of the manufacturer or label or trademark identifying the manufacturer. On banded pull tabs, the series number and the name of the manufacturer or label or trademark identifying the manufacturer shall be printed so both are readily visible prior to opening the pull tab.

4. The cover sheet shall be color coded when individual series numbers are repeated and may show the consumer how to open the pull tab to determine the symbols or numbers. The cover sheet will contain perforated and/or clean-cut openings centered over the symbols or numbers on the back of the face sheet in such a manner as to allow easy opening by the consumer after purchase of the pull tabs, while at the same time, not permitting pull tabs to be opened prematurely in normal handling. Perforation should exist on both horizontal lines of the opening with either a perforated or clean-cut edge on the vertical or elliptical line where the tab must be grasped for opening after bending the edge of ticket down. On latex covered pull tabs, either the face or back of the pull tab shall be color coded when individual series numbers are repeated and may show the consumer how to remove the latex to determine the symbols or numbers. On banded pull tabs, the paper stock shall be color coded when individual series numbers are repeated.

5. Pull tabs will be glued or sealed so that it is impossible to determine the covered or concealed numbers, symbol or set of symbols on the pull tab until it has been dispensed to and opened by the player.

6. All pull tabs shall be of a uniform thickness within a series. Vendable pull tabs are defined as pull tabs that are sold out of mechanical pull tab dispensing devices approved for such use in this state. The single opening and double sided tabs shall have an overall bulk thickness of .045 inch per pull tab, plus or minus .003 inch. The multiple opening tabs shall have an overall bulk thickness of .026 inches per pull tabs plus or minus .002 inches.

Nonvendable pull tabs are defined as those that cannot be sold out of mechanical pull tab dispensing devices approved for use in this state. Nonvendable pull tabs may be dispensed from fishbowls, receptacles, packing boxes or spindles. Manufacturers of nonvendable pull tabs may use any thickness that complies with all other rules. In no instance will any type of pull tabs be approved where the winning tabs are distinguishable by visible variation in dimension.

7. All pull tabs within a single pull tab series shall also be uniform in length and width and may not vary by more than $\frac{3}{64}$ inch between series. Vendable pull tabs which are single opening or double sided tabs shall be $1\frac{1}{8}$ inches \times 1 inch, plus or minus $\frac{1}{8}$ inch. Multiple opening vendable pull tabs shall be $3\frac{1}{2}$ inches \times $1\frac{1}{8}$ inches, plus or minus 1 inch. Nonvendable pull tabs may be manufactured in any size so long as it complies with all other rules.

8. Winner protection. A unique symbol or printed device shall be placed in the high tier winner window so as to insure that the high tier winner is made unique.

9. Color or printing variations. It should not be possible to detect or pick out winning from losing tickets through variations in printing, graphics or colors, especially those involving different printing plates.

RULE VIII. ASSEMBLY AND PACKAGING

1. Manufacturers of pull tabs shall manufacture, assemble, and package each pull tab series in such a manner that none of the winning pull tabs, nor the location or approximate location of any of the winning pull tabs can be determined, in advance of opening the pull tabs in any manner or by any device, including but not limited to any pattern in manufacture, assembly, packaging, markings, or by the use of a light.

2. Winning pull tabs shall be randomly distributed and mixed among all other pull tabs in the series. The series shall be assembled and packaged with special care so as to eliminate any pattern as between series, or portions of series, from which the location or approximate location of any of the winning tabs may be determined.

3. When the series is packaged in more than one package, box or other container, the entire series of individual pull tabs shall be mixed in such a manner that no person can determine the position or approximate location of any of the winning pull tabs or determine whether any one package or portion of a series contains a larger or smaller percentage of winning pull tabs than the balance of the series. The packages, boxes or other containers shall not be numbered as to distinguish one from the other. Each series of pull tabs shall contain a packing slip placed inside the package containing the name of manufacturer, series number, date the series was packaged, and the name or identification of the person who packaged the series. This information may be printed on the back of the flare or the outside of at least one of the packages, boxes or containers in which the pull tabs are packed.

4. No distributor or manufacturer of pull tabs shall sell or otherwise provide to any person in this state or for use in this state any pull tab series that does not contain a minimum of 70 percent in prizes. For the purpose of determining the percentage of prizes offered in any pull tab series under this Section, total merchandise prizes shall be computed at the amount actually paid therefor by the licensed operator plus 50 percent of that actual cost.

RULE IX. CIVIL VIOLATIONS - CRIMINAL CITATIONS

1. When the department determines an applicant, manufacturer, or distributor has violated the act or these rules, the department shall issue a civil violation to the applicant, manufacturer or distributor.

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

- a. selling, offering for sell, distributing, or importing pull tabs in this state without registering with the department;
- b. selling, distributing or importing pull tabs to any unlicensed operator in this state who is required to be licensed by this chapter;
- c. the falsification of an application or reporting documents;
- d. refusal to provide access to records, information, equipment or premises as outlined in Rule V;
- e. the failure to comply with documentary reporting requirements.

RULE X. PENALTIES FOR CIVIL VIOLATIONS ISSUED BY THE DEPARTMENT

1. The department may suspend or deny any or all applications of an applicant, manufacturer, or distributor after opportunity for fair hearing when:

- a. the department receives:
 - i. a certified copy (or other credible evidence) of any judgment or conviction of any applicant or his agent, servant, or employee for any violation of any criminal law or ordinance of the

United States, the State of Louisiana or of any Louisiana parish, city, or town relating to charitable gaming or gambling; or

ii. a certified copy of the record (or other credible evidence) of the foreclosure by any applicant or his agent or employee of bond to appear to answer charges of violating any law or ordinance relating to charitable gaming or gambling; or

b. the department, after investigation, has reasonable cause to believe that any manufacturer, distributor, or applicant, his agent, or employee has violated the provisions of this Chapter or these rules.

2. The department may suspend an application prior to the opportunity for fair hearing when the department, after investigation, has reasonable cause to believe continued operation of the applicant endangers public health, safety and welfare. During the period of suspension, the applicant shall not operate in this state.

3. An application may be revoked, subsequent to opportunity for a fair hearing, as penalty for violation of the act or these rules. In addition to the penalties provided in this Section, pull tabs may be seized and treated as evidence when reasonable cause exists to believe the pull tabs are in violation of the act or these rules.

RULE XI. ADMINISTRATIVE PROCEEDINGS AND JUDICIAL REVIEW

1. The department shall conduct a fair hearing:
a. following the emergency suspension of application and
b. prior to the revocation of an approved application.

2. All fair hearings must be held in accordance with the Louisiana Administrative Procedure Act.

3. Administrative procedures conducted by the department are subject to judicial review in accordance with the provisions of the Louisiana Administrative Procedure Act.

These rules shall become effective March 20, 1986.

Colonel Wiley D. McCormick
Deputy Secretary

RULE

Department of Urban and Community Affairs Office of Planning and Technical Assistance

The Department of Urban and Community Affairs is amending the FY 1985 LCDBG Final Statement. The purpose of this amendment is to set aside economic development monies for applicants within the jurisdiction of the South Louisiana Revolving Loan Fund, Inc. The following paragraph will be added to Section II, E. of the final statement:

Of the 25 percent of the LCDBG funds allocated for economic development, \$333,334 will be set aside to fund economic development applications submitted by applicants within the jurisdiction of the South Louisiana Revolving Loan Fund, Inc. No deadlines will be established for the acceptance of these applications; however, an application cannot be submitted for consideration under this fund if that same application is currently under consideration for funding under any other LCDBG program category. All other program requirements and criteria stated within the final statement apply to these applications.

This rule is to be effective on March 20, 1986, and is to remain in force until amended or rescinded.

Dorothy M. Taylor
Secretary

RULE

Department of Urban and Community Affairs Office of Planning and Technical Assistance

Louisiana Community Development Block Grant (LCDBG)
Program FY 1986 Final Statement

I. PROGRAM OBJECTIVES

The LCDBG Program, as its primary objectives, provides

grants to units of general local government in nonentitlement areas for the development of viable communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. Consistent with this objective, not less than 51 percent of the aggregate of fund expenditures shall be for activities that benefit low and moderate income persons. Each activity assisted in whole or in part with LCDBG funds must meet one or more of the following objectives:

(1) strengthen community economic development through the creation of jobs, stimulation of private investment, and community revitalization, principally for low and moderate income persons,

(2) benefit low and moderate income persons,

(3) eliminate or aid in the prevention of slums or blight, or

(4) provide for other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs.

II. GENERAL.

A. APPLICATION PROCESS.

This statement sets forth the policies and procedures for the distribution of LCDBG funds. Grants will be awarded to eligible applicants for eligible activities based on a competitive selection process to the extent that funds are available. The state shall establish deadlines for submitting applications and notify all eligible applicants through a direct mailing. The applications submitted in FY 1986 for housing and public facilities will be rated and ranked and funded to the extent that monies are available. The ranking under the FY 1986 program will also be used to determine the grants selected for funding under the FY 1987 LCDBG program. In other words, the top ranked applications to the extent that monies are available will be funded in FY 1986; the next highest ranked applications will be funded in FY 1987 to the extent that monies are available. Only one application for housing and/or public facilities can be submitted; that same application will be considered for funding in FY 1986 and FY 1987. No new applications for housing and public facilities will be accepted in FY 1987.

B. ELIGIBLE APPLICANTS.

Eligible applicants are units of general local government, that is, municipalities and parishes, excluding the following areas: Alexandria, Baton Rouge, Bossier City, Terrebonne Parish Consolidated Government, Jefferson Parish (including Grand Isle, Gretna, Harahan, Jean Lafitte, and Westwego), Kenner, Lafayette, Lake Charles, Monroe, New Orleans, Shreveport, Slidell and Thibodaux. Each eligible applicant may only submit an application on its own behalf. Two or more eligible applicants may submit a joint application for activities of mutual need of each eligible applicant. Joint projects shall necessitate a meeting with state staff prior to submitting the application to determine who would be the appropriate applicant. All local governing bodies involved must be eligible according to the threshold criteria.

C. ELIGIBLE ACTIVITIES.

An activity may be assisted in whole or in part with LCDBG funds if the activity meets the provisions of Title 24 of the *U.S. Code of Federal Regulations*, Subpart C, as provided in Appendix 4. For application purposes, eligible activities are grouped into the program areas of either housing, public facilities, economic development or demonstrated need.

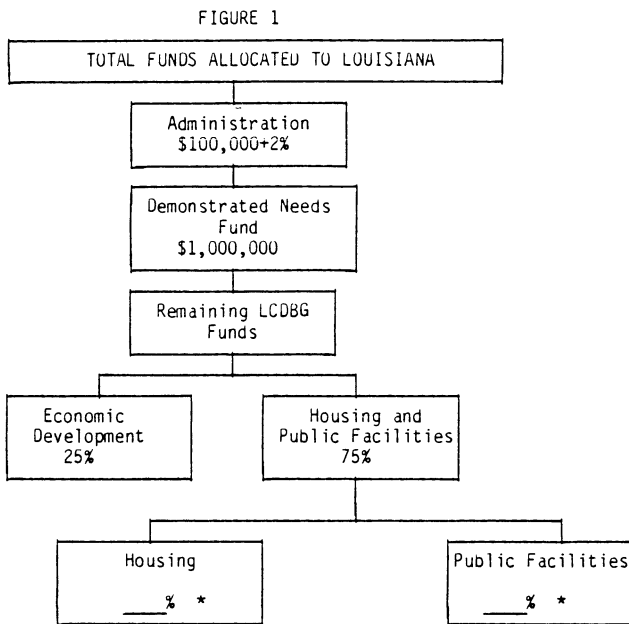
D. TYPES OF GRANTS.

The LCDBG program has two types of grant applications—single purpose and multi-purpose. Either a single purpose or multi-purpose grant application may be submitted for the pro-

gram areas of housing or public facilities and demonstrated need. Only a single purpose grant application may be submitted for economic development. When funds are requested for two or more needs in one or more of the two areas (housing or public facilities), excluding auxiliary activities, it is classified as a multi-purpose application. Final determination of the classification by type will be made by the state. Regardless of the grant type, all activities will be in competition as single purpose within each program category. Activities within a multi-purpose application will be rated and ranked individually which could result in only one activity being funded.

E. DISTRIBUTION OF FUNDS.

Figure 1 shows how the funds available will be allocated between the various population categories. Of the total CDBG funds allocated to the state, up to \$100,000 plus two percent will be used to administer the program. In addition, \$1,000,000 will be set aside for the Demonstrated Needs Fund. Since creation and retention of permanent jobs is so critical to the economy of the State of Louisiana, 25 percent of the remaining LCDBG funds will be allocated specifically for economic development type grants. Only economic development applications will compete for these funds. Economic development applications will be accepted on a continual basis within the time frame designated by the state. Public facilities and housing applications will be funded with the remaining LCDBG funds. There will be one funding cycle for housing and public facilities applications. This fund will be divided into two program categories as identified in Figure 1; the exact distribution of these funds will be based upon the number of applications received and amount of funds requested in each program category. Half of the money will be allocated based on the number of applications received in each category and half based on the amount of funds requested in each category.



*The percentage distribution among the program categories will be based upon the number of applications received and amount requested in each category. Half of the funds will be distributed based on percentage of applications received in each category and half on the basis of amount of funds requested in each category. For rating purposes only, each activity will compete for points within one of the following population categories: <2,499, 2,500 - 9,999, and >10,000. For ranking purposes, all applications will compete within the program categories.

F. SIZE OF GRANTS.

(1) Ceilings. The state has established funding ceilings of \$750,000 for single and multi-purpose grants with the exception of grants awarded under the Demonstrated Needs Fund.

(2) Individual grant amounts. Grants will be provided in amounts commensurate with the applicant's program. In determining appropriate grant amounts for each applicant, the state shall consider an applicant's need, proposed activities, and ability to carry out the proposed program.

G. RESTRICTIONS ON APPLYING FOR GRANTS.

(1) Each eligible applicant may apply for one housing or public facilities grant in each fiscal year. Any eligible applicant may apply for an economic development grant or Demonstrated Needs Fund grant, even those previously funded under the housing and public facilities components.

(2) Capacity and performance: threshold considerations for grant approval. No grant will be made to an applicant that lacks the capacity to undertake the proposed program. In addition, applicants which have participated in the block grant program previously must have performed adequately. Performance and capacity determinations for FY 1986 will be made as of the deadline date the application is due and may be the basis for rejecting an application from further consideration. Performance and capacity determinations for FY 1987 will be made as of the date the state receives its executed grant agreement from HUD. In determining whether an applicant has performed adequately, the state will examine the applicant's performance as follows. All applications will be rated upon receipt.

In order to be eligible for a grant award in FY 1986, the following thresholds must have been met:

(a) Units of general local government will not be eligible to receive funding if past CDBG programs awarded by HUD have not been closed out.

(b) Units of general local government will not be eligible to receive funding if past LCDBG programs awarded by the state have not met the following performance thresholds:

(i) FY 1982 and FY 1983 LCDBG recipients must have closed-out as of the deadline for receipt of LCDBG application by the state,

(ii) FY 1984 LCDBG recipients (excluding recipients of economic development grants) must have expended no less than 95 percent of the total grant amount,

(iii) FY 1985 LCDBG recipients (excluding recipients of economic development grants) must have expended no less than 75 percent of the total grant amount.

In order to be eligible for a grant award in FY 1987, the following thresholds must have been met:

(a) Units of general local government will not be eligible to receive funding if past CDBG programs awarded by HUD have not been closed out.

(b) Units of general local government will not be eligible to receive funding if past LCDBG programs awarded by the state have not met the following performance thresholds:

(i) FY 1982, FY 1983 and FY 1984 LCDBG recipients must have closed out.

(ii) FY 1985 LCDBG recipients (excluding recipients of economic development grants) must have expended no less than 95 percent of the total grant amount.

(iii) FY 1986 LCDBG recipients (excluding recipients of economic development grants) must have expended no less than 75 percent of the total grant amount.

(c) Audit and monitoring findings made by the state or HUD must be cleared prior to the deadline for receipt of applications by the state.

Any applications that are determined to be ineligible for FY 1986 will be re-evaluated for FY 1987.

The state is not responsible for notifying applicants as to their performance status. The state may provide waivers to these prohibitions, if a waiver is requested in writing prior to the application deadline. There shall be no waiver granted if funds are due HUD or the state unless a satisfactory arrangement for repayment of the debt has been made and payments are current.

H. DEFINITIONS.

For the purpose of the LCDBG Program or as used in the regulations, the term:

- (a) *Unit of general local government* means any municipal or parish government of the State of Louisiana.
- (b) *Low-moderate income persons* are defined as those having income within the Section 8 income limits as determined by the Secretary of Housing and Urban Development. (See Appendices 1 and 2.)
- (c) *Auxiliary Activity* means a minor activity which directly supports a major activity in one program area (housing, public facilities). Note: The state will make the final determination of the validity (soundness) of such actions in line with the program intent and funding levels.
- (d) *Slums and Blight* is defined as Act 590 of the 1970 Parish Redevelopment Act, Section Q-8. (See Appendix 3.)
- (e) *Department* refers to the Department of Urban and Community Affairs.

III. METHOD OF SELECTING GRANTEES.

The state has established selection and rating systems which identify the criteria used in selecting grantees.

A. DATA

(1) *Low-Moderate Income.* The low-moderate income limits are defined as being within the Section 8 income limits as established by HUD. In order to determine the benefit to low-moderate income persons for a public facility project, the applicant must utilize either census data (if available) or conduct a local survey.

(a) *Census Data.* If 1980 census data on income is available by enumeration district, then the state will calculate the applicant's low and moderate income percentages. If the applicant chooses to utilize census data, the low-moderate income levels as shown in Appendix 2 will be followed. However, the applicant must request this data prior to submittal of the application.

(b) *Local Survey.* If the applicant chooses to conduct a local survey, the survey sheet in the FY 1986 application package must be used. Local surveys *must* be conducted for all housing activities.

The annual income limits for low-moderate income persons (regardless of family size) when conducting a survey are shown in Appendix 1. If the applicant chooses to determine low-moderate income based on family size, the following sliding scale *must* be used:

# of Persons in Household	% of Parish/MSA* Median Income
1	50
2	64
3	72
4	80
5	85
6	90
7	95
8 or more	100

*MSA = Metropolitan Statistical Area

When a local survey, rather than census data, is used to determine the low/mod benefit, a random sample which is representative of the population of the entire target area must be taken. There are several methodologies available to insure that the sample is random and representative. The methodology used must be

stated in your application; if you have questions on the methodology to use, you may contact the Department of Urban and Community Affairs for assistance. The appropriate sample size varies with the total number of households in the target area, and is determined by using the following formula:

$$n = .9604 \times N \div (.0025N + .9579)$$

Where n = required number of households in sample

Where N = total number of occupied households in target area

If the situation arises where it must be determined as to whether or not the sample taken was indeed random, then standard statistical tests at the appropriate geographical level will be used.

Surveys conducted for housing activities must involve 100 percent of the total houses within the target area. Local surveys which have been conducted within twelve months prior to the application submittal date will be accepted, provided the survey conforms to current program requirements.

B. PROGRAM OBJECTIVES.

Each activity contained within such programs must meet one of the following two national objectives:

(1) Principal benefit (at least 51 percent) to low-moderate income persons.

(2) Elimination or prevention of slums and blight. In order to claim that the proposed activity meets this objective, the following must be met. An area must be delineated by the grantee which:

(a) meets the definition of slums and blight as defined in Act 570 of the 1970 Parish Redevelopment Act, Section Q-8 (See Appendix 3); and

(b) contains a substantial number of deteriorating or dilapidated buildings or improvements throughout the area delineated.

The grantee must describe in the application the area boundaries and the conditions of the area at the time of its designation and how the proposed activity will eliminate the conditions which qualify the area as slum/blight.

C. SINGLE PURPOSE GRANTS

(1) *Definition.* A single purpose grant provides funds for one need (water or sewer or housing, etc.), consisting of an activity which may be supported by auxiliary activities. Single purpose economic development grants are for one project, consisting of one or more activities.

(2) *Specific Program Categories.* All single purpose activities will be rated according to the following program categories.

Each housing and public facilities activity will be rated against all similar activities in the appropriate program and population category.

The criteria for reviewing each of the specific programs are as follows:

a) **ECONOMIC DEVELOPMENT** (Total of 200 Points)

The following three requirements must be met by economic development applicants.

(1) A firm financial commitment from the private sector will be required upon submission of the application. The private funds/public funds ratio must not be less than 1:1. Private funds must be in the form of a developer's cash or loan proceeds. Revenues from the sale of bonds may also be counted if the developer is liable under the term of the bond issue. Previously expended funds will not be counted as private funds for the purpose of this program, nor will private funds include any grants from federal, state or other governmental programs or any recaptured funds.

(2) If cost per job created or retained exceeds \$15,000 for the LCDBG monies, applications will not be considered for funding.

(3) A minimum of 51 percent of the employment will go to people who at the time of their employment will be persons from low to moderate income households.

i. PROJECT FEASIBILITY (Maximum Possible Points-100)

To be funded, a community's project must score a minimum of 60 points on the assessment of project feasibility. Applications will be scored in the areas of management, marketing, financial and economic feasibility.

ii. PROJECT IMPACT (Maximum Possible Points-100)

To be funded, a community's project must score a minimum of 60 points on project impact. Applications will be scored in the areas of recapture, cost-effectiveness, and leverage ratio. The total points are delineated according to the following categories:

Recapture (Maximum Possible Points-35)

This will be calculated by dividing the discounted present value of the total recapture by the grant amount minus administrative costs.

$$\text{Recapture Points} = \frac{\text{Discounted PV of recapture}}{\text{Grant Amount Minus Administration}} \times 35$$

Cost Effectiveness (Maximum Possible Points-30)

This will be calculated by dividing the \$15,000 maximum by the LCDBG fund cost per job and multiplying this number by the industry multiplier.

Leverage Ratio (Maximum Possible Points-35)

The maximum points will be awarded by dividing the actual project leverage ratio by the corresponding leverage scale ratio as shown below:

$$\text{Leverage Ratio Points} = \frac{\text{Actual Project Leverage Ratio}}{\text{Private/LCDBG Funds Ratio}} \times 35$$

Amount of LCDBG Funds Requested	Private/LCDBG Funds Ratio
0- 99,999	1.00
100,000-249,999	1.50
250,000-499,999	2.00
500,000-750,000	2.50

Although an application may be determined to be eligible, the state will make the final determination as to whether or not the proposed activity is viable in keeping with the objectives of the program. For projects involving the recapture of economic development loans, the state may recapture up to 100 percent of the pay-back. The specific details of such recapture will be outlined in each contract between the state and the local governing body receiving an award. Recaptured economic development funds will be reallocated in accordance with DUCA's policy, then in effect, for the redistribution of such funds.

b) PUBLIC FACILITIES

i. PROGRAM IMPACT (Maximum Possible Points-100)

Maximum Impact 100 points

The proposed project would completely remedy existing conditions that are in violation of a state or federal standard *promulgated* to protect public health and safety. The existing conditions and the standard being violated must be documented by cognizant state or federal agencies.

Moderate Impact 65 points

The proposed project would result in substantial progress being made towards improving existing conditions that are in violation of a state or federal standard *promulgated* to protect public health and safety. The existing conditions and the standard being violated must be documented by cognizant state or federal agencies.

Minimal Impact 30 points

The project would improve a community's infrastructure but would not address a violation of state or federal standard *promul-*

gated to protect public health and safety or is inadequately documented.

Documentation from the cognizant agencies must have been prepared within 12 months prior to the application deadline date.

ii. BENEFIT TO LOW-MODERATE INCOME PERSONS (Maximum Possible Points-40)

Percent of Low-Moderate Income (Maximum Possible Points-20) This will be calculated by dividing the number of low-moderate income persons benefitting (as defined by the state) by the total persons benefitting. The resulting raw scores will be arrayed and the top ranked applicant will receive 20 points. All other applicants will receive points based on how they score relative to that highest score as follows:

$$\text{Low-Mod Number Benefit Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 20$$

Improvements which involve different numbers and percentage of beneficiaries, must be identified separately.

Number of Low-Moderate Income (Maximum Possible Points-20) The maximum points will be awarded to the project benefitting the most low-moderate income persons. All other projects will receive points based on how they score relative to that highest score.

iii. COST EFFECTIVENESS (Maximum Possible Points-10)

Cost estimates per person benefitting will be carefully evaluated. For given numbers of persons benefitting, a range of reasonable costs per person by activity will be determined, based upon the applications received. Those outside the allowable range will receive 0 points and those within the allowable range will receive the maximum points.

iv. PROJECT SEVERITY (Maximum Possible Points-50)

This will be rated based upon the severity of the problem and extent of the effect upon the health and welfare of the community. Priority will be given to sewer and water systems in areas not currently served and to gas system improvements.

c) HOUSING

i. PROGRAM IMPACT (Maximum Possible Points-75)

This will be determined by dividing the total number of owner occupied units to be rehabilitated and replaced plus vacant units to be demolished in the target area by the total number of owner occupied substandard units in need of rehab and replacement plus vacant units in need of demolition in the target area.

$$\frac{\begin{aligned} &\# \text{ of units to be rehabed and replaced} \\ &+ \# \text{ of vacant units to be demolished} \end{aligned}}{\begin{aligned} &\# \text{ of owner-occupied substandard units including} \\ &\text{those in need of demolition and replacement} \\ &+ \text{vacant units in need of demolition inside the target area.} \end{aligned}} = \text{Raw Score}$$

The raw scores will be ranked and the top ranked applicant(s) will receive 75 points. All other applicants will receive points based on how they score relative to that high score:

$$\text{Program Impact Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 75$$

No activity will be funded that meets less than 75 percent of the identified need.

This system also permits up to 15 percent of the rehabs to be located outside of the target area(s) without affecting impact scores in any way. Rental units which will be occupied by low-moderate income persons are eligible as long as the number of rental units to be treated does not exceed ten percent of the total owner occupied units proposed for rehab. Ten percent of the total

rehab monies may also be used for emergency repairs. All units, except the emergency repairs, must be brought up to at least the Section 8 Existing Housing Quality Standards and HUD's Cost Effective Energy Conservation Standards. The number of housing target areas cannot exceed three.

ii. NEEDS ASSESSMENT (Maximum Possible Points - 25)

This will be determined by comparing the total number of units to be treated in the target area to the overall needs of the target area.

$$\frac{\# \text{ of units to be treated in target area}}{\# \text{ of units in need of treatment in target area}} = \text{Raw Score}$$

The raw scores will be arrayed and the top ranked applicant(s) will receive 25 points.

$$\text{Needs Assessment point} = \frac{\text{applicant's score}}{\text{highest score}} \times 25$$

iii. BENEFIT TO LOW-MODERATE INCOME (Maximum Possible Points - 50)

This will be calculated by dividing the number of low-moderate income households by the total number of households benefitting.

These raw scores will be arrayed and the top ranked applicant(s) will receive 50 points. All other applicants will receive points based on how they score relative to that highest score:

$$\text{Low-Mod Benefit Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 50$$

Households directly benefitting are only those scheduled for rehab and/or replacement.

iv. PROJECT FEASIBILITY (Maximum Possible Points - 50)

This will be rated based upon the project's cost effectiveness and overall needs of the area including housing as well as infrastructure.

D. MULTI-PURPOSE GRANTS

(1) Definition. A multi-purpose grant provides funds for two or more needs and has major expenditures in more than one activity in one or more of the two program areas (housing and public facilities).

(2) Specific Program Categories. Multi-purpose grants will be rated on the same basis as the single purpose grants. Each activity will be rated and ranked individually.

E. DEMONSTRATED NEEDS FUND

A \$1 million reserve fund will be established to alleviate critical community needs and to fund innovative or pilot projects. If any unobligated monies remain, those monies may be transferred into the grant category deemed feasible or used in subsequent year funding for the Demonstrated Needs Fund.

An application cannot be submitted for consideration under this fund if that same application is currently under consideration for funding under any other LCDBG program category. If not funded under the other category, a proposal for funding may be resubmitted for this fund.

(1) Criteria for Determining Eligibility

Each proposed activity must address one of the national objectives and must meet all of the two following criteria.

(a) Critical Need

The need must be critical and must be verified by an appropriate authority (cognizant state or federal agencies) other than the applicant.

(b) Innovative

The state will receive and evaluate proposals for consideration for funding innovative/demonstration projects.

Proposed activities must be eligible under Section 105(a) of the Housing and Community Development Act of 1974, as amended (see Appendix 4).

(2) Proposal Requirements

Communities must request funds by submitting a written proposal to the secretary.

The proposal must include:

(1) A description of the proposed project;

(2) Certification that the funding criteria in Section E (1) have been met;

(3) How the proposed project and its funding will remedy the documented need; and,

(4) A detailed cost estimate signed by a licensed architect or engineer for the monies requested.

(5) Documentation that citizen participation requirements of F.(10) have been met.

F. SUBMISSION REQUIREMENTS

Applications shall be submitted to the department and shall consist of the following:

(1) Community Development Plan. A description of the applicant's community development and housing needs, including those of low and moderate income persons; and a brief description of the applicant's community development and housing needs to be served by the proposed activity(ies).

(2) Program Narrative Statement. This shall consist of:

i. Identification of the national objective(s) that the activity will address.

ii. A description of each activity to be carried out with LCDBG assistance. A detailed cost estimate is required for each activity. If the proposed activity is dependent on other funds for completion, the source of funds and the status of the commitment must also be indicated.

iii. A statement describing the impact the activity will have on the problem area selected and the needs of low and moderate income persons, including information necessary for considering the program impact.

iv. A statement on the percent of funds requested that will benefit low and moderate income persons. The statement should indicate the total number of persons to be served and the number of such persons that meet the definition of low and moderate income.

(3) Maps. A map of the local jurisdiction which identifies by project area:

i. census tracts and/or enumeration districts;

ii. location of areas with minorities, showing number and percent by census tracts and/or enumeration districts;

iii. location of areas with low and moderate income persons, showing number and percent by census tracts and/or enumeration districts;

iv. boundaries of areas in which the activities will be concentrated;

v. specific location of each activity.

(4) Program Schedule. Each applicant shall submit, in a format prescribed by the state, a listing of dates for major milestones for each activity to be funded.

(5) Title VI Compliance. All applicants shall submit, in a form prescribed by the state, evidence of compliance with Title VI of the Civil Rights Act of 1964. This enables the state to determine whether the benefits will be provided on a nondiscriminatory basis and will achieve the purposes of the program for all persons, regardless of race, color, or national origin.

(6) Certification of Assurances. The certification of assurances required by the state, relative to federal and state statutory requirements, shall be submitted by all applicants; this certification includes, but is not limited to, Title VI, Title VIII, and affirmatively

furthering fair housing. In addition, each recipient should target at least 15 percent of all grant monies for minority enterprises. All assurances must be strictly adhered to; otherwise, the grant award will be subject to penalty.

(7) **Certification To Minimize Displacement.** The applicant must certify that it will minimize displacement as a result of activities assisted with LCDBG funds. In addition to minimizing displacement, the applicant must certify that when displacement occurs reasonable benefits will be provided to persons involuntarily and permanently displaced as a result of the LCDBG assistance to acquire or substantially rehabilitate property. This provision applies to all displacement with respect to residential and nonresidential property not governed by the Uniform Relocation Act.

(8) **Certification to Promote Fair Housing Opportunities.** Applicants are required to certify that as part of their efforts to further fair housing opportunities in their respective jurisdictions, they will conduct two fair housing seminars during the term of the grant. These seminars can be conducted in a community center or any other appropriate public building. The Department of Urban and Community Affairs will be available to provide technical assistance to recipients, if required.

(9) **Certification Prohibiting Special Assessments.** The applicant must submit a certification prohibiting the recovery of capital costs for public improvements financed in whole or part with LCDBG funds, through assessments against properties owned and occupied by low and moderate income persons. The prohibition applies also to any fees charged or assessed as a condition of obtaining access to the public improvements.

(10) **Certification of Citizen Participation.** Applicants shall provide adequate information to citizens about the Community Development Block Grant Program. Applicants shall provide citizens with an adequate opportunity to participate in the planning and assessment of the application for Community Development Block Grant Program funds. One public hearing must be held prior to application submittal in order to obtain the citizen's views on community development and housing needs. A notice must be published informing the populace of the public hearing. Citizens must be provided with the following information at the hearing:

- a. The amount of funds available for proposed community development and housing activities;
- b. The range of activities that may be undertaken, including the estimated amount proposed to be used for activities that will benefit persons of low and moderate income;
- c. The plans of the applicant for minimizing displacement of persons as a result of activities assisted with such funds and the benefits to be provided to persons actually displaced as a result of such activities.

d. If applicable, the applicant must provide citizens with information regarding the applicant's performance on prior LCDBG programs funded by the state.

A second notice must be published *after* the public hearing has been held but *before* the application is submitted. The second notice must inform citizens of the proposed objectives, proposed activities, the location of the proposed activities and the amounts to be used for each activity. Citizens must be given the opportunity to submit comments on the proposed application. The notice must further provide the location at which and hours when the application is available for review. The notice must state the submittal date of the application.

Applicants must submit notarized proofs of publication of each public notice.

(11) **Local Survey Data.** Those applicants who conduct a local survey to determine specific data required for the application must include one copy of all completed survey forms.

(12) **Submission of Additional Data.** Only that data re-

ceived by the deadline established for applications will be considered in the selection process unless additional data is specifically requested, in writing, by the state. Material received after the deadline will not be considered as part of the application, unless requested.

G. APPLICATION REVIEW PROCEDURE

(1) The application must be mailed or delivered prior to the deadline date. The applicant must obtain a "certificate of mailing" from the post office, certifying the date mailed. The state may require the applicant to submit this certificate of mailing to document compliance with the deadline, if necessary.

(2) The application submission requirements must be complete.

(3) The funds requested must not exceed the amount of the invitation by the state.

(4) **Review and notification.** Following the review of all applications, the state will promptly notify the applicant of the actions taken with regard to its application.

(5) **Criteria for conditional approval.** The state may make a conditional approval, in which case the grant will be approved, but the obligation and utilization of funds is restricted. The reason for the conditional approval and the actions necessary to remove the condition shall be specified. Failure to satisfy the condition may result in a termination of the grant. Conditional approval may be made:

- i. Where local environmental reviews have not yet been completed;
- ii. Where the requirements regarding the provision of flood or drainage facilities have not yet been satisfied;
- iii. To ensure that actual provision of other sources required to complete the proposed activities will be available within a reasonable period of time;
- iv. To ensure the project can be completed within estimated costs.

(6) **Criteria for disapproval of an application.** The state may disapprove an application if:

i. Based on review of the application, it is determined that general administrative costs exceed the following maximums: housing rehabilitation - 12 percent of total housing costs, economic development - 5 percent of the LCDBG funds requested for project costs, and public facilities - 7 percent of public facilities costs, except in cases where acquisition in excess of ten parcels is involved, the maximum allowable will be 7.5 percent of public facilities costs.

ii. Based on review of the application, it is determined that engineering fees are not in compliance with those established by the American Society of Civil Engineers and/or the Farmer's Home Administration.

iii. Based on field review of the applicant's proposal or other information received, it is shown that the information was incorrect, the state will exercise administrative discretion.

iv. The state determines that the applicant's description of needs and objectives is plainly inconsistent with facts and data generally available. The data to be considered may be published and accessible to both the applicant and state such as census data, or recent local, areawide, or state comprehensive planning data.

v. Other resources necessary for the completion of the proposed activity are no longer available or will not be available within a reasonable period of time.

vi. The activities cannot be completed within the estimated costs or resources available to the applicant.

vii. Any of the items identified under F. SUBMISSION REQUIREMENTS are not included in the application.

H. PROGRAM AMENDMENTS FOR LCDBG PROGRAM

The state may consider amendments if they are necessi-

tated by actions beyond the control of the applicant. Recipients shall request prior state approval for all program amendments involving new activities or alteration of existing activities that will change the scope, location, or objectives of the approved activities or beneficiaries.

(1) New or altered activities are considered in accordance with the criteria for selection applicable at the time the original application was reviewed.

(2) All amended activities must receive environmental clearance prior to construction.

STATE'S PAST USE OF FUNDS

Federal regulations require the state to provide a description of the past use of funds within the final statement. The description includes FY 1982, FY 1983, FY 1984 and FY 1985 state-awarded grants. Appendix 5 provides:

- a description of the use of funds under each previous allocation;
- an assessment of the relationship of the use of funds to the community development objectives identified by the state in each prior final statement; and
- an assessment of the relationship of the use of funds to the requirements of Section 104 (b) (3) of the Act, as they existed at the time of the certification.

ADMINISTRATION

Rule for Policy Determination. In administering the program, while the state is cognizant of the intent of the program, certain unforeseeable circumstances may arise which may require the exercise of administrative discretion. The state reserves the right to exercise this discretion in either interpreting or establishing new policies.

REDISTRIBUTION OF FUNDS

Any monies awarded by the state that are later recaptured by or returned to the state will be reallocated in accordance with the department's policy, then in effect. The sources of these funds may include, but not be limited to, program income, questioned costs, disallowed expenses, recaptured funds from loans, unallocated monies, previously awarded funds not spent by grant recipients, etc.

The monies as defined above will be placed in the Demonstrated Needs Fund and will be distributed in accordance with the regulations governing that fund. This policy will govern all such monies as defined herein from the FY 1982, FY 1983, FY 1984, FY 1985, FY 1986 and FY 1987 LCDBG program years as well as subsequent funding cycles, until later amended.

These regulations are to be effective on March 20, 1986, and are to remain in force until they are amended or rescinded. Anyone having comments should contact: Mr. Colby LaPlace, Assistant Secretary, Office of Planning and Technical Assistance, Department of Urban and Community Affairs, Box 94455, Baton Rouge, LA 70804.

1985 Median Family Income By Parish and MSA

East Baton Rouge	See MSA - Baton Rouge	11,520	7,200
East Carroll	14,400	20,160	12,600
East Feliciana	25,200	14,000	8,750
Evangeline	17,500	13,280	8,300
Franklin	16,600	15,280	9,550
Grant	19,100	21,920	13,700
Iberia	27,400	21,600	13,500
Iberville	27,000	19,300	9,650
Jackson	See MSA - New Orleans		
Jefferson	23,900	19,120	11,950
Jefferson Davis	See MSA - Lafayette		
Lafayette	See MSA - Houma-Thibodaux		
Lafourche	21,100	16,980	10,550
La Salle	23,200	18,560	11,600
Lincoln	See MSA - Baton Rouge		
Livingston	14,800	11,840	7,400
Madison	18,000	14,440	9,000
Morehouse	18,600	14,880	9,300
Natchitoches	See MSA - New Orleans		
Orleans	See MSA - Monroe		
Ouachita	27,500	22,000	13,750
Plaquemines	23,200	18,560	11,600
Pointe Coupee	See MSA - Alexandria		
Rapides	17,400	13,920	8,700
Red River	16,800	13,440	8,400
Richland	18,800	15,040	9,400
Sabine	See MSA New Orleans		
St. Bernard	See MSA New Orleans		
St. Charles	17,700	14,600	8,850
St. Helena	33,000	26,400	16,500
St. James	See MSA New Orleans		
St. John the Baptist	19,300	15,440	9,650
St. Landry	See MSA Lafayette		
St. Martin	29,400	23,520	14,700
St. Tammany	See MSA New Orleans		
Tangipahoa	20,300	16,240	10,150
Tensas	14,500	11,600	7,250
Terrebonne	See MSA Houma - Thibodaux		
Union	19,500	15,600	9,750
Vermilion	23,500	18,800	11,750
Vernon	17,100	13,680	8,550
Washington	19,300	15,440	9,650
Webster	19,900	15,920	9,950
West Baton Rouge	See MSA Baton Rouge		
West Carroll	15,000	12,000	7,500
West Feliciana	22,200	17,760	11,100
Winn	17,300	13,840	8,650

MSA - Metropolitan Statistical Areas

MSA Alexandria, LA ¹	23,600	18,880	11,800
MSA Baton Rouge, LA ²	29,700	23,760	14,850
MSA Houma-Thibodaux, LA ³	28,400	22,720	14,200
MSA Lafayette, LA ⁴	30,700	24,560	15,350
MSA Lake Charles, LA ⁵	29,800	23,840	14,900
MSA Monroe, LA ⁶	23,400	18,720	11,700
MSA New Orleans, LA ⁷	29,200	23,360	14,600
MSA Shreveport, LA ⁸	26,700	21,360	13,350

Footnotes:

- ¹Includes Rapides Parish only.
- ²Includes East Baton Rouge, West Baton Rouge, Livingston, and Ascension Parishes.
- ³Includes Terrebonne and Lafourche Parishes.
- ⁴Includes St. Martin and Lafayette Parishes.
- ⁵Includes Calcasieu Parish only.
- ⁶Includes Ouachita Parish only.
- ⁷Includes Jefferson, Orleans, St. Tammany, St. Bernard, St. John the Baptist and St. Charles Parishes.
- ⁸Includes Caddo and Bossier Parishes.

Source: Section 8 Median Income Data, provided by HUD Area Office, November 25, 1985.

APPENDIX 1

1985 Median Family Income By Parish and MSA

Parish	1985 Median Family Income	Low/Mod Income Limit	Low Income Limit
Acadia	\$ 21,600	\$ 17,280	\$ 10,800
Allen	21,200	16,960	10,600
Ascension	See MSA - Baton Rouge		
Assumption	27,200	21,760	10,880
Avoyelles	16,600	13,280	8,300
Beauregard	23,600	18,800	11,800
Bienville	19,300	15,440	9,650
Bossier	See MSA - Shreveport		
Caddo	See MSA - Shreveport		
Calcasieu	See MSA - Lake Charles		
Caldwell	17,500	14,000	8,750
Cameron	27,800	22,240	13,900
Catahoula	17,700	14,160	8,850
Claiborne	20,200	16,160	10,100
Concordia	21,100	16,880	10,550
DeSoto	20,700	16,560	10,350

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APPENDIX 2

1980 Median Family Income By Parish and MSA

Parish	1980 Median Family Income	LOW/MOD INCOME LIMIT		LOW INCOME LIMIT	
		Families	Unrelated Individuals	Families	Unrelated Individuals
Acadia	\$ 15,792	\$12,634	\$ 8,844	\$ 7,896	\$ 5,527
Allen	15,685	12,548	8,784	7,842	5,489
Ascension	21,572	17,258	12,080	10,786	7,550
Assumption	17,334	13,867	9,707	8,667	6,067
Avoyelles	11,987	9,590	6,713	5,994	4,196
Beauregard	17,417	13,934	9,754	8,709	6,096
Bienville	13,850	11,080	7,756	6,925	4,848
Bossier	See MSA-Shreveport				
Caddo	See MSA-Shreveport				
Calcasieu	See MSA-Lake Charles				
Caldwell	12,624	10,099	7,069	6,312	4,418
Cameron	20,562	16,450	11,515	10,281	7,197
Catahoula	12,770	10,216	7,151	6,385	4,470
Claiborne	14,538	11,630	8,141	7,269	5,088
Concordia	15,208	12,166	8,516	7,604	5,323
DeSoto	14,887	11,910	8,337	7,444	5,211

1980 Median Family Income
By Parish and MSA

Parish	1980 Median Family Income	LOW/MOU INCOME LIMIT		LOW INCOME LIMIT	
		Families	Individuals	Families	Individuals
E. Baton Rouge	See MSA-Baton Rouge				
East Carroll	10,388	8,310	5,817	5,194	3,636
East Feliciana	16,184	12,947	9,063	8,092	5,664
Evangeline	12,540	10,032	7,022	6,270	4,389
Franklin	11,937	9,550	6,685	5,969	4,178
Grant	See MSA-Alexandria				
Iberia	19,268	15,414	10,790	9,634	6,744
Iberville	17,340	13,872	9,710	8,670	6,069
Jackson	13,919	11,135	7,795	6,960	4,872
Jefferson	See MSA-New Orleans				
Jefferson Davis	17,657	14,126	9,888	8,329	6,180
Lafayette	See MSA-Lafayette				
Lafourche	19,947	15,958	11,170	9,974	6,982
LaSalle	15,250	12,200	8,540	7,625	5,338
Lincoln	16,660	13,328	9,330	8,330	5,831
Livingston	See MSA-Baton Rouge				
Madison	10,679	8,543	5,980	5,340	3,738
Morehouse	12,949	10,359	7,251	6,475	4,533
Matchitoches	13,343	10,674	7,472	6,672	4,670
Orleans	See MSA-New Orleans				
Ouachita	See MSA-Monroe				
Plaquemines	19,884	15,907	11,135	9,942	6,959
Pointe Coupee	14,913	11,930	8,351	7,457	5,220
Rapides	See MSA-Alexandria				
Red River	12,482	9,986	6,990	6,241	4,369
Richland	12,112	9,890	6,783	6,056	4,239
Sabine	13,519	10,815	7,571	6,760	4,732
St. Bernard	See MSA-New Orleans				
St. Charles	\$ 23,223	\$ 18,578	\$ 13,005	\$ 11,612	\$ 8,128
St. Helena	11,370	9,096	6,367	5,685	3,980
St. James	21,044	16,835	11,785	10,522	7,365
St. John Bapt.	21,818	17,454	12,218	10,909	7,636
St. Landry	13,893	11,114	7,780	6,947	4,863
St. Martin	16,612	13,290	9,303	8,306	5,814
St. Mary	20,688	16,550	11,585	10,344	7,241
St. Tammany	See MSA-New Orleans				
Tangipahoa	14,315	11,452	8,016	7,158	5,011
Tensas	10,447	8,358	5,850	5,224	3,657
Terrebonne	20,918	16,734	11,714	10,459	7,321
Union	14,027	11,222	7,855	7,014	4,910
Vermilion	16,951	13,561	9,493	8,476	5,933
Vernon	12,951	10,361	7,253	6,476	4,533
Washington	13,541	10,913	7,639	6,821	4,775
Webster	See MSA-Shreveport				
W. Baton Rouge	See MSA-Baton Rouge				
West Carroll	10,807	8,646	6,052	5,404	3,783
West Feliciana	14,289	11,431	8,002	7,145	5,002
Winn	12,445	9,956	6,969	6,223	4,356

MSA-Metropolitan
Statistical Areas

Alexandria, LA ¹	\$ 15,741	\$ 12,593	\$ 8,815	\$ 7,871	5,510
Baton Rouge, LA ²	21,301	17,041	11,929	10,651	7,456
Lafayette, LA ³	21,472	17,178	12,024	10,736	7,515
Lake Charles, LA ⁴	21,316	17,053	11,937	10,658	7,461
Monroe, LA ⁵	17,140	13,712	9,598	8,570	5,999
New Orleans, LA ⁶	19,196	15,357	10,750	9,598	6,719
Shreveport, LA ⁷	18,158	14,326	10,168	9,079	6,355

FOOTNOTES

- 1Includes Rapides and Grant Parishes
- 2Includes East Baton Rouge, West Baton Rouge, Livingston and Ascension Parishes
- 3Includes Lafayette Parish Only
- 4Includes Calcasieu Parish Only
- 5Includes Ouachita Parish Only
- 6Includes Jefferson, Orleans, St. Bernard and St. Tammany Parishes
- 7Includes Bossier, Caddo and Webster Parishes

Source: 1980 Census and Formula provided by U. S. Department of Housing and Urban Development.

APPENDIX 3

Act 590 of the 1974 Parish Redevelopment Act - Section Q-8

(8) "Slum area" means an area in which there is a predominance of buildings or improvements, whether residential or non-residential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open space, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or an area of open land which, because of its location and/or platting and planning development, for predominantly residential uses, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.

(1) "Blighted area" means an area which by reason of the presence of a substantial number of slum, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors substantially impairs or arrests the sound growth of the municipality,

retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use; but if the area consists of any disaster area referred to in Subsection C (5), it shall constitute a "blighted area."

84-APPENDIX3
APPLICATION

COMMUNITY DEVELOPMENT BLOCK GRANTS
APPENDIX 4

Eligible Activities

Sec.105.(a) Activities assisted under this title may include only—

(1) the acquisition of real property (including air rights, water rights, and other interests therein) which is (A) blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth; (B) appropriate for rehabilitation or conservation activities; (C) appropriate for the preservation or restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources, and scenic areas, the provision of recreational opportunities, or the guidance of urban development; (D) to be used for the provision of public works, facilities, and improvements eligible for assistance under this title; or (E) to be used for other public purposes;

(2) the acquisition, construction, reconstruction, or installation (including design features and improvements with respect to such construction, reconstruction, or installation that promote energy efficiency) of public works, facilities (except for buildings for the general conduct of government), and site or other improvements;

(3) Code enforcement in deteriorated or deteriorating areas in which such enforcement, together with public improvements and services to be provided, may be expected to arrest the decline of the area;

(4) clearance, demolition, removal, and rehabilitation (including rehabilitation which promotes energy efficiency) of buildings and improvements (including interim assistance, and financing public or private acquisition for rehabilitation, and rehabilitation, of privately owned properties and including the renovation of closed school buildings);

(5) special projects directed to the removal of material and architectural barriers which restrict the mobility and accessibility of elderly and handicapped persons;

(6) payments to housing owners for losses of rental income incurred in holding for temporary periods housing units to be utilized for the relocation of individuals and families displaced by activities under this title;

(7) disposition (through sale, lease, donation, or otherwise) of any real property acquired pursuant to this title or its retention for public purposes;

(8) provisions of public services, including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, energy conservation, welfare or recreation needs, if such services have not been provided by the unit of general local government (through funds raised by such unit, or received by such unit from the state in which it is located) during any part of the 12-month period immediately preceding the date of submission of the statement with respect to which funds are to be made available under this title, and which are to be used for such services, unless the secretary finds that the discontinuation of such services was the result of events not within the control of the unit of general local government, except that not more than 15 per centum of the amount of any assistance to a unit of general local government under this title may be used for activities under this

paragraph unless such unit of general local government used more than 15 percent of the assistance received under this title for fiscal year 1982 or fiscal year 1983 for such activities (excluding any assistance received pursuant to Public Law 98-8), in which case such unit of general local government may use not more than the percentage or amount of such assistance used for such activities for such fiscal year, whichever method of calculation yields the higher amount;

(9) payment of the non-federal share required in connection with a federal grant-in-aid program undertaken as part of activities assisted under this title;

(10) payment of the cost of completing a project funded under title I of the Housing Act of 1949;

(11) relocation payments and assistance for displaced individuals, families, businesses, organizations, and farm operations, when determined by the grantee to be appropriate;

(12) activities necessary (A) to develop a comprehensive community development plan, and (B) to develop a policy-planning-management capacity so that the recipient of assistance under this title may more rationally and effectively (i) determine its needs, (ii) set long-term goals and short-term objectives, (iii) devise programs and activities to meet these goals and objectives, (iv) evaluate the progress of such programs in accomplishing these goals and objectives, and (v) carry out management, coordination, and monitoring of activities necessary for effective planning implementation;

(13) payment of reasonable administrative costs and carrying charges related to the planning and execution of community development and housing activities, including the provision of information and resources to residents of areas in which community development and housing activities are to be concentrated with respect to the planning and execution of such activities, and including the carrying out of activities as described in section 701(e) of the Housing Act of 1954 on the date prior to the date of enactment of the Housing and Community Development Amendments of 1981;

(14) activities which are carried out by public or private nonprofit entities, including (A) acquisition of real property; (B) acquisition, construction, reconstruction, rehabilitation, or installation of (i) public facilities (except for buildings for the general conduct of government), site improvements, and utilities, and (ii) commercial or industrial buildings or structures and other commercial or industrial real property improvements; and (C) planning;

(15) grants to neighborhood-based nonprofit organizations, local development corporations, or entities organized under section 301(d) of the Small Business Investment Act of 1958 to carry out a neighborhood revitalization or community economic development or energy conservation project in furtherance of the objectives of section 101(c), and grants to neighborhood-based nonprofit organizations, or other private or public nonprofit organizations, for the purpose of assisting, as part of neighborhood revitalization or other community development, the development of shared housing opportunities (other than by construction of new facilities) in which elderly families (as defined in section 3(b)(3) of the United States Housing Act of 1937) benefit as a result of living in a dwelling in which the facilities are shared with others in a manner that effectively and efficiently meets the housing needs of the residents and thereby reduces their cost of housing.

(16) activities necessary to the development of comprehensive community-wide energy use strategy, which may include

items such as—(A) a description of energy use and projected demand by sector, by fuel type, and by geographic area; (B) an analysis of the options available to the community to conserve scarce fuels and encourage use of renewable energy resources; (C) an analysis of the manner in, and the extent to, which the community's neighborhood revitalization, housing, and economic development strategies will support its energy conservation strategy; (D) an analysis of the manner in, and the extent to, which energy conservation objectives will be integrated into local government operations, purchasing and service delivery, capital improvements budgeting, land use planning and zoning, and traffic control, parking, and public transportation functions; (E) a statement of the actions the community will take to foster energy conservation and the use of renewable energy resources in the private sector, including the enactment and enforcement of local codes and ordinances to encourage or mandate energy conservation or use of renewable energy resources, financial and other assistance to be provided (principally for the benefit of low-and moderate-income persons) to make energy conserving improvements to residential structures, and any other proposed energy conservation activities; (F) appropriate provisions for energy emergencies; (G) identification of the local governmental unit responsible for administering the energy use strategy; (H) provision of a schedule for implementation of each element in the strategy; and (I) a projection of the savings in scarce fossil fuel consumption and the development and use of renewable energy resources that will result from implementation of the energy use strategy;

(17) provision of assistance to private, for-profit entities, when the assistance is necessary or appropriate to carry out an economic development project; and

(18) the rehabilitation or development of housing assisted under Section 17 of the United States Housing Act of 1937.

(b) Upon the request of the recipient of assistance under this title, the secretary may agree to perform administrative services on a reimbursable basis on behalf of such recipient in connection with loans or grants for the rehabilitation of properties as authorized under subsection (a)(4).

(c)(1) In any case in which an assisted activity described in paragraph (14) or (17) of subsection (a) is identified as principally benefitting persons of low and moderate income, such activity shall (A) be carried out in a neighborhood consisting predominantly of persons of low and moderate income and provide services for such persons; or (B) involve facilities designed for use predominantly by persons of low and moderate income; or (C) involve employment of persons, a majority of whom are persons of low and moderate income.

(2) In any case in which an assisted activity described in subsection (a) is designed to serve an area generally and is clearly designed to meet identified needs of persons of low and moderate income in such area, such activity shall be considered to principally benefit persons of low and moderate income if (A) not less than 51 percent of the residents of such area are persons of low and moderate income; or (B) in any metropolitan city or urban county, the area served by such activity is within the highest quartile of all areas within the jurisdiction of such city or county in terms of the degree of concentration of persons of low and moderate income.

(3) Any assisted activity under this title that involves the acquisition or rehabilitation of property to provide housing shall be considered to benefit persons of low and moderate income only to the extent such housing will, upon completion, be occupied by such persons.

APPENDIX 5

Allocation of Funds in Relation to Category and National and State Objectives

The following is a chart reflecting the allocation of LC0886 funds by category for FY's 1982, 1983, 1984 and 1985. A portion of the funds are currently unallocated due to cancellation of some grants and the fact that all FY 1985 grants have not yet been awarded.

CATEGORY	FY 1982		FY 1983		FY 1984		FY 1985	
	\$	%	\$	%	\$	%	\$	%
Prior Year Commitment	13,213,528	42.83	6,579,549	23.68	-0-	0.00	-0-	0.00
Economic Development	962,500	3.12	1,084,000	3.90	3,449,713	12.76	1,171,000	4.37
Housing	4,601,999	14.92	4,311,920	15.52	4,027,541	14.90	5,152,350	19.21
Public Facilities	9,563,651	31.00	11,796,371	42.45	15,689,880	58.02	14,166,757	52.82
Planning	196,767	.64	0	.00	-0-	0.00	-0-	.00
Imminent Threat	1,713,300	5.56	2,089,520	7.52	-0-	0.00	-0-	.00
Innovative Housing	-0-	.00	1,100,000	3.96	-0-	0.00	-0-	.00
Administration	468,944	1.52	555,740	2.00	540,820	2.00	536,460	2.00
Unallocated	-0-	.00	-0-	.00	485,790	1.80	5,796,433	21.60
Demonstrated Needs	127,684	.41	269,900	.97	2,847,256	10.52	-0-	.00
TOTAL	30,848,373	100.00	27,787,000	100.00	27,041,000	100.00	26,823,000	100.00

The applicants selected for funding in FY's 1982, 1983, 1984 and 1985 were required to meet one or more of the national objectives. The national objectives for those years were:

1. Elimination of slums and blight and the prevention of blighting influences.
2. Elimination of conditions which are detrimental to health, safety, and public welfare.
3. Benefit to low-moderate income persons.

The following table is a breakdown of the total grants for FY's 1982, 1983, 1984 and 1985 as they apply to each national objective. Each recipient's administrative monies are not included.

NATIONAL OBJECTIVES AND FUNDING

National Objective	FY 1982		FY 1983		FY 1984		FY 1985 *	
	\$	%	\$	%	\$	%	\$	%
Elimination of Slums & Blight	253,455	.89	109,714	.43	90,550	.41	74,000	.39
Conditions detrimental to health, safety, and public welfare	1,626,800	5.70	2,033,050	8.02	-0-	.00	-0-	.00
Benefit to low-mod	26,642,673	93.41	23,213,063	91.55	21,748,850	99.59	19,069,274	99.61
Total	28,522,928	100.00	25,355,827	100.00	21,839,400	100.00	19,143,274	100.00

* All of the FY 1985 grants were not awarded at the time of preparation of this chart.

A State objective has also been included each year to strengthen economic development through the creation of jobs, stimulation of private investment, and community revitalization. That State objective was met through the funding of economic development grants. The economic development grants also met the national objective of benefit to low and moderate income persons and are therefore shown under that national objective.

94-APPENDIX 5
APPLICATION

Dorothy M. Taylor
Secretary

RULE

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

The Seafood Division, Louisiana Department of Wildlife and Fisheries has adopted rules governing the Experimental Fisheries Program. This program is authorized under R.S. 56:571 A, B, C, and the authority to promulgate rules and regulations was delegated to the secretary of the department by Act 331 of 1978. The rules are as follows:

Experimental Fisheries Program

Under Louisiana law, only gear which is legally sanctioned may be used in a fishery. All other types of gear require a permit. Permits will be issued to persons who are interested in the devel-

opment of new fisheries designed to harvest underutilized species, and to persons who are interested in the development of experimental gear and equipment to harvest fish and other aquatic species. The purpose of permits is to:

1. Permits will not be issued for species which are threatened or endangered or for fisheries or gear types which are specifically prohibited by law.

2. Possession of a permit does not exempt the bearer from laws or regulations except for those which may be specifically exempted by the permit.

3. Holder of a permit must have the permit in possession at all times when using permitted gear or harvesting permitted specie(s). Permit holder must be on board permitted vessel when operating under conditions of permit. No permit is transferable without written permission from the department secretary.

4. The department reserves the right to observe the operations taking place under a permit at any time and permittee may be required to provide food and lodging on the permitted vessel for an observer at the request of the department.

5. The bearer of a permit must report monthly the catch taken as a result of the permit. This report must contain a suitable measure of total catch, of effort, and other parameters which may be required by the department.

6. A permit does not entitle the bearer the exclusive harvest of the resource although, at the discretion of the department, a permit may entitle the bearer to exclusive harvest of a certain area but this privilege may be of limited duration and may be lost once management regulations specific to the fishery or gear are promulgated.

7. Information gained by the department through the issuance of a permit is not privileged and will be disseminated to the public.

8. Permit requests for experimental gear must include complete descriptions of the gear and methods used, including drawings or pictures, the specie(s) to be fished, and the area to be fished. All potential permittees must request an appointment. Proof of ownership of the proposed permitted vessel(s) must be provided at the time of appointment, and the person requesting a permit must show proof that all applicable licenses have been applied for before a permit is issued. Proof of bonafide residency is also required at this time.

9. Permits will be issued for only such time to allow the department to properly evaluate the gear or methods being used. The department may withdraw any permit because it has a deleterious effect; may withdraw any permit in order to conduct its own evaluation of the gear, or fishery; may effect management regulations which render any permit inoperative; or may extend any permit as a means of regulating the fishery until such time the fishery comes under statutory laws.

10. The person requesting a permit must show proof that all applicable licenses have been applied for before a permit is issued. Proof of bonafide residency is also required at this time.

11. When a permit is issued for an underutilized specie(s) or for the development of a new fishery, only the permitted specie(s) can be harvested. All other species must be returned to unrestricted waters with a minimum of handling. No other fish may be in the possession of the permittee, and all fish on board the permitted vessel must have the head and caudal fin (tail) intact.

12. All permits must be applied for and/or granted from January 1 to July 31 of each year. All permits expire December 31 following the date of issuance. All permits must be returned to the department by January 31 following expiration.

13. Each applicant for a permit under this program will be assessed an administrative fee of \$50 per permit at the time of appointment. Each applicant who is a resident of Louisiana will be

required to post a performance fee deposit, bond, or cashier's check in the amount of \$1,000, payable by cashier's check. All non-residents must post a performance fee deposit, bond, or cashier's check in the amount of \$4,000, also payable by cashier's check. These deposits are required upon application and are valid until December 31 of each year.

14. The permitted boat used in the program must have a distinguishing sign so that it may be identified. The sign shall have the word "EXPERIMENTAL" printed on it in at least 6" high letters, on a contrasting background, so as to be visible from low flying aircraft or from any other vessel in the immediate vicinity.

15. When permitted gear is on board permitted vessel or in possession of permittee, permittee and vessel are assumed to be operating under conditions of the permit. No gear other than permitted gear may be on board or in possession of permittee under provisions of the permit.

16. A report must be received by the department no later than 30 days following the last day of each month. If any permittee does not report monthly as required, his permit shall be suspended. If no report is received by January 31 following suspension, the deposit is forfeited.

17. All permittees must notify department prior to leaving port to fish under permitted conditions and immediately upon returning from permitted trip. The department must be notified by calling a designated phone number. Commonly accepted passive gear, i.e. eel pots, may be exempt from this requirement.

18. If citation(s) are issued to any permittee regarding conditions regulated by the permit, all permittee's permits will be revoked, and the permittee may lose all rights and privileges to participate in the program. If found guilty, the deposit is also forfeited.

19. The secretary reserves the right to limit the number of permits issued each year. When the number is limited, permits will be granted on a first come, first served basis.

J. Burton Angelle
Secretary

Notices of Intent

NOTICE OF INTENT

Department of State Civil Service

The State Civil Service Commission will hold a public hearing on April 2, 1986 for the purpose of considering proposed amendments to Civil Service Rules 6.25, 6.26 and 11.29. The commission will additionally consider proposed Civil Service Rules 6.25.1, 9.2 and 12.11. Proposed amendments and new rules are proposed to be adopted effective April 15, 1986.

The Hearing will be at 8 a.m. and will be held at the Republic Tower Building, 5700 Florida Boulevard, 12th floor Commission Room, Baton Rouge, Louisiana.

Consideration will be given to the following:

Chapter 6

Amend Rule 6.25(a) to read:

6.25 Compensation for Overtime Hours Worked.

(a) In addition to the regular salary and subject to other provisions in these rules, compensation for overtime hours shall be computed and given in the following manner:

(1) Time and one-half shall be one and one-half times the hourly rate of pay for the class of position the employee occupies. Premium pay, shift differential, and non-cash compensation such as the reasonable cost or fair value of goods and/or facilities which are regarded as part of wages, shall be used to calculate the rate of pay at time and one-half.

(2) Straight time shall be the hourly rate of pay for the class of position the employee occupies. Premium pay, shift differential and non-cash compensation such as the reasonable cost or fair value of goods and/or facilities which are regarded as part of wages, shall not be used to calculate the rate of pay at straight time.

(3) Effective April 15, 1986, nonpayable (straight) compensatory leave shall be credited at the rate of one hour of compensatory leave for each overtime hour worked.

(4) Effective April 15, 1986, payable (time and one-half) compensatory leave shall be credited at the rate of one and one-half hour of compensatory leave for each overtime hour worked. Holidays observed and sick leave taken, whether with or without pay, shall not be counted as hours worked for purposes of determining overtime compensation under the provisions of this Subsection.

EXPLANATION

Due to the 1985 Amendments to the Fair Labor Standards Act (FLSA), which permit government agencies to use time and one-half compensatory leave in lieu of overtime payment, it was necessary to revise this Subsection to include compensatory leave which is to be accrued at time and one-half when required for compliance with the Fair Labor Standards Act. In addition to Rule 6.25(a)4 which defines payable (time and one-half) compensatory leave, Rule 6.25(a)3 provides for the earning of compensatory leave for any overtime hour worked other than that which is necessary for compliance with FLSA.

Another revision required for compliance with the Fair Labor Standards Act is the inclusion of premium pay, shift differential, and non-cash compensation, which is regarded as part of wages, in the computation of time and one-half cash payment. However it is specifically excluded from the computation of straight time because of the use of straight time will occur only in those situations in which our rules go beyond the requirements of the Fair Labor Standards Act.

Chapter 6

Amend Rule 6.25(b) to read:

(b) At the option of the appointing authority, employees are eligible for compensation at the time and one-half rate subject to the provisions of Rules 6.24, 6.25(i), 6.25(j), 6.26, 11.28(b), and 11.29(g):

(1) When they occupy a position in a class on or below GS-18 in the General Schedule, or WG-10 in the Wage Grades, and have actually worked in excess of their regular duty hours, or have been required to work on a holiday included in Rule 11.28(a).

(2) When they occupy a position in a class on or above GS-19 in the General Schedule, or WG-11 in the Wage Grades, and the director or the Civil Service Commission has authorized payment at this rate in accordance with the provisions of Rules 6.25(i) or 6.25(j), or when they are required to temporarily perform non-exempt duties to the extent that the Fair Labor Standards Act requires payment at the time and one-half rate.

EXPLANATION

Rule 6.25(b) was revised to permit employees in positions in classes on or below GS-18 (or WG-10) to be compensated for overtime at the time and one-half rate when they actually work in excess of their regular duty hours, or when they are required to work on one of the seven holidays listed in Rule 11.28(a). Also included is a provision which permits an employee, at any level, who

must temporarily perform non-exempt duties, to be compensated in accordance with the Fair Labor Standards Act.

Chapter 6

Amend Rule 6.25(c) to read:

(c) At the option of the appointing authority, employees are eligible at the straight time rate subject to the provisions of Rules 6.24, 6.25(i), 6.25(j), 6.26, 11.28(b), and 11.29(g):

(1) When they occupy a position in a class on or below GS-18 in the General Schedule, or WG-10 in the Wage Grades, and they have not actually worked in excess of their regular duty hours, due to holidays observed and/or any leave taken with or without pay.

(2) When they occupy a position in a class for which the director or the commission has authorized compensation at the time and one-half rate and the employee has not worked his regular duty hours due to holidays observed and/or any leave taken with or without pay.

(3) When they occupy a position in a class from GS-19 through GS-34 inclusive in the General Schedule, or from WG-11 through WG-22 inclusive in the Wage Grades, and have worked in excess of 40 hours in a regular recurring 40-hour work period. An agency may elect to exclude holidays observed and/or any leave taken with or without pay.

(4) When they occupy a position from GS-19 through GS-34 inclusive in the General Schedule, or on or from WG-11 through WG-22 in the Wage Grades, and have worked in excess of 80 hours in a continuous bi-weekly calendar period. An agency may elect to exclude holidays observed and/or any leave taken with or without pay.

EXPLANATION

The major revision in the provisions of Rule 6.25(c) is the levels at which straight time is an option. Straight time can be used for employees at or below GS-11 who have not actually worked in the excess of their regular duty hours. It can be used for employees from GS-12 through GS-18 inclusive whether they have or have not worked in excess of their regular duty hours. Finally it can be used for employees from GS-19 through GS-34 inclusive when they have worked in excess of their regular duty hours, without commission approval. An appointing authority will still be able to petition the commission for exceptions to restrictions in the overtime rules.

Chapter 6

Amend Rule 6.25(d) to read:

(d) At the option of the appointing authority, employees are eligible to be credited with payable (time and one-half) compensatory leave subject to the provisions of Rules 6.24, 6.25(i), 6.25(j), 6.26, 11.28(b), and 11.29(g):

(1) When they occupy a position in a class on or below GS-18 in the General Schedule, or WG-10 in the Wage Grades, and they have actually worked in excess of their regular duty hours.

(2) When they occupy a position in a class on or above GS-19 in the General Schedule, or WG-11 in the Wage Grades, and the director or the Civil Service Commission has authorized use of payable (time and one-half) compensatory leave in accordance with the provisions of Rules 6.25(i) or 6.25(j).

EXPLANATION

Rule 6.25(d), as it is currently written, is an appointing authority's authorization to credit any employee with the applicable type of compensatory leave for overtime hours. In order for the subsections to appear in a logical sequence, the present provisions of this Subsection (as amended) have been moved to Rule 6.25(f).

Rule 6.25(d) is being proposed to describe those situations in which payable (time and one-half) compensatory leave can be used for overtime compensation. Basically the use of this type of compensatory leave is intended for those employees in positions

on or below GS-18 (or WG-10) who have actually worked in excess of their regular duty hours, and for non-exempt employees on or above GS-19 (or WG-11) who have actually worked in excess of their regular duty hours. For exempt employees on or above GS-19 (or WG-10), the appointing authority would have to obtain prior approval from the commission to use this option for overtime compensation.

Chapter 6

Amend Rule 6.25(e) to read:

(e) At the option of the appointing authority, employees are eligible to be credited with nonpayable (straight) compensatory leave subject to the provisions of Rules 6.24, 6.25(i), 6.25(j), and 11.29(g):

(1) When they occupy a position in a class on or below GS-11 in the General Schedule, or WG-5 in the Wage Grades, and the employee has not worked his regular duty hours due to holidays observed and/or any leave taken with or without pay.

(2) When they occupy a position in a class for which the director or the Civil Service Commission has authorized payment or compensatory leave at the time and one-half rate, and the employee has not worked his regular duty hours due to holidays observed and/or any leave taken with or without pay.

(3) When they occupy a position in a class on or above GS-12 in the General Schedule, or WG-6 in the Wage Grades, unless other compensation is required for compliance with the Fair Labor Standards Act.

EXPLANATION

Rule 6.25(e), as it is currently written, requires that employees occupying positions below GS-23 (or WG-14) be credited with compensatory leave or receive the appropriate cash payment (i.e., time and one-half or straight time). In order for the subsections to appear in a logical sequence, the present provisions of this Subsection (as amended) have been moved to Rule 6.25(g).

Rule 6.25(e), as proposed, outlines the use of nonpayable (straight) compensatory leave as one of the four available options for overtime compensation. Due to requirements of the Fair Labor Standards Act, this option will not be available for use when non-exempt employees actually work over 40 hours per week (or the equivalent for law enforcement, fire protection, emergency response, hospitals, etc.). However, it can be used in most other situations.

Chapter 6

Amend Rule 6.25(f) to read:

(f) Subject to the provisions of Rules 6.25(a)3, 6.25(a)4, 6.25(g), 6.25(h), 11.28, 11.29(b), and 11.29(g), and the requirements of federal rules, statutes, regulations and judicial decisions, an employee who is required to perform overtime duty may, at the discretion of his appointing authority, be credited with compensatory leave in accordance with the provisions of Rules 6.25(d) or 6.25(e).

EXPLANATION

Rule 6.25(f), as currently written, covers the aging of payable compensatory. This rule, as amended, was renumbered as Rule 6.25.1 in order to allow payable compensatory leave on the books prior to April 15, 1985 to age and to be paid out over the next nine months.

Rule 6.25(f), as proposed, allows the use of payable and nonpayable compensatory leave at all levels, but in accordance with Rules 6.25(d) and (e).

Chapter 6

Amend Rule 6.25(g) to read:

(g) Subject to the provisions of Rules 6.25(h), 6.25(i), 6.25(j), 6.26, 11.28(b), 11.29(b), and 11.29(g):

(1) An employee occupying a position in a class on or below GS-11 in the General Schedule, or WG-5 in the Wage Grades,

shall, at the option of his appointing authority, but in conformity with the provisions of the Fair Labor Standards Act, other federal rules, statutes, regulations, and judicial decisions:

(a) be credited by the appointing authority with compensatory leave for overtime hours worked in accordance with the provisions of Rules 6.25(d) and 6.25(e), or

(b) be compensated for extra hours as authorized by Rule 6.25(b) or 6.25(c).

(2) In conformity with the provisions of the Fair Labor Standards Act, other federal rules, statutes, regulations, and judicial decisions, an employee occupying a position in a class on or above GS-12 in the General Schedule, or WG-6 in the Wage Grades, and on or below GS-18 in the General Schedule, or WG-10 in the Wage Grades, shall, at least, be credited by the appointing authority with nonpayable (straight) compensatory leave for overtime hours worked in accordance with the provisions of Rule 6.25(e). However, the appointing authority shall retain the right to exercise the other options for overtime compensation as provided by Rules 6.25(b), 6.25(c), and 6.25(d).

EXPLANATION

Rule 6.25(g), as currently written, allows the commission to grant exceptions to restrictions in the overtime rules. The provisions of this Subsection, as amended, have been moved to Rule 6.25(j).

Rule 6.25(g), as proposed, requires the appointing authority to compensate employees in classes of positions on or below GS-11 (or WG-5) with either compensatory leave or the applicable cash payment. For those employees occupying classes from GS-12 through GS-18 inclusive, or WG-6 through WG-10 inclusive, this rule requires that they must at least be compensated with non-payable compensatory leave when they perform overtime work. However the other options can still be exercised in lieu of straight compensatory leave.

Chapter 6

Amend Rule 6.25(h) to read:

(h) Subject to the provisions of Rules 6.25(a)4 and 11.29(b):

(1) An employee who is engaged in work including public safety activities, emergency response activities, or seasonal activities, cannot accrue more than 480 hours of payable compensatory leave, which is the equivalent of 320 hours of overtime worked. Any overtime hour which causes an employee's payable compensatory leave balance to exceed 480 hours, must be paid to the employee at the time and one-half rate.

(2) An employee who is engaged in work other than that listed in Rule 6.25(h)1 cannot accrue more than 240 hours of payable compensatory leave, which is the equivalent of 160 hours of overtime worked. Any overtime hour which causes an employee's payable compensatory leave balance to exceed 240 hours must be paid to the employee at the time and one-half rate.

EXPLANATION

The Fair Labor Standards Act permits the accrual of time and one-half compensatory leave up to a maximum of 480 hours for employees engaged in public safety activities, emergency response activities, and seasonal activities, and up to a maximum of 240 hours for all other employees. Any other overtime hours beyond these must be compensated by cash payment. This rule is to insure agency compliance with FLSA.

Chapter 6

Amend Rule 6.25(i) to read:

(i) The director may authorize overtime payment and payable compensatory leave at the time and one-half rate:

(1) When the appointing authority determines that an employee who occupies a position in a class on or above GS-19 in

the General Schedule, or WG-11 in the Wage Grades, has been determined to be non-exempt under the Fair Labor Standards Act.

(2) Within a reasonable period of time following such determination by the appointing authority, he shall provide the director with a report listing the classes and the number of positions on or above GS-19 in the General Schedule, or WG-11 in the Wage Grades, which have been determined to be non-exempt under the Fair Labor Standards Act.

(3) If it is determined that an appointing authority has abused this rule, the director shall have the right to require that the appointing authority obtain prior approval to use time and one-half cash payment or payable (time and one-half) compensatory leave as overtime compensation for employees occupying positions in classes on or above GS-19 in the General Schedule, or WG-11 in the Wage Grades.

EXPLANATION

Rule 6.25(i) is intended to permit agencies to use time and one-half cash payment or time and one-half compensatory leave for non-exempt employees on or above GS-19 or WG-11 without obtaining prior approval. This rule requires review and concurrence by the director. When abuses are discovered, the director may withdraw the agency's authority to use these forms of payment without prior approval for employees over the designated GS or WG levels.

Chapter 6

Amend Rule 6.25(j) to read:

(j) For positions in classes on or above GS-19 in the General Schedule, or WG-11 in the Wage Grades, which are exempt under the Fair Labor Standards Act, the commission may grant overtime eligibility when:

(1) An appointing authority petitions the commission for exceptions to restrictions in the overtime rules. Such petitions shall include a detailed explanation of the policy under which overtime compensation will be administered, characteristics of the position in question, leave records of the employee in the positions and justification for not utilizing the options available under other provisions of the rules. The commission, with such restrictions as it deems appropriate, may extend either the provisions of Rule 6.25(g) or allow payment for overtime hours worked at the straight time rate.

(2) Acting upon the recommendations of the director to extend the provisions of Rule 6.25(g) to classes above GS-18 in the General Schedule, or above WG-10 in the Wage Grades. Such recommendations, if approved, shall be published as part of the Personnel Manual.

EXPLANATION

Rule 6.25(j) contains most of the provisions in the present Rule 6.25(g). For clarification purposes, reference is made to FLSA exempt positions on or above GS-19 or WG-11 since those should be the only exceptions which would require commission approval.

Chapter 6

New Rule

6.25.1 Payment for Payable Compensatory Leave Earned Prior to April 15, 1986

Subject to the provisions of Rules 11.29(d) and (e), all payable compensatory leave credited to each employee occupying a position in a class below GS-23 in the General Schedule, or WG-14 in the Wage Grades, or a position for which the Civil Service Commission had authorized overtime compensation at the time and one-half rate, prior to April 15, 1986, shall, at or before the expiration of six months following the quarter in which it was earned, be compensated by one and one-half cash payment for all accrued unused payable compensatory leave credited to him under the provisions of Rule 6.25. Exceptions to this provision are that:

(1) payment shall not be made for compensatory time given in lieu of straight time, and

(2) payment may be delayed beyond six months following the quarter in which compensatory leave was earned provided an employee was on military duty in accordance with Rule 8.19, 11.26(a), or 11.26(b) during the six months period following the quarter in which it was earned. Extensions shall not exceed the number of days the employee served on military duty during that six months period.

EXPLANATION

Rule 6.25.1 was necessary in order to provide a mechanism whereby payable compensatory leave balances for overtime worked prior to April 15, 1986 can either be used or paid out based on the "aging" provisions which was and will be in existence until April 15, 1986 when the new overtime rules become effective.

Chapter 6

Amend Rule 6.26 to read:

6.26 Exceptions to Eligibility for Overtime Payment.

(a) Except as otherwise required for nonexempt employees under the provisions of the Fair Labor Standards Act, or under the provisions of other federal rules, regulations and judicial decisions relating to minimum wages, the provisions of Rule 6.25(b), 6.25(c), and 6.25(d) shall not apply to any employee in the classified service:

1. while he is performing civilian duty, under the administrative supervision of one other than his appointing authority, during an officially declared national, regional, or local emergency;

2. while he is "on call" away from his post of duty;

3. while he is attending or traveling to and from conventions, workshops, seminars, training courses, study groups, and related activities;

4. while he is performing duty pursuant to a determination made by his appointing authority under the provisions of Rule 11.29(g).

(b) Except as otherwise required under the provisions of federal rules, statutes and regulations and judicial decisions relating to minimum wages, Rule 6.25(b) or (d) shall not apply to employees serving on a part-time or intermittent basis except when a part-time employee or an intermittent employee is required by the appointing authority to work over 40 hours in a seven-day workweek period. Holidays, leave, and other time off are not counted as hours worked.

(c) Acting upon recommendation of the director, the commission may exempt, with such conditions and exceptions as it deems appropriate, specific classes of positions from the provisions of Subsection (b)1 of Rule 6.25.

EXPLANATION

Rule 6.26(a) was revised to indicate that employees who are nonexempt under the Fair Labor Standards Act, are excluded from the exceptions to the eligibility for overtime payment where required. Subsection (b) was revised to indicate that part-time or intermittent employees cannot receive payable (time and one-half) compensatory leave unless they must actually work over 40 hours in a workweek. Subsection (c) remains unchanged.

Chapter 11

Amend Rule 11.29(e) to read:

(e) Upon separation or transfer from a department, the following shall apply to compensatory leave balances:

1. All unused payable (time and one-half) compensatory leave credited to an employee shall be paid upon his separation or transfer from the department in which he earned it at a rate not less than:

(a) the average regular rate (including premium pay, shift differential, and other non-cash compensation such as the reason-

able cost or fair value of goods and/or facilities which are regarded as part of wages) received by the employee during the last three years of his employment, or

(b) the final regular rate (including premium pay, shift differential, and other non-cash compensation such as the reasonable cost or fair value of goods and/or facilities which are regarded as part of wages) received by the employee, whichever is higher.

2. All unused nonpayable (straight) compensatory leave credited to an employee who occupies a position in a class on or below GS-18 in the General Schedule, or WG-10 in the Wage Grades, may be paid upon his separation or transfer from the department in which he earned it at the final regular rate received by the employee, excluding premium pay, shift differential, and non-cash compensation.

3. All unused nonpayable (straight) compensatory leave credited to an employee who occupies a position in a class on or above GS-19 in the General Schedule, or WG-11 in the Wage Grades, shall be cancelled upon his separation or transfer from the department in which he earned it. Such leave shall not be recredited to him upon his reemployment in that or any other department.

EXPLANATION

Rule 11.29(e)1 was revised to permit the payment of unused payable compensatory leave upon separation from the agency as required by the Fair Labor Standards Act. Transfers from an agency were included as a cost saving measure since employees would normally be paid at a lower rate prior to transfer and because the gaining agency will not have to assume the liability for a large balance of compensatory leave accrued at another agency.

In the interest of avoiding possible lawsuits, Rule 11.29(e)2 was revised to permit an employee in a position on or below GS-18 to be paid for any unused nonpayable compensatory. There have been numerous employee complaints that they are never paid for compensatory leave when they resign. This would permit the payment at only the straight time rate upon separation or transfer.

Rule 11.29(e)3 cancels any nonpayable (straight) compensatory leave on the books when an employee on or above GS-19 (or WG-11) separates or transfers from the department in which it was earned.

Chapter 11

Amend Rule 11.29(f) to read:

(f) Not more than 45 working days, or the equivalent thereof in hours, of unused accrued non-payable (straight) compensatory leave shall be carried forward into any calendar year.

EXPLANATION

Rule 11.29(f) was revised to clarify that the maximum on carryover of compensatory leave refers to balance of nonpayable (straight) compensatory leave. In accordance with the Fair Labor Standards Act, employees engaged in law enforcement, emergency public response activities and fire protection can accumulate payable compensatory leave up to 480 hours. [see Rule 6.25(h)]

Chapter 11

Amend Rule 11.29(g) to read:

(g) When in his administrative judgment, an appointing authority determines that overtime duty must be performed by one or more of his employees incident to national or local emergency, act of God, civil or criminal insurrection, civil or criminal disobedience, or similar occurrences of an extraordinary and emergent nature which threatens or affects the peace or property of the people, he may require such employees to perform overtime duty; and the provisions of Rule 11.29(a) and 6.25(f) and (g) shall not apply to such duty, unless such overtime is required by federal rules, statutes, regulations, and judicial decisions.

EXPLANATION

Rule 11.29(g) was amended only where references to sub-sections of Rule 6.25 were made and renumbering had occurred.
Chapter 9

New Rule 9.2

9.2 An employee cannot attain permanent status or acquire other rights and benefits of permanent appointment for more than one full-time equivalent position in state service.

EXPLANATION

Agencies will continue to hire employees who hold other state jobs. Therefore new employees should be allowed to have rights and benefits for only one full-time equivalent position.

Chapter 12

New Rule 12.11

12.11 Special Provisions for Separation of An Employee Having More Than One Permanent Appointment

(a) When an agency determines that an employee has been permanently appointed to more than one position in state service, thereby causing the agency to be liable for overtime payments under the Fair Labor Standards Act, such employee may be removed by the appointing authority upon certification to the director that such a dual employment situation exists and is not in the best interest of the agency, and that the employee has been offered the opportunity to resign from one of the positions and has refused to do so. Such removal shall not disqualify the former employee for noncompetitive reemployment as provided for in Rule 8.18.

(b) Notice of such action shall be given pursuant to the provisions of Rule 12.3.

EXPLANATION

There is currently no provision to separate an employee who works for two state agencies and who now must be paid at the overtime rate for a portion of those hours worked. This new rule proposes a separation similar to Rule 12.10 where the employee's removal is not "for cause," and which permits him to retain non-competitive reemployment eligibility.

Persons interested in making comments relative to these proposals may do so by appearance at the public hearing or by writing to the director of the Department of State Civil Service at Box 94111, Baton Rouge, LA 70804-9111.

Herbert L. Sumrall
Director

NOTICE OF INTENT

Department of Commerce Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend rule LAC 35:1.1787G "Pre-Race Testing," relative to pre-race blood levels of Phenylbutazone and Oxyphenbutazone, and penalties for violations thereof.

§1787. Pre-Race Testing

G. Whenever pre-race laboratory test reports indicate the presence of a prohibited medication or drug in the sample taken from a horse scheduled to race, particularly, but not limited to specific maximum by quantitative determination of 2.0 micrograms Phenylbutazone per milliliter of blood or 2.0 micrograms Oxyphenbutazone per milliliter of blood, the stewards shall scratch the horse from the race. On the first offense a penalty of not less than \$100, nor more than \$200, shall be assessed the trainer. Upon second or multiple offenses for positive tests, the stewards shall take whatever action they deem appropriate, consistent with law and the rules of racing.

The office of the Racing Commission will be open from 9

a.m. to 4 p.m. and interested parties may contact either Tom Trenchard or Alan J. LeVasseur at (504) 568-5870 at this time, holidays and weekends excluded, for a copy of this rule. All interested persons may submit written comments relative to this rule through April 6, 1986 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111 or Box 19267, New Orleans, LA 70179-9267.

Albert M. Stall
Chairman

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: LAC 35:1.1787G "Pre-Race Testing"

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no implementation costs to the Commission.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There are no effects on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
This action benefits the horse owners by eliminating the delay in being able to enter their horses after such medication, consequently increasing the owners' chances in receiving purses, or receiving them sooner.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no effect on competition nor employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Environmental Quality Office of Air Quality and Nuclear Energy

Act 803 of 1984 prohibits land disposal of hazardous waste and requires The Department of Environmental Quality (DEQ) to identify acceptable alternatives to land disposal of hazardous waste. Act 795 of 1984 establishes the Hazardous Waste Advisory Board within DEQ and requires it to establish siting criteria for hazardous waste disposal facilities and to determine future needs for such facilities.

A new fund is established known as the Alternative Technologies Research and Development Trust Fund. Self generated dollars received from fee increases will support the requirement under Act 803.

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., in particular Section 1065, and in accordance with the Administrative Procedure Act, R.S. 49:950, the secretary, Department of Environmental Quality, has initiated rule amendments to the fee schedule of the air quality program. The department will afford all interested persons the opportunity to submit comments on the proposed regulation amendments, in writing or orally at a public hearing to be held at 10 a.m. on April 1, 1986 in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. All written comments should be submitted no later than April 7, 1986 to Earle R. Clayson, Air Quality Division, Box 44096, Baton Rouge, LA 70804-4096 or phone (504) 342-1206.

The agency contact responsible for answering inquiries or requests for copies of the proposed amendments is Earle R. Clayson, Box 44096, Baton Rouge, Louisiana, 70804-4096 or phone

(504) 342-1206. All documents relating to the actions described in this notice are available for inspection at the following locations from 8 a.m. until 4:30 p.m. Monday through Friday:

Department of Environmental Quality, 3945 North I-10 Service Road, Metairie, LA; Department of Environmental Quality, Eighth Floor State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA; Department of Environmental Quality, 804-31st Street, Monroe, LA; Department of Environmental Quality, State Office Building, 1525 Fairfield Avenue, Shreveport, LA; Department of Environmental Quality, 1155 Ryan Street, Lake Charles, LA; Department of Environmental Quality, 100 Eppler Road, Lafayette, LA.

Patricia L. Norton
Secretary

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

Estimates of the effect of these proposed revisions on competition are difficult to provide. Only about 265 out of the approximately 1,100 facilities currently invoiced by the Office of Air Quality and Nuclear Energy will be assessed this additional 7.4 percent fee. This may affect competition since these 265 facilities will pay somewhat higher annual fees. However, the increases will be minimal per facility ranging from \$9 to \$2,170 annually. There is no estimated effect on employment anticipated.

Patricia L. Norton
Secretary

David W. Hood
Legislative Fiscal Analyst

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Fee Schedule

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

There will not be any additional implementation costs or savings to state or local governmental units to collect the additional revenues expected from the proposed rule changes. The present staff can absorb the associated invoicing workload.

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

The revenues collected from the 7.4 percent fee increase will be placed in the Alternate Technologies Research and Development Trust Fund. Approximately 265 facilities will be assessed this 7.4 percent increase, at present. However, the total number of facilities affected by this proposed revision may increase from year to year as more permits are completed. The list of 265 facilities is derived from a cross check of those facilities now invoiced by the Office of Air Quality and Nuclear Energy and those facilities which are currently listed, by the Office of Solid and Hazardous Waste, as generators, treaters, storers and/or disposers of hazardous wastes. The 7.4 percent fee increase is expected to yield approximately \$50,000 annually. There will not be any effect on revenue collections by local governmental units as a result of adopting the proposed revisions. The increase in revenue expected from the addition of several new SIC code designations will be minimal.

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

The annually assessed fees for the 265 facilities affected by this proposed revision total approximately \$680,000, at present. The proposed revisions would increase this by 7.4 percent and would yield approximately \$50,000 which would be placed in the Alternate Technologies Research and Development Trust Fund. Estimated costs to directly affected facilities would range from a \$9 increase to a \$2,170 increase in annual fees (these figures vary based on the current annual compliance fee assessed, according to the current air pollutant discharge permit). New and modified schedule fees are expected to cost the regulated area annual amounts varying from \$4,000 to \$30,000. These increases will directly affect only a small number of facilities. They have previously been assessed relatively small fees that do not adequately or fairly measure the facilities' contribution to air pollution. These proposed revisions will allow for more equitable treatment of the facilities involved.

NOTICE OF INTENT

Department of Environmental Quality Office of Air Quality and Nuclear Energy

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et. seq., in particular Section 1084 B (1) and in accordance with the Administrative Procedure Act La. R.S. 49:950, the Secretary, Department of Environmental Quality initiated rulemaking on the proposed revisions to Section 17.14 of the Louisiana Air Quality Regulations March 10, 1986. The department will afford all interested persons the opportunity to submit comments on the proposed revisions, orally or in writing at a public hearing scheduled on April 4, 1986 at 10 a.m. in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. All written comments should be submitted no later than April 4, 1986 to Gustave Von Bodungen, Program Administrator, Air Quality Division, Box 44096, Baton Rouge, LA 70804-4096, or phone 504/342-9047.

The proposed revisions to Section 17.14 of the Air Quality Regulations will limit stack height credits and other dispersion techniques in determining an emission limitation.

On February 8, 1982 (47 FR 5864), the United States Environmental Protection Agency (EPA) promulgated regulations to ensure that the degree of emission limitation required for the control of any air pollutant under an applicable State Implementation Plan (SIP) is not affected by that portion of any stack height which exceeds good engineering practice (GEP) or by any other dispersion technique. Louisiana adopted its stack height regulations (Section 17.14) on February 20, 1983 and submitted them to the EPA as a part of the State Implementation Plan. However, the EPA regulation was subsequently challenged in the U.S. Court of Appeals for the D.C. Circuit and on October 11, 1983, the court issued its decision ordering EPA to reconsider portions of the stack height regulations. Revisions to the regulations were proposed on November 9, 1984 at 49 FR 44878 and the final rule was adopted on July 8, 1985 at 50 FR 27892.

Based on EPA's latest actions, the Louisiana Department of Environmental Quality must revise the Air Quality Division's existing stack height regulations, consistent with the Federal regulations. This will enable EPA to approve the stack height regulations as a part of the Louisiana State Implementation Plan.

Inquiries or requests for copies of the proposed revision may be obtained from the Louisiana Air Quality Division, Box 44096, Baton Rouge, LA 70804-4496, or phone 504/342-9047. All documents relating to the actions of this notice are available for inspection at the following locations from 8 a.m. until 4:30 p.m.

Department of Environmental Quality, 3945, North I-10 Service Road, Metairie, LA.

Department of Environmental Quality, 8th floor State Land

and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

Department of Environmental Quality, 804 31st Street, Monroe, LA.

Department of Environmental Quality, State Office Building, 1525 Fairfield Avenue, Shreveport, LA.

Department of Environmental Quality, 1155 Ryan Street, Lake Charles, LA.

Department of Environmental Quality, 100 Eppler Rd., Lafayette, LA.

Patricia L. Norton
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Section 17.14**

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

There will not be any additional implementation cost or savings to the agency, since it is part of the existing State Implementation Plan.

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

Proposed action is a change to the existing state regulations. It does not create a new program. No additional funds will be obtained from Federal or State agencies and will not affect the fee system. Therefore, this will not affect the revenue collection.

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

Louisiana has stack height regulations at present. This is a change to the existing regulations. The Air Quality Division analysis indicates that it will have minimum, if any, effect on the affected groups.

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

Since there will be minimum effect on affected group, no impact on competition and employment is anticipated at present.

Patricia L. Norton
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Environmental Quality
Office of Solid and Hazardous Waste
Hazardous Waste Division**

Act 803 of 1984 prohibits land disposal of hazardous waste and requires the Department of Environmental Quality (DEQ) to identify acceptable alternatives to land disposal of hazardous waste. Act 795 of 1984 establishes the Hazardous Waste Advisory Board within DEQ and requires it to establish siting criteria for hazardous waste disposal facilities and determine future needs for such facilities.

A new fund is established known as the Alternative Technologies Research and Development Trust Fund. Self-generated dollars received from fee increases will support the requirement under Act 803.

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., in particular Sections 1065 B, 1104 B, and 1105.1 C and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives

notice that rulemaking procedures have been initiated to amend the Louisiana Hazardous Waste Regulations (LHWR).

The proposed amendments to the LHWR, Chapter 25, raise the annual maintenance fees charged to generators and facilities that treat, store or dispose of hazardous waste. This increase is necessary to establish an Alternate Technologies Research and Development Fund.

The proposed amendments are to become effective on May 20, 1986, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be at 10 a.m. on April 11, 1986, in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed amendments. Such comments should be submitted no later than April 7, 1986 to Glenn A. Miller, Administrator, Hazardous Waste Division, Department of Environmental Quality, Box 44307, Baton Rouge, LA 70804-4307. He may be contacted at the address above, or telephone (504) 342-1227. A copy of the proposed amendments may be obtained from the Hazardous Waste Division at the address provided. In addition, copies of the proposed amendments are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.:

State Land and Natural Resources Building, Room 615, Sixth Floor, 625 North Fourth Street, Baton Rouge, LA; State Office Building, 1525 Fairfield Avenue, Shreveport, LA; Department of Environmental Quality, 1155 Ryan Street, Second Floor, Lake Charles, LA; Department of Environmental Quality, 804 31st Street, Monroe, LA; Department of Environmental Quality, 3945 North I-10 Service Road, Metairie, LA; Department of Environmental Quality, 100 Eppler Road, Lafayette, LA.

Patricia L. Norton
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Regulations Related to Alternate
Technologies Research and Development Trust Fund**

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

There will be no additional implementation costs or savings to state or local governmental units to administer the addition of the proposed rule changes, being that present staff can absorb the associated workload.

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

The revenues resulting from the 25 percent fee increases will be placed in the Alternate Technologies Research and Development Trust Fund. The 25 percent increase on generators fees would yield \$31,221 per year and the treater, storer, and/or disposer annual maintenance fee would yield \$200,537; or an actual yearly dollar increase of \$231,758 to the department. This 25 percent increase is at the lower limit of the allowable increase as described in R.S. 30:1065 C. There will be no effect on revenue collections of local governmental units as a result of adopting proposed changes.

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

These regulatory amendments require that all generators, treatment, storage, and disposal facilities increase their annual fees by 25 percent. Any non-governmental group

should have a minimal personnel cost associated with the reporting and recordkeeping. The changes of Chapter 22 are not expected to result in any economic benefits or additional costs. Monies collected will be used for research contracts. Associated work will be accomplished by universities or the private sector.

Generator Fee Increases

	FY 85-86	
576 repeat generators	@ \$183.00	= \$105,408
103 first year generators (includes initial fee)	@ \$189.10	= <u>\$19,477.30</u>
	TOTAL	\$124,885.30

	FY 86-87	
576 repeat generators	@ \$228.75	= \$131,760
103 first year generators (includes initial fee)	@ \$236.38	= <u>\$24,347.14</u>
	TOTAL	\$156,107.14

NEWLY GENERATED FUNDS \$31,221

TSF Fee Increases (varies based on type of activity and quantity of waste handled)

No. of Facilities	FY 85-86	
2	@ \$48,800	= \$97,600
3	@ \$35-40,000	= \$115,290
1	@ \$20-25,000	= \$21,350
12	@ \$15-20,000	= \$214,720
7	@ \$10-15,000	= \$88,450
34	@ \$5-10,000	= <u>\$264,740</u>
59		\$802,150

No. of Facilities	FY 86-87	
2	@ \$61,000	= \$122,000
3	@ \$43,750-50,000	= \$144,121
1	@ \$25-31,250	= \$26,687
12	@ \$18,750-25,000	= \$268,400
7	@ \$12,500-18,750	= \$110,562
34	@ \$6,250-12,500	= <u>\$330,925</u>
59		\$1,002,687

NEWLY GENERATED FUNDS \$231,758

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

There is no estimated effect on competition or employment between firms and/or non-governmental agencies, since they all will be covered by the same regulators.

Patricia L. Norton
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Environmental Quality
Office of Solid and Hazardous Waste
Hazardous Waste Division**

Act 803 of 1984 prohibits land disposal of hazardous waste and requires Department of Environmental Quality (DEQ) to identify acceptable alternatives to land disposal of hazardous waste. Act 795 of 1984 establishes the Hazardous Waste Advisory Board within DEQ and requires it to establish siting, criteria for hazardous waste disposal facilities and determine future needs for such facilities.

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:1051 et seq., in particular Sections 1065 B, 1104 B, and 1105.1 C and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950 et seq., the Secretary gives notice that rulemaking procedures have been ini-

tiated to amend the Louisiana Hazardous Waste Regulations (LHWR).

The proposed amendments to the LHWR (Chapters 1, 2, 4, 6, 7, 22, 24, and 25) sequentially number the hazardous waste manifests and require that manifests or the numbers be obtained from the Hazardous Waste Division, proposes signatory requirements for permit applications, require hazardous waste annual fees be paid within 30 days of receipt of the due notice, correct typographical errors in existing regulations, and clarify existing regulations. These changes are necessary for the Hazardous Waste Division to maintain its authorization and to implement a Hazardous Waste Management Program in Louisiana in lieu of the U.S. EPA.

The proposed amendments are to become effective on May 20, 1986, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held at 10 a.m. on March 31, 1986, in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 N. Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed amendments. Such comments should be submitted no later than April 7, 1986 to Glenn A. Miller, Administrator, Hazardous Waste Division, Department of Environmental Quality, Box 44307, Baton Rouge, LA 70804-4307. He may be contacted at the address above, or telephone (504) 342-1227. A copy of the proposed amendments may be obtained from the Hazardous Waste Division at the address provided. In addition, copies of the proposed amendments are also available for inspection at the following locations from 8 a.m. until 4:30 p.m. Monday through Friday:

State Land and Natural Resources Building, Room 615, 6th Floor, 625 North Fourth Street, Baton Rouge, LA; State Office Building, 1525 Fairfield Avenue, Shreveport, LA; Department of Environmental Quality, 1155 Ryan Street, 2nd Floor, Lake Charles, LA; Department of Environmental Quality, 804 31st Street, Monroe, LA; Department of Environmental Quality, 3945 North I-10 Service Road, Metairie, LA; and Department of Environmental Quality, 100 Eppler Road, Lafayette, LA.

Patricia L. Norton
Secretary

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

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

There will be an initial increase in cost of \$4,200 to state government which will be paid from divisional self-generated funds. The initial increase in cost for printing the new manifest will be offset by future fee increases for the manifest from regulated individuals and institutions. The increased cost of the manifest will bring Louisiana more in line with other states in EPA Region VI.

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

The additional revenues collected will offset the cost of implementing the program, resulting in no net change.

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

There will be an increase in cost to directly affected persons or non-governmental groups to a degree necessary to

offset the cost of the program. The manifest price will be raised from .05¢ to \$1.50. This will bring the cost of the manifests more in line with similar systems in Region VI.

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

There is no estimated effect on competition or employment between firms and/or non-governmental agencies, since they all will be covered by the same regulations and regulators.

Patricia L. Norton
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Environmental Quality Office of Water Resources

Act 803 of 1984 prohibits land disposal of hazardous waste and requires The Department of Environmental Quality (DEQ) to identify acceptable alternatives to land disposal of hazardous waste. Act 795 of 1984 establishes the Hazardous Waste Advisory Board within DEQ and requires it to establish siting criteria for hazardous waste disposal facilities and determine future needs for such facilities.

A new fund is established known as the Alternative Technologies Research and Development Trust Fund. Self-generated dollars received from fee increases will support the requirement under Act 803.

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and in particular Sections 1061 (D) (1) and 1065 (B), (C), and (D), and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary of the Department of Environmental Quality, Patricia L. Norton, gives notice that rulemaking procedures have been initiated to revise the Louisiana Water Pollution Control Fee System Regulations.

The purpose of the proposed revisions is to establish a Research and Development Fee to provide funding for theoretical and practical research and development of alternative methods and technologies of destroying, reducing, recycling, neutralizing, and to the least extent possible, disposing of hazardous waste. The proposed revisions will modify the existing water pollution control fee system to provide for the additional assessment of Research and Development Fees (initial and annual) at a rate of five percent of the revenue generated by the annual maintenance and surveillance fees already established. The fee increase presently will affect only 250 facilities out of 1,200 facilities invoiced by the Office of Water Resources (OWR). The 250 facilities are those presently invoiced by the OWR and currently listed by the Office of Solid and Hazardous Waste as generators, treaters, storers, and/or disposers of hazardous waste.

The fee revisions also include several minor additions to the text of instructions for completing the rating worksheet and to the list of SIC codes used to determine complexity group designations.

The proposed revisions are expected to become effective on July 1, 1986.

All interested persons are invited to comment orally or in writing at a public hearing to be held at 10 a.m. on April 1, 1986, in the Mineral Board Hearing Room on the first floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana. Any additional written comments must be submitted no later than April 7, 1986, to Barbara Romanowsky, Department of Environmental Quality, Office of Water Resources, Box 44091, Baton Rouge, Louisiana 70804-4091. She

is also the agency contact responsible for responding to any questions concerning the proposed revisions. Copies of the proposed regulation may be obtained by contacting Shirley Rothman at the above address or by telephone at (504) 342-6363 and are available for inspection at the following locations from 8 a.m. until 4:30 p.m. daily, Monday through Friday:

State Land and Natural Resources Building, Ninth Floor, Room 900, 625 North Fourth Street, Baton Rouge, LA; Capitol Area Regional Office, 11720 Airline Highway, Baton Rouge, LA; Department of Environmental Quality, 3945 North I-10 Service Road, Metairie, LA; Department of Environmental Quality, 100 Eppler Road, Lafayette, LA; Department of Environmental Quality, 1155 Ryan Street, Second Floor, Lake Charles, LA; State Office Building, 1525 Fairfield Avenue, Shreveport, LA; Department of Environmental Quality, 804 Thirty-First Street, Monroe, LA.

Patricia L. Norton
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Revisions to the Water Pollution Control Fee System Regulations

SUMMARY

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

There will be no additional implementation costs or savings to state or local governmental units to collect the additional revenue expected from the proposed rule changes. Present staff can absorb the associated workload in invoicing.

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

The revenues collected from the five percent fee increase will be placed in the Alternate Technologies Research and Development Trust Fund. Only approximately 250 facilities presently will be invoiced for this five percent increase. However, the total number of facilities affected by this proposed revision may increase year to year as more permits are completed. The list of 250 facilities is derived from a cross-check of those facilities presently invoiced by the Office of Water Resources and those facilities who are currently listed by the Office of Solid and Hazardous Waste as generators, treaters, storers, and/or disposers of hazardous wastes. The five percent fee increase is expected to yield approximately \$60,000 annually. There will be no effect on revenue collections of local governmental units as a result of adopting the proposed revisions. The increase in revenue expected from the addition of several new SIC code designations will be minimal.

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

The annually assessed fees for the 250 facilities affected by this proposed revision presently total approximately \$1,266,000. The proposed revisions would increase this by five percent and would yield approximately \$60,000 which would be placed in the Alternate Technologies Research and Development Trust Fund. Estimated costs to directly affected facilities would range from a \$5 increase to a \$806 increase in annual fees (these figures vary based upon the number of total rating points assigned to each facility as a result of the facility water discharge permit). There will be an increase in annual fees for those facilities whose SIC code designations have been added to the complexity rating tables. The increases will vary

depending upon the designation assigned to each SIC code but, in general, the annual fee increases will range from \$750 to \$3750. These increases will directly affect only a small number of facilities who have previously been assessed small fees that did not adequately or fairly assign a complexity designation. These revisions will thus allow for a more equitable rating of the facilities affected.

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

Estimates on the effect of these proposed revisions on competition are difficult to provide. Only approximately 250 facilities out of 1,200 facilities currently invoiced by the Office of Water Resources will be assessed this additional five percent fee. This may affect competition since these 250 facilities will pay somewhat higher annual fees. However, the increases will be minimal per facility ranging from \$5 to \$806 annually. There is no estimated effect on employment anticipated.

Patricia L. Norton
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Human Resources Office of Management and Finance Division of Policy, Planning and Evaluation

The Department of Health and Human Resources, Office of Management and Finance, Division of Policy, Planning and Evaluation proposes to adopt the following change to the policies and guidelines for Section 1122 capital expenditure reviews to be effective May 20, 1986. The proposed change will be made to the rule published in Volume 11, Number 4 of the *Louisiana Register*, April 20, 1985. It will add another criterion to the thirteen "Criteria for Section 1122 Review" which will read as follows:

14. Whether the project will foster cost containment or improved quality of care through improved efficiency and productivity or through increased competition between different health services delivery systems.

A public hearing will be held on Monday, April 7, 1986 at 10 a.m. in the Auditorium of the State Library, 760 Riverside, Baton Rouge, LA. Interested persons may submit written comments on the proposed change until April 15, 1986 at the following address: Joseph Ross, Division of Policy, Planning and Evaluation, 200 Lafayette St., Suite 406, Baton Rouge, La. 70801.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Section 1122 Policies and Guidelines Cost Containment Criterion

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

No implementation costs are anticipated.

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

No effect on revenue collections is anticipated.

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

The intent of the Criterion is to encourage development of more cost effective ways of providing health services.

It is impossible, however, to estimate the costs or economic benefits to the citizens of Louisiana.

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

The criterion is designed to encourage competition between alternative health services delivery systems and to foster competition between similar health services delivery systems by encouraging the development of more cost effective ways of delivering high quality services. It is impossible to estimate the magnitude of the impact of this criterion, however.

Sandra L. Robinson, M.D.

Secretary and State Health Officer

Mark C. Drennen

Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Mental Retardation/Developmental Disabilities

TITLE 48

Part IX Mental Retardation/Developmental Disabilities Services Chapter 5—State Residential Facilities

§509. Voting Rights

Effective May 20, 1986, the Department of Health and Human Resources, Office of Mental Retardation/Developmental Disabilities, proposes to adopt the following policy and procedures relating to voting by residents of state-operated facilities for mentally retarded/developmentally disabled persons. Interested persons may submit written comments on the proposed policy and procedures within 15 days of the date of publication to Cecil Colwell, Assistant Secretary, Office of Mental Retardation/Developmental Disabilities, 721 Government Street, Baton Rouge, Louisiana 70802.

OMR/DD POLICY/PROCEDURE

Subject: Voting by residents of state-operated facilities for mentally retarded/developmentally disabled persons.

Purpose: The purpose of this policy/procedure is to assist eligible residents of state-operated residential facilities for mentally retarded/developmentally disabled persons to register to vote and to vote.

Scope: This policy applies to all state-operated residential facilities for mentally retarded/developmentally disabled persons.

Policy: Every resident of a state-operated facility for mentally retarded/developmentally disabled persons, upon reaching 18 years of age, shall have the right to register and vote, except that this right may be suspended while a resident is interdicted and judicially declared mentally incompetent or is under an order of imprisonment for conviction of a felony.

Procedure:

1. All residents 18 years of age or older who have not had the right to vote suspended through interdiction and have not been convicted of a felony are eligible to vote.

2. Staff will determine whether or not a client is eligible to vote by reviewing the client's records.

3. Residents who are eligible to vote will be informed of their right to vote in accordance with medicaid regulations 45CFR442.404(d).

4. Residents who are eligible to vote and who ask to register to vote or to vote will be provided transportation to and from the registrar's office or the polls.

5. If residents are to be transported in large groups (more than three per group) the registrar's office of polling place will be notified in order to minimize problems.

6. Staff will not provide assistance to residents in registering to vote or in voting while at the registrar's office or the polls. Assistance in mobility may be provided to handicapped persons in wheelchairs.

7. Nothing in this policy is intended to inhibit facilities from teaching residents the skills necessary to vote in accordance with medicaid regulation 45CFR442.404(d). Rather, such training is encouraged. Such training shall not extend to any attempt to influence any resident's vote either for or against any candidate or proposition.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

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

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

There will be no implementation costs or savings to state or local governmental units.

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

There will be no effect on revenue collections of state or local governmental units.

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

There will be no costs and/or economic benefits to directly affected persons or non-governmental groups.

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

There will be no effect on competition and employment.

Cecil Colwell
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Preventive and Public Health Services**

The Department of Health and Human Resources, Office of Preventive and Public Health Services intends to amend the fee schedule for genetic evaluation and counseling at Regional Genetics Clinics as contained in the regulations for the Genetic Diseases program found in the *Louisiana Register*, Volume 11, Number 6, page 639 (June 20, 1985). Effective May 20, 1986 the current fee schedule is proposed to be replaced by the following:

Initial Clinic Visit For Genetic Evaluation and Counseling:	
Brief	\$ 30
Limited	\$ 49
Intermediate	\$ 69
Extended	\$ 86
Comprehensive	\$102
Clinic Visit After Initial For Genetic Evaluation and Counseling:	
Minimal	\$12
Brief	\$20
Limited	\$27
Intermediate	\$38
Extended	\$62
Comprehensive	\$69

Genetic Counseling Only By a Medical Geneticist, Initial Or After Initial:

Brief	\$27
Standard	\$61
Long	\$90

This addition of five new service levels and the deletion of one will bring the fee schedule into conformity with the list of service levels found on pages 5 and 46 of the *Physicians Current Procedural Terminology*, Fourth Edition, 1986, published by the American Medical Association and copyrighted 1985.

Interested persons may submit comments at the following address: Daneta Daniel Bardsley, Ed.D, Assistant Secretary, Office of Preventive and Public Health Services, Department of Health and Human Resources, Box 60630, New Orleans, LA 70160.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Genetic Diseases Program**

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

No cost of implementation will be incurred as it is being done with present staffing levels.

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

The addition of five new service levels and the deletion of one service level will have a minimal impact on state revenue collections. The additional service level charges provide for both lower and higher charges within the price schedule. These changes would offset each other thus allowing revenue collections to remain constant.

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

Benefits to affected persons or nongovernmental groups will not be impacted. Under the new plan, some individuals could be charged less or more for the particular service level due to the addition and deletion of existing charge lends. An accurate estimate cannot be made and would depend upon the classification service provided to each user.

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

There will be no effect on competition and employment.

Sandra L. Robinson, M.D.
Secretary and State Health Officer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Effective upon publication, under the authority of the Uniform Controlled Dangerous Substances Act, R.S. 40:965 and 972, the secretary of the Department of Health and Human Resources intends to add the following rule pertaining to Controlled Dangerous Substances to the existing regulations of the Department of Health and Human Resources, Division of Licensing and Certification.

§ 20. Added Controlled Substances.

The following drug is hereby controlled under the desig-

nated schedule under authority of R.S. 40:962 (the following drug is in addition to the drugs scheduled in the statute in Section 40:964).

Schedule II

Hallucinogenic Substances.

I. Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved product. (Another name for Dronabinol is delta-9-(trans)-tetrahydrocannabinol.)

Interested persons may comment on the proposed rule in writing until March 6, 1986, at the following address: Steve Phillips, Director, Division of Licensing and Certification, Box 3767, Baton Rouge, LA 70821.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Section 20**

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

There is no estimated implementation costs to the agency.

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

There is no estimated effect on revenue collections.

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

The public will have easier access to the drug which is used in cancer chemo-therapy. The amount of paper work necessary to procure the drug will be lessened.

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

None

Sandra L. Robinson, M.D.
Secretary and State Health Officer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Attorney General's Electronic Video Bingo Panel intends to adopt permanent rules relative to the operation of electronic video bingo machines. Emergency rules were adopted on September 5, 1985. (See: *Louisiana Register*, Vol. 11, No. 9, September 20, 1985, pp. 842-847).

The permanent rules to be adopted will be in the same form and substance as the emergency rules with the exception that the proposed permit fee will be \$125 in the permanent rules, whereas the emergency rules provide for a permit fee of \$25.

The proposed rules will be made available for public inspection between the hours of 8:30 a.m. and 5 p.m., on any working day after March 10, 1986, at the Office of the Attorney General, 17th Floor, State Capitol Building, Baton Rouge, LA.

Interested persons may submit their views and opinions to William J. Guste, Jr., Attorney General, 17th Floor, State Capitol Building, Box 94005, Baton Rouge, LA 70804-9005.

The Attorney General's Electronic Video Bingo Panel will hold a public hearing on March 21, 1986, at a time and place established in a notice posted at least 24 hours in advance of the hearing.

The Electronic Bingo Panel shall, prior to the adoption of permanent rules, afford all interested parties reasonable opportunity to submit data, views or argument, orally or in writing.

Inquiries concerning the proposed permanent rules shall be directed to: William B. Faust, III, Assistant Attorney General, Suite 821, 2-3-4 Loyola Avenue, New Orleans, LA 70112; telephone: (504) 568-5550.

William J. Guste, Jr.
Attorney General

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

Rule Title: Electronic Video Bingo Machine Rules

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

It is estimated that first year costs in the Department of Justice associated with the implementation of this program will be \$454,757 to be funded by self generated revenues. Second year costs will be approximately \$366,000. Based upon the operation of a similar program in the state of Montana it is estimated that ten additional positions and associated expenses will be required to administer this program.

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

Fees provided for in the regulations will generate an additional \$500,000 per year in self generated revenues for the administration of the program. It is estimated that approximately 4,000 machines will be installed subject to the annual fee of \$125.

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

The fees instituted by these regulations will cause owners/operators of electronic bingo machines to pay a fee of \$125 per machine. Based upon an estimated 4,000 machines, the cost of the operators will be \$500,000 per year.

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

Adoption of these regulations will not affect competition or employment.

Kenneth C. DeJean
Chairman, Electronic
Video Bingo Panel

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Natural Resources
Division of State Lands**

The Department of Natural Resources, Division of State Lands, announces its intention to amend its rules and regulations implementing Act 645 of 1978 (adopted January 20, 1979, amended July 20, 1981). The amendment, proposed pursuant to the authority of R.S. 41:1701 et. seq., provides that permit fees for encroachments on state owned waterbottoms be based on a percentage of appraised value rather than the present square footage basis. Also, the amendment would effectuate non-substantive changes in the format of the rules and regulations.

PERMITS ISSUED UNDER
ACT 645 OF 1978

Permits may be granted to owners of land contiguous to and abutting navigable waterbottoms belonging to the state to construct landfills either for the purpose of reclaiming or recovering land lost through erosion by action of the water body if said erosion occurred on and after July 1, 1921, or for the purpose of maintaining an encroachment on non-eroded state lands. Lands reclaimed shall be subject to the procedures as set forth in "Boundary Agreements" of these rules and regulations. Landfills constructed on non-eroded state lands shall be subject to the procedures as set forth in "Leases: Reclamation" of these rules and regulations.

Permits and leases may also be granted for the construction and/or maintenance of commercial structures which are permanently attached to public lands by pilings or other means. Such structures shall include, but not be limited to wharves, piers, storage docks, camps, warehouses, residences, bulkheads, restaurants, dams, bridges, etc. Exempted from permit and lease requirement are commercial and non-commercial wharves and piers less than 50 linear feet whose surface area does not exceed 150 square feet, unless part of another encroachment or unduly interferes with public interests, navigation or fishery. Structures constructed on state lands shall be subject to the procedures as set forth in "Leases: Structures" of these rules and regulations.

PROCEDURE AND REQUIREMENTS FOR RECLAMATION
PROJECTS

Class A: Permits for reclamation of lands eroded on or after July 1, 1921.

Class E: Permits for reclamation of non-eroded land.

1. Submitting Procedures

Applicant shall notify the secretary of the Department of Natural Resources in writing of his intent to apply for a permit for work contemplated. Such letter shall contain a description of the proposed physical work to be performed, materials to be used and identity of the body of water involved. Upon receipt of applicant's letter, the secretary shall forward the appropriate permit form to the applicant with a copy of these regulations.

Upon completion of the appropriate form the applicant shall:

- a. apply to the governing authority of the parish or parishes within which the work or structures will be located for their approval or permit for the project;
- b. apply to the U.S. Corps of Engineers for the appropriate federal permit, and in the event that the Corps of Engineers declines jurisdiction over the proposed work, and does not publish notice;
- c. cause to have published at least once, notice of the application in the official journal of the parish or parishes.

2. Fees

Fees for permits are as follows:

- a. an application for a Class A or E permit shall be accompanied by a non-refundable administrative and processing fee of \$50;
- b. in the event that review of the application requires special work in the field such as special field examination or survey, the applicant shall be required to pay for such special work, the price of which shall be fixed by the secretary based on his estimate of the cost of special work to the state. The secretary shall notify the applicant of the estimated cost of such special work and shall not proceed until the estimated cost of same is paid.

APPLICATION REQUIREMENTS FOR CLASS A OR E
PERMITS ISSUED UNDER ACT 645 OF 1978

Applications must be submitted in triplicate to the secretary of the Department of Natural Resources, and each application must include the following:

1. application form as provided by the Department of Natural Resources;
2. approval of the parish governing authority for the project.
3. a certified deed of ownership* (of the lands contiguous to public lands);
4. if the applicant is not the owner, a certified copy of the deed or other instrument* under which the owner holds title plus written permission for the applicant to carry out the project. NOTE: Should the encroachment be located wholly upon state waterbottoms and not proximate to any bank or shore, no deed of ownership or written permission need be furnished provided that the letter of intent contain details of ingress and egress for such structure;
5. map or plat showing:
 - a. location of the activity site including section, township, and range;
 - b. Louisiana grid coordinates of all corners and angle points;
 - c. name of waterway;
 - d. all applicable political (parish, town, city, etc.) boundary lines;
 - e. name of and distance of local town, community or other identifying location;
 - f. names of all roads in the vicinity of the site;
 - g. graphic scale;
 - h. north arrow.
6. plan view showing:
 - a. existing shorelines;
 - b. ebb and flood in tidal waters and direction of flow in rivers;
 - c. mean high water line;
 - d. mean low water line;
 - e. water depth around the project;
 - f. extent of land area reclaimed or filled shown in square feet;
 - g. extent of encroachment beyond the applicable water lines;
 - h. waterward dimensions from an existing permanent fixed structure or object;
 - i. location of structures, if any, in navigable water immediately adjacent to the proposed activity.
7. elevation and/or section view showing:
 - a. same water elevations as in the plan view;
 - b. depth at waterward face of proposed work;
 - c. dimensions from applicable water lines for proposed float or pile supported platform;
 - d. graphic or numerical scale;
 - e. detailed drawings of construction including plot plan, cross section and profile.
8. non-refundable administrative and processing fee of \$50;
9. letter of intent.

*Only one certified copy of deed or instrument is required.

Where a permit application contemplates any form of land-fill or reclamation, the map or plat submitted must be prepared by a professional land surveyor currently registered by the State Board of Registration for Professional Engineers and Land Surveyors.

Verification of Work—Upon completion of the project, the applicant is required to submit verification of the work completed to the secretary of the Department of Natural Resources within 60 days. The applicant is required to submit a final certified map or plat prepared by a professional land surveyor currently registered by the State Board of Registration for Professional Engineers and Land Surveyors as verification.

Upon completion of a Class A permit construction and verification, a boundary agreement is required as follows:

Boundary Agreements—After fulfilling the requirements for verification of work completed pursuant to a reclamation permit, the applicant and the secretary of the Department of Natural Resources shall enter into an agreement fixing the definitive boundary between the reclaimed land area and the waterbottoms. No definitive boundary shall be fixed nor shall title be vested unless and until proof is made that the reclaimed land is raised to a minimum height of six inches above mean high water and is stabilized along the newly created bank or shore by masonry, concrete mats, riprap, sheet piling, bulkheads, or similar constructions to reasonably insure permanence as required by law.

Upon completion of a Class E permit construction and verification, a lease is required as follows:

Leases: Reclamation—After fulfilling the requirements for verification of work completed pursuant to a landfill the applicant and the secretary of the Department of Natural Resources shall enter into a lease agreement to operate or maintain the encroachment. Such leases will not be subject to competitive bidding except in those cases where the best interest of the state and applicant will be served. The consideration for such leases shall be based upon the size and nature of the encroachment. The lease shall be assessed at 5 percent of the appraised value of the land for non-commercial use and at 7.5 percent of the appraised value for commercial uses with a minimum fee of \$100 per year. The property will be reappraised at the expiration of the primary term of the lease.

Leases entered into shall be for a term of five years and subject to renewal by lessee for nine successive terms. In no case shall the maximum term of such leases exceed 50 years. At the end of a 50 year maximum period, lessees may apply for a new lease for the subject encroachment.

PROCEDURES AND REQUIREMENTS FOR PERMITTING AND LEASING ENCROACHMENTS ONTO STATE OWNED PROPERTY

CLASS B: Permits to construct bulkheads or flood protection structures in proximity to the bank or shore.

CLASS C: Permits to construct wharves and piers.

CLASS D: Permits to construct structures other than wharves and piers.

1. Submitting Procedures

Applicant shall notify the secretary of the Department of Natural Resources in writing of his intent to apply for a permit for work contemplated. Such letter shall contain a description of the proposed physical work to be performed, materials to be used and identity of the body of water involved. Upon receipt of applicant's letter, the secretary shall forward the appropriate permit form to the applicant with a copy of these regulations.

Upon completion of the appropriate form the applicant shall:

- a. apply to the governing authority of the parish or parishes within which the work or structures will be located for their approval or permit for the project;
- b. apply to the U.S. Corps of Engineers for the appropriate federal permit, and in the event that the Corps of Engineers declines jurisdiction over the proposed work, and does not publish notice;
- c. upon request of the governing authorities of the parish cause to have published at least once, notice of the application in the official journal of the parish or parishes.

2. Fees

Fees for permits are as follows:

- a. an application for a permit shall be accompanied by a non-refundable administrative and processing fee of \$10;
- b. in the event that review of the application requires special work in the field such as special field examination or survey,

the applicant shall be required to pay for such special work the price of which shall be fixed by the secretary based on his estimate of the cost of special work to the state. The secretary shall notify the applicant of the estimated cost of such special work and shall proceed until the estimated cost of same is paid.

APPLICATION REQUIREMENTS FOR CLASS B, C, OR D PERMITS ISSUED UNDER ACT 645 OF 1978

Applications must be submitted in triplicate to the secretary of the Department of Natural Resources, and each application must include the following:

1. application form as provided by the Department of Natural Resources;
2. approval of the parish governing authority for the project;
3. a certified deed of ownership* (of the lands contiguous to public lands);
4. if the applicant is not the owner, a certified copy of the deed or other instrument* under which the owner holds title plus written permission for the applicant to carry out the project. NOTE: Should the encroachment be located wholly upon state waterbottoms and not proximate to any bank or shore, no deed of ownership or written permission need be furnished provided that the letter of intent contain details of ingress and egress for such structure;
5. map or plat showing:
 - a. location of the activity site including section, township and range;
 - b. name of waterway;
 - c. all applicable political (parish, town, city, etc.) boundary lines;
 - d. name of and distance of local town, community or other identifying location;
 - e. names of all roads in the vicinity of the site;
 - f. graphic scale;
 - g. north arrow.
6. Plan view showing:
 - a. existing shorelines;
 - b. ebb and flood in tidal waters and direction of flow in rivers;
 - c. mean high water line;
 - d. mean low water line;
 - e. water depth around the project;
 - f. extent of encroachment beyond the applicable water lines;
 - g. waterward dimensions from an existing permanent fixed structure or object;
 - h. location of structures, if any, in navigable water immediately adjacent to the proposed activity.
7. elevation and/or section view showing:
 - a. same water elevations as in the plan view;
 - b. depth at waterward face of proposed work;
 - c. dimensions from applicable water lines for proposed float or pile supported platform;
 - d. graphic or numerical scale;
 - e. detailed drawings of construction including plot plan, cross section and profile.
8. non-refundable administrative and processing fee of \$10.
9. letter of intent.

* Only one certified copy of deed or instrument is required.

If the proposed project falls under the United States Army Corps of Engineers jurisdiction and permit(s) are being sought from that agency, the applications submitted to the Corps of Engineers may be submitted to the Department of Natural Resources in lieu of the above, providing that all copies are clear and legible and the

Corps permit application does in fact contain all of the information described above.

All class C and D permits are accompanied by a lease agreement described as follows:

Leases: Structures—After fulfilling the requirements for a structure permit, the applicant and the secretary of the Department of Natural Resources shall enter into a lease agreement to operate or maintain the encroachment. Bulkheads constructed without fill, commercial and non-commercial wharves and piers less than 50 linear feet whose surface area does not exceed 150 square feet, which do not interfere with public navigation and fishery or are not part of another encroachment, are exempt from this leasing provision. Such leases will not be subject to competitive bidding except in those cases where the best interest of the state and applicant will be served. The consideration for such leases shall be based upon the size and nature of the encroachment.

Commercial structures will be assessed at 7.5 percent of the appraised value of the structure with a minimum fee of \$100 per year. The property will be reappraised at the expiration of the primary term of the lease. Pilings situated on state waterbottoms and not supporting any additional structure (i.e., anchor piles, pile dolphins, etc.) will be assessed \$100 plus \$10 for each piling. When such pilings exist independent of and in addition to any other structures subject to lease based on square footage, lease price will be computed at the rate of \$10 per piling. In no instance shall the consideration be less than \$100 per annum.

Leases entered into shall be for a term of five years and subject to renewal by lessee for nine successive terms. In no case shall the maximum term of such leases exceed 50 years. At the end of a 50 year maximum period, lessees may apply for a new lease for the subject encroachment.

GENERAL REGULATIONS REGARDING ALL PERMITS

1. Approval of Local and Other State Authorities

No permits shall be issued nor shall any work commence until the application has first been approved by the governing authority of the parish wherein the property is located, Office of Public Works, Department of Wildlife and Fisheries, State Mineral Board, Coastal Management Section (if the project is in the coastal zone) and such other parochial or state agencies which may have jurisdiction over such matter. Coordination and dissemination among the several agencies will be performed by the secretary of the Department of Natural Resources.

2. Objections and Public Hearings

Objections shall be received by the secretary of the Department of Natural Resources for a period of 30 days from date of published notice, to correspond with the delays established by the U.S. Corps of Engineers. In the event that opportunity for public hearing is deemed necessary by either the state, through the secretary of the Department of Natural Resources, or the U.S. Corps of Engineers, all efforts will be made by the state to accommodate the applicant by holding one hearing together with the federal authorities at whatever time and place the latter stipulates.

At the end of the prescribed period for objections, or after the public hearing if necessary, the governing authority of the parish or parishes shall either approve or object to the application, with reasons, and forward their determination to the secretary of the Department of Natural Resources, together with all required attachments and evidence of publication of notice by either the Corps of Engineers or the applicant, for processing as provided herein.

3. Reasons for Denial or Limitation

No reclamation, encroachment or lease shall be allowed if in the determination of the Office of Public Works, Department of Wildlife and Fisheries, State Mineral Board or the Secretary of the Department of Natural Resources, such activity would obstruct or hinder the navigability of any waters of the state, impose undue or

unreasonable restraints on the state or public rights which have vested in such areas pursuant to Louisiana law, or result in unacceptable adverse impacts to the environment of the coastal zone, and to that extent the land area sought to be reclaimed, or the structure or construction, may be limited.

4. Hold Harmless

All permits and leases approved and issued hereunder shall be conditioned upon applicant's agreement to hold the State of Louisiana and her agencies and subdivisions harmless for applicant's acts or omissions in reclaiming and maintaining eroded lands and constructing or maintaining any structures and bulkheads, though the permit or lease for the same subsequently expires or is revoked.

5. Encumbrances

A permit will be issued subject to and encumbered with any right-of-way or servitude, or any mineral, geothermal, geopressure, or any other lease acquired or granted by the state for a lawful purpose while the reclaimed land was an eroded area. Nothing in these regulations shall prevent the leasing of state lands or waterbottoms for mineral or other purposes.

6. Maximum Permit Term

All permits issued pursuant to these provisions shall be effective for a period not to exceed two years from the date of issuance and shall thereupon expire. All work remaining or any additional work may be completed only by a new permit application.

7. Vested Rights

No permit or lease shall be construed to vest any proprietary rights or title in any private owner except as to lands actually reclaimed and maintained, pursuant to Act 645 of 1978. Eroded lands contiguous to the coast of the Gulf of Mexico as defined in the Decree of the United States Supreme Court dated July 16, 1975, in *United States vs. Louisiana*, Number 9 Original, may be reclaimed under reclamation permits, out to the coastline.

8. Copies to Local Governments

A copy of the permit issued, along with the pertinent plats attached and the documentation required to be submitted 60 days after completion of work shall be filed with the clerk of court of the parish or parishes affected. A copy of the above shall also be furnished the assessor of the parish or parishes for assessment purposes.

CLASS A OR E PERMIT APPLICATION DEPARTMENT OF NATURAL RESOURCES ACT 645 PERMIT APPLICATION REQUIREMENTS

This permit application must be accompanied by the following:
CHECK LIST:

- _____ (1) Approval of the parish governing authority (Policy Jury, Parish Council, etc.)
- _____ (2) One certified copy of the deed of ownership (cash sale, exchange, judgment of possession, etc.)
- _____ (3) If the applicant is not the owner:
 - (a) one certified copy of the instrument showing applicant's interest (lease, etc.)
 - (b) permission from the owner approving applicant's project
- _____ (4) Certified survey plat showing old shorelines, present shorelines and limits of reclamation*
- _____ (5) Plan view of the activity site*
- _____ (6) Section view of the activity site*
- _____ (7) Administrative fee of \$50
- _____ (8) Letter of intent

Class A must be followed by a boundary agreement.

Class E must be followed by a lease agreement.

*See rules and regulations for complete application requirements.

CLASS B, C, OR D PERMIT APPLICATION
DEPARTMENT OF NATURAL RESOURCES
ACT 645 PERMIT APPLICATION REQUIREMENTS

This permit application must be accompanied by the following:
CHECK LIST;

- _____ (1) Approval of the parish governing authority (Police Jury, Parish Council, etc.)
- _____ (2) One certified copy of the deed of ownership (cash sale, exchange, judgment of possession, etc.)
- _____ (3) If the applicant is not the owner:
 - (a) one certified copy of the instrument showing applicant's interest (lease, etc.)
 - (b) permission from the owner approving applicant's project
- _____ (4) Map or plat of the activity site showing the property along the bank*
- _____ (5) Plan view of the activity site*
- _____ (6) Section view of the activity site*
- _____ (7) Administrative fee of \$10
- _____ (8) Letter of intent

Class C and D permits must be followed by a lease agreement.

*See rules and regulations for complete application requirements.

All persons interested in this proposal are invited to submit written comments no later than March 31, 1986, to Karl Morgan, Department of Natural Resources, Box 44124, Baton Rouge, LA 70804.

B. Jim Porter
Secretary

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

Rule Title: Permits for Reclamation and Encroachments

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no cost or savings to governmental units because the program will still be handled by Division of State Lands personnel and it does not affect local governments.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Revenues should increase \$5000 the first year and increment upwards as more leases are issued; estimated \$20,000 - \$30,000 increase within five years to the state general fund.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
Cost should increase in relation to the value of the property to those holding leases on properties constructed on state-owned waterbodies.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No effect.

Michael J. Bourgeois
Deputy Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of State Police**

The Louisiana Department of Public Safety and Corrections announces its intent to adopt rules and regulations pursuant

to authority granted by Act 435 of the 1985 Louisiana Legislature. A copy of these regulations will be made available for viewing and study at the Louisiana State Police Hazardous Materials Unit, 265 South Foster Drive, Baton Rouge, Louisiana.

These rules and regulations establish the format and procedure mandated by Act 435 for the "Hazardous Materials Survey Form." These rules will further provide for emergency notification procedures and a list of hazardous materials to be regulated by Act 435.

Interested persons may comment on the proposed rules in writing until 4:30 p.m., April 7, 1986, at the following address: Lieutenant P. A. Touchard, Louisiana State Police, Hazardous Materials Unit, Box 66614, Baton Rouge, LA 70896.

Additionally, a public hearing will be held for the purpose of hearing objections and comments at the Louisiana State Police Training Academy Auditorium, 7901 Independence Boulevard, Baton Rouge, LA. This public hearing is scheduled for 7 p.m. on March 26, 1986.

Colonel Wiley D. McCormick
Deputy Secretary

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no implementation costs or savings to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There will be no costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment.

P. A. Touchard
Lieutenant

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Revenue and Taxation
Excise Taxes Section**

Under the authority granted by LSA-R.S. 47:831C, the Secretary of the Department of Revenue and Taxation intends to adopt the following rules and regulations concerning the administration and enforcement of the hazardous waste disposal tax (Part V of Chapter 7-A of Title 47 of the Louisiana Revised Statutes of 1950).

Proposed Rules

Regulations for the administration and enforcement of the Hazardous Waste Disposal Tax

Article 821.1 Definitions

A. The terms used in this Chapter shall be defined as provided in R.S. 30:1054 and R.S. 30:1133, with R.S. 30:1133 gov-

erning in any case of conflict between them, unless another definition is specifically provided or a definition is specifically modified.

B. The words defined in R.S. 47:821B have the meaning ascribed to them in that section unless the context clearly indicates otherwise.

1. *Disposal* means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste as defined in this Section, into or on any land or water in a hazardous waste disposal facility within Louisiana in such a manner that the hazardous waste so disposed becomes part of the surrounding or underlying land. Storage in excess of 90 days shall be presumed to constitute disposal for purposes of collection of the tax but shall not subject those wastes stored in excess of 90 days to additional taxation when ultimately disposed.

(a) *Hazardous waste disposal facility* means any facility or location where any treatment, incineration, processing, or deposition of hazardous waste occurs or is contained. This includes any location where waste is disposed in violation of law or the regulations of the Louisiana Department of Environmental Quality.

(b) *Storage* means the containment of hazardous waste on a temporary basis in such a manner as not to constitute disposal of such hazardous waste. In order to comply with this definition, the waste in storage cannot become part of the surrounding or underlying land or water.

2. *Dry-weight ton* means a ton of hazardous waste excluding the weight of the water, and for underground injection shall include no more than one percent of the inorganic solids contained in the hazardous waste. Calculation of the taxable dry-weight tons of a waste is accomplished through the use of a dry-weight conversion factor which is determined with reference to a chemical analysis, or, when appropriate, by reference to the standard dry-weight conversion factors established by Article 821.2. The chemical analysis shall determine the percentage of water content of the waste and, when the waste is to be disposed by underground injection and the one-percent inorganic solids limitation applies, the percentage of inorganic solids content.

(a) When the one-percent inorganic solids limitation does not apply, the dry-weight conversion factor shall be 100 percent less the percentage of water content. For example, if the chemical analysis determines that the waste is 30 percent water, the dry-weight conversion factor is 100 percent - 30 percent = 70 percent and the taxable dry weight of the waste is 70 percent of the total weight of the waste.

(b) When the waste is to be disposed of by underground injection and the one-percent inorganic solids limitation applies, the dry-weight conversion factor shall be 100 percent less the percentage of water content and less the percentage of inorganic solids in excess of one percent. For example, if the chemical analysis determines that the waste is 30 percent water and 5 percent inorganic solids, the dry-weight conversion factor is 100 percent less the 30 percent water content and less the 4 percent by which the percentage of inorganic solids exceeds 1 percent, or 100 percent - 30 percent - 4 percent = 66 percent. In this example the taxable dry weight should be 66 percent of the total weight of the waste.

3. *Hazardous waste* means a substance identified or listed as a hazardous waste in the Louisiana Hazardous Waste Regulations of the Department of Environmental Quality in effect on July 1, 1984, except that the term *hazardous waste* shall not include special waste as defined in R.S. 47:821.

The regulations of the Department of Environmental Quality in effect on July 1, 1984, provide that to be a *hazardous waste*, a substance must first be a *waste* and define waste to be *any material for which no use or reuse is intended and which is to be discarded*. Any substance for which the generator has further use is

not considered a waste or hazardous waste. Examples of further use include use as a feed stream to processes from which usable substances are extracted, use as a fuel-producing energy, and sale of the substance.

Article 821.2 Standard dry-weight conversion factors

A. In order to minimize instances in which the cost to the taxpayer of testing waste to determine the actual dry weight exceeds the tax liability, and to minimize instances in which the cost to the state of administering and enforcing the tax exceeds the tax revenue, the secretary herein establishes standard dry-weight conversion factors and guidelines for the use of these factors. The standard conversion factors can be used only in instances which meet all conditions established by the guidelines.

B. The guidelines for use of the standard conversion factors are:

1. Any generator may use the standard conversion factors in computing the taxable dry weight of a hazardous waste when the wet weight is ten tons or less for the taxable quarter.

2. When a taxpayer files a consolidated return covering several generation sites, the ten-ton limit is to be applied on a per-site basis.

3. The ten-ton limit applies to each waste. The total tons of all wastes which are substantially the same must be combined in determining if the ten-ton limit is exceeded. A taxpayer may qualify to use the standard factors in computing the dry weight of some wastes on a return while being required to use the actual conversion factor for other wastes on the same return.

4. Taxpayers are not required to use the standard conversion factors. The actual conversion factor or the wet weight may be used.

C. When use of the standard conversion factors is allowed, and the taxpayer elects to use them, the allowable factor is based upon the method of disposal. Listed below are the disposal methods for which standard conversion factors have been established, and their associated factors.

Landfill	.75, i.e., total wt. × .75 = dry wt.
Landfarm	.25, i.e., total wt. × .25 = dry wt.
Impoundments	.05, i.e., total wt. × .05 = dry wt.
Injection wells	.02, i.e., total wt. × .02 = dry wt.

Article 822.1 Imposition of tax

A. The tax is imposed upon the disposal, as defined by R.S. 47:821, of any hazardous waste and on hazardous waste stored for more than 90 days for the purpose of eventual incineration at sea. R.S. 47:821 defines disposal to include storage in excess of 90 days; therefore, the tax is imposed on any storage in excess of 90 days, not only on storage for the purpose of eventual incineration at sea.

B. A disposer or generator who voluntarily removes hazardous waste from an inactive or abandoned site shall not be subjected to imposition of this tax when the hazardous waste is disposed of again. Disposers receiving such waste are required to charge the tax on waste received by them and disposers or generators voluntarily removing waste from an inactive or abandoned site are required to pay the tax to the disposer; however, the disposer or generator voluntarily removing the waste may exclude the exempt amounts from the calculation of the tax on his return while taking credit on his return for the tax paid to the disposer. Whenever a generator or disposer excludes waste from the tax calculation under this provision, he shall attach to his return a signed statement declaring that he is entitled to the exemption and a schedule detailing by manifest number the total gross tons excluded, the type of waste, and the disposer who received the waste, or other appropriate records acceptable to the Secretary. Credit claimed under this provision shall be disallowed if it is determined that the removal or redisposal of the waste was in violation of the

laws, rules, or regulations administered by the Department of Environmental Quality or that the waste was not voluntarily removed from an inactive or abandoned site.

C. A generator who has been classified as a small-quantity generator by the Department of Environmental Quality and has received written permission from the Department of Environmental Quality to store hazardous waste in excess of 90 days may elect to report the taxable storage in excess of 90 days in the quarter in which the waste is removed from storage, rather than the quarter in which the storage period actually exceeded 90 days. This method of reporting may be used only for those wastes authorized by the Department of Environmental Quality to be stored in excess of 90 days. If this method of reporting is elected, the tax shall be due at the rate established for taxable disposal at a site other than the site at which the waste is generated, regardless of how or where the waste is ultimately disposed of.

Article 823.1 Rate of tax

The tax is levied at the rate of five dollars per dry-weight ton of hazardous waste disposed or stored in excess of 90 days for eventual disposal on or at the site upon which the generator's act or process produced the hazardous waste, and at the rate of ten dollars per dry-weight ton of hazardous waste disposed or stored in excess of 90 days for eventual disposal on or at a site other than the site upon which the generator's act or process produced the hazardous waste.

Article 824.1

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Article 825.1 Direct payment by generator

The tax imposed by R.S. 47:822 shall be collectible from and shall be paid by the generator of the hazardous waste directly to the secretary if the generator disposes of his own waste on or at his own disposal site. In addition, R.S. 47:826A provides that the secretary shall have the authority to collect the tax from the generator if the disposer fails to collect the tax; and in support of this, the generator is required to pay directly to the secretary any tax due not collected by a disposer.

Article 826.1 Collection by disposer; liability of disposer

R.S. 47:826A provides that when the generator does not dispose of his own hazardous waste on or at his own disposal site, the disposer shall collect the tax from the generator at the time the disposer receives the hazardous waste and shall remit the tax so collected to the secretary.

The disposer is required by R.S. 47:826B to state and collect the tax separately from any other fee, charge, or other price charged to the generator, and is required to provide the generator with documentation of the amount of tax collected. The disposer shall not advertise or hold out to the generator that he will relieve the generator from the payment of all or any part of the tax and the generator shall not be deemed to have paid the tax unless he receives a document from the disposer separately stating the amount of the tax that has been paid. The tax charged by the disposer shall be a debt from the generator to the disposer, until paid, and shall be recoverable at law in the same manner as other debts.

If the disposer neglects, fails, or refuses to collect or remit the tax, he shall be liable and shall pay the tax himself. However, the secretary shall have the authority to collect the tax from the generator if the disposer fails to collect the tax.

Article 826.2 Exempt disposal by disposer

R.S. 47:826C provides in part that if hazardous waste is received by a disposer and it is stored for 90 days or less and then not disposed of in a taxable manner, then the generator shall be entitled to a refund from the secretary for the amount of any taxes collected from the generator for that hazardous waste.

Whenever waste is received by a disposer from a generator and stored for 90 days or less and then disposed of in a tax-free

manner, the disposer must certify this to the generator. The certification must identify the waste, the amount of waste, the invoice on which the tax was charged, and the amount of tax collected. The generator may take credit on his return for the amount of tax paid on the certified exempt disposals, provided copies of certifications are attached to the return.

When hazardous waste is to be disposed of in a tax-free manner, the secretary of the Department of Revenue and Taxation may allow the disposer to post a surety bond, or other such financial assurances acceptable to the secretary, in lieu of payment of the tax. The minimum amount of the surety bond or other financial assurances shall not be less than the amount of the average quarterly tax liability that would have been due had no bond or financial assurance been pledged. If this alternate method is allowed, then both the generator and the disposer of the hazardous waste must attach a schedule to their quarterly tax reports, detailing all shipments and/or disposals of hazardous waste on which no tax was paid.

Additionally, the disposer of the hazardous waste must enter into an agreement with the Department of Revenue and Taxation guaranteeing payment of the hazardous-waste tax in the event that the hazardous waste was not disposed of (a) within 90 days, or (b) in a tax-free manner.

Any disposer wishing to use this alternate method must submit a proposal to this department, in writing, for approval. Any disposer employing this method without proper approval or any disposer found not charging the tax may be assessed the fine outlined in R.S. 47:827.

Article 827.1 Returns and payment

The tax due for each quarter shall be remitted to the secretary, by the person responsible for remitting the tax, on or before the 20th day of the subsequent quarter. All generators and disposers doing business in Louisiana are required to file a tax return quarterly, unless otherwise provided, on forms prescribed by the secretary. Forms are available from the secretary; and although forms are usually mailed to each taxpayer, failure to receive a form will not relieve the taxpayer of the necessity of filing and remitting the tax currently due.

Corporations that violate the provisions of R.S. 47:827 shall be fined an amount not to exceed \$100,000. Individuals who violate the provisions of R.S. 47:827 shall be fined an amount not to exceed \$10,000, or imprisoned for not more than one year, or both.

When any taxpayer fails to pay any tax, penalty, and interest assessed, as provided in this Chapter, the secretary of the Department of Revenue and Taxation may proceed to enforce the collection thereof by distraint and sale under the provisions of R.S. 47:1570 through 1573.

Article 829.1 Refunds

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Article 830.1 Suspension of prescription

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Article 831.1 Records

Every person required to pay, collect, or remit the tax imposed under this Chapter shall keep a permanent record of all production, handling, storage, disposal, shipment, and receipt of hazardous waste by him in sufficient detail to be of value in determining the correct tax liability under this Chapter. These records must be kept whether or not the person believes the tax imposed by this Chapter is applicable.

Whenever the dry weight of a waste is used as the basis for computing the tax on a return, full documentation of the facts and methodology used in calculating the dry weight must be maintained. This documentation includes, but is not limited to, testing

procedures followed, test results obtained, assumptions made, and the basis for assumptions made.

Where required records are voluminous, they must be kept in chronological order or in some other systematic order compatible with the taxpayer's regular bookkeeping system which will enable the secretary to verify the accuracy of information contained in tax returns.

Records kept on punched cards, magnetic tape, or other mechanical or electronic record-keeping devices are permissible provided the taxpayer makes available all necessary codes and equipment to enable the secretary to audit such records, or provides the secretary with written transcripts of those parts of the records which the secretary wishes to examine.

The books and records must contain complete information pertaining to both taxable and non-taxable items which are the subject of taxes imposed herein, and must be retained until the tax period to which they relate has prescribed. Records required by this Section must be available at all times during the regular business hours of the day for inspection by the secretary or duly authorized agents of the secretary.

For the purpose of computing, collecting, or auditing the tax imposed by this Chapter, the secretary shall have access to all manifests and records which are collected by the Department of Environmental Quality.

Article 832.1 Disposition of collection

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A copy of the proposed rules and regulations may be obtained by writing to L. Kent LaPlace, Excise Taxes Section, Department of Revenue and Taxation, 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 Department of Revenue and Taxation Building, 330 North Ardenwood Drive, Baton Rouge, LA.

Written comments will be accepted by Mr. LaPlace through the close of business, April 7, 1986. He is responsible for answering inquiries about the proposed rules and regulations.

Shirley McNamara
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Hazardous Waste Disposal Tax

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

These rules will not add any cost to the implementation and administration of the hazardous waste disposal tax enacted by the Legislature in March, 1984.

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

These rules should not have any effect on the revenue collections of the state or any local governmental units.

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

These rules should not have any effect on the costs and/or the economic benefits to any persons or non-governmental groups.

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

These rules should not have any effect on competition and employment.

L. Kent LaPlace
Director of the
Excise Taxes Section

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Revenue and Taxation Excise Taxes Section

Under the authority granted by LSA-R.S. 47:1511, the Secretary of the Department of Revenue and Taxation intends to adopt the following rules and regulations concerning the administration and enforcement of the inspection and supervision fee (Part V of Chapter 9 of Title 45 of the Louisiana Revised Statutes of 1950).

Proposed Rules

Regulations for the administration and enforcement of the Inspection and Supervision Fee
Article 45:1177. Inspection and Supervision Fee; amount; payment; appointment and payment of attorney; supplemental fees.

A. General; amount and payment of fee.

R.S. 45:1177 imposes a fee on each common carrier, contract carrier, and public utility doing business in Louisiana and subject to control and jurisdiction of the Louisiana Public Service Commission. This fee is for the inspection, control, and supervision of the business service and rates of such common carrier, contract carrier, and public utility and shall be in addition to any and all property, franchise, license, and other taxes, fees, and charges now or hereafter fixed, assessed, or charged by law against such common carrier, contract carrier, and public utility. This fee shall be paid to the Department of Revenue and Taxation on or before April 1 of each year and shall be measured by the gross receipts of each common carrier, contract carrier, and public utility from its Louisiana intrastate business for the prior calendar year. The fee to be paid by each common carrier, contract carrier, and public utility shall be as follows:

- (1) \$3 per \$1,000 for the first \$100,000 or less of such gross receipts;
- (2) \$2.50 per \$1,000 of such gross receipts in excess of \$100,000 and not more than \$250,000;
- (3) \$2 per \$1,000 of such gross receipts in excess of \$250,000 and not more than \$500,000;
- (4) \$1.50 per \$1,000 of such gross receipts in excess of \$500,000 and not more than \$750,000;
- (5) \$1 per \$1,000 of such gross receipts in excess of \$750,000 and not more than \$1,000,000;
- (6) \$.70 per \$1,000 of such gross receipts in excess of \$1,000,000 and not more than \$2,000,000;
- (7) \$.50 per \$1,000 of such gross receipts in excess of \$2,000,000 and not more than \$5,000,000;
- (8) \$.35 per \$1,000 of such gross receipts in excess of \$5,000,000 and not more than \$10,000,000;
- (9) \$.25 per \$1,000 of such gross receipts in excess of \$10,000,000 and not more than \$25,000,000;
- (10) \$.20 per \$1,000 of such gross receipts in excess of \$25,000,000 and not more than \$100,000,000; and
- (11) \$.15 per \$1,000 of such gross receipts in excess of \$100,000,000.

In the case of a contract carrier, the first \$500,000 of gross receipts shall be exempt and the fee due on the excess of gross receipts shall be computed commencing with Item (4), but in no case shall the fee to be paid be less than \$35.

B. Newly taxable businesses.

Every common carrier, contract carrier, and public utility doing business in Louisiana and subject to control and jurisdiction of the Louisiana Public Service Commission shall pay the minimum fee of \$35 for the first period of operation ending December 31. The fee is due and payable within 90 days from the date the

Louisiana Public Service Commission grants the business authority to operate in Louisiana.

C. Supplemental Fees.

Each gas, electric, and telephone utility doing business in Louisiana and subject to regulation, with respect to rates and services, by the Louisiana Public Service Commission shall pay to the state, in addition to the fees prescribed in R.S. 45:1177 A and B, supplemental fees for the financing of the costs of the economic and rate analysis division. The supplemental fee shall be an additional 20 percent of the fee prescribed in R.S. 45:1177 A and B. In the case where the gas, electric, and telephone utility may have other utility operations, the supplemental fee shall be computed only on that portion of the fee prescribed in R.S. 45:1177 A and B which was based on the gas, electric, and/or telephone utility receipts.

A copy of the proposed rules and regulations may be obtained by writing to: L. Kent LaPlace, Excise Taxes Section, Department of Revenue and Taxation, 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, 330 North Ardenwood Drive, Baton Rouge, LA.

Written comments will be accepted by Mr. LaPlace through the close of business, April 7, 1986. He is responsible for answering inquiries about the proposed rules and regulations.

Shirley McNamara
Secretary

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
These rules will not add any cost to the administration of the inspection and supervision fee.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
These rules should not have any effect on the revenue collections of the state or any local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
These rules should not have any effect on the costs and/or the economic benefits to any persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
These rules should not have any effect on competition and employment.

L. Kent LaPlace
Director of the
Excise Taxes Section

Mark C. Drennen
Legislative Fiscal Officer

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

Notice is hereby given that the Department of Treasury, Board of Trustees of the State Employees Group Benefits Pro-

gram intends to amend plan document of benefits, effective July 1, 1986, as follows:

Article 3, Section VIII (H) on page 44, to be amended as follows:

"Expenses incurred while a covered person in connection with cosmetic or reconstructive surgery, unless necessary for the immediate repair of a deformity caused by a non-occupational disease, illness, accident or injury which occurs while coverage is in force; provided, however, no payment shall be made for expenses incurred in connection with the treatment of any body part not affected by the non-occupational disease, illness, accident or injury."

Article 1, Section II (A) (2) on page 18, after the word "plan" on the 3rd line, insert the following language:

"NOR MAY A DEPENDENT BE COVERED BY MORE THAN ONE EMPLOYEE."

Article 3, Section I (I) on page 33, line 26, after the word "to" and before the word "two" insert the following language:

"the first"

Article 2, Section II (C) on page 26, shall be amended to read as follows:

"C. On the date the dependent ceases to be an eligible dependent of the covered employee as defined in this contract;"

Article 3, Section VIII, on page 45, add the following section:

"DD. hearing aids;"

Article 3, Section VIII, on page 45, add the following section:

"EE. hair transplants."

Article 3, Section I (G) on page 28, the first three lines should be amended to read as follows:

"When a non-occupational disease, illness, accident or injury causes a covered person to receive treatment, the following shall be considered eligible expenses under comprehensive medical benefits when prescribed by a physician and medically necessary for the treatment of a covered person.

Article 3, Section VIII (M) on page 44, should be amended to read as follows:

"Maternity expenses incurred by, or on behalf of, any person other than the covered employee or the covered employee's legal spouse."

Article 3, Section I (I) on page 33, by adding a last paragraph to that Section which shall read as follows:

"For purposes of this Section (Article 3, Section I (I)) only, the term confinement shall mean that period of time between the date of admission to a hospital or other medical facility or institution and the date of discharge from that same hospital, medical facility or institution."

Comments or objections will be accepted, in writing, by the executive director of the State Employees Group Benefits Program until 4:30 p.m. on April 29, 1986, at the following address: Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Amendments to Plan Document**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no implementation costs or savings to state

or local governmental units and there will only be minimal implementation costs and no implementation savings.

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

The proposed amendment to plan document language will have no effect on revenue collections of state or local governmental units.

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

Clarification of plan document language will not result in costs and/or economic benefits to directly affected persons or non-governmental groups.

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

These rule changes will have no effect on competition and employment.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

Committee Reports

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on February 25, 1986 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the December 20 *Louisiana Register* with the following results:

1) Proposal to amend Subpart F - Emission Standards for asbestos, Part IV of the Louisiana Air Quality Regulations, to clarify several definitions used in asbestos demolition/renovation reporting, to eliminate "deminimus" reportable quantities, and to initiate an asbestos disposal tracking system.

Approved by a vote of 5-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on February 25, 1986 and reviewed certain changes in state regulations proposed by the Louisiana Department of Wildlife and Fisheries for which notice of intent was published in the January 20 *Louisiana Register* with the following results:

1) Proposal by the Louisiana Wildlife and Fisheries Commission to promulgate and enact rules, as authorized by Act 402 of the 1985 Louisiana Legislature, that will allow a Louisiana res-

ident to raise and sell freshwater gamefish fingerlings for stocking private waters.

2) An administrative fee of \$50, which was originally included in the proposal, was withdrawn from the rule by request of the Department of Wildlife and Fisheries, and was not acted upon by the oversight subcommittee.

Approved by a vote of 5-0.

Clyde W. Kimball
Chairman

Administrative Code Update

LOUISIANA ADMINISTRATIVE CODE Supplement Changes

The following are corrections to the Volume 1 Supplement to the *Louisiana Administrative Code*, Titles 1, 10, 35 & 64. All of these corrections refer to Title 35, Horse Racing.

PAGE	RULE#	CORRECTION
iii	35:6347	Delete line.
6	35:1513	Historical note, last entry should read LR 11:6 (January, 1985).
6	35:1709	Historical note, last entry should read LR 10:495 (July, 1984).
9	35:6347	Delete entire rule (the rule is correctly printed as 35:6353; 6347 remains the same as in main text).

These corrections are needed due to typographical or printer's errors and should clarify the content of the above-mentioned Supplement.

Potpourri

POTPOURRI

Department of Agriculture Office of Agricultural and Environmental Sciences State Entomologist

In accordance with LAC 7:XV.9507 and 9509, we are hereby publishing the annual quarantine.

1.0 Sweet Potato Weevil (*Cylas formicarius*, *elegantulus*, Sum)

(a) In the United States: the states of Alabama, Florida, Georgia, Mississippi, Texas, and South Carolina.

(b) In the State of Louisiana:

1) The entire parishes of: Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Rapides, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Washington, West Baton Rouge, West Feliciana.

Those portions of the Parish of Bienville as follows: The

properties of Lamar Brown and Vester Harper in the Northwest Quarter of Section 24, Township 14 North, Range 6 West; the property of Prentis Boston in the Northwest Quarter of Section 5, Township 14 North, Range 6 West; the property of William P. Daniels in the Southwest Quarter of Section 30, Township 14 North, Range 6 West; the property of Doyle Jackson in the Northeast Quarter of Section 21, Township 14 North, Range 5 West; the property of Marshall Hough in the Northwest Quarter of Section 33, Township 14 North, Range 6 West; the property of Prentis Riddle in the Southeast Quarter of Section 27, Township 14 North, Range 6 West; the property of Bobby Boston in the Southwest Quarter of Section 17, Township 15 North, Range 6 West; the property of S. M. Hennigan, Jr., in the Southeast Quarter of Section 32, Township 14 North, Range 6 West; and all properties within a one mile radius thereof.

3) Those portions of the Parish of Jackson as follows: The property of James Donnie Norred in Section 18, Township 15 North, Range 3 West; and all properties within a one mile radius thereof.

4) Those portions of the Parish of LaSalle as follows: The property of Willie B. Worthington in Section 15, Township 8 North, Range 3 East; the property of Fred Worthington in Section 15, Township 8 North, Range 3 East; the property of Louis Welch in Section 15, Township 8 North, Range 3 East; and all properties within a one mile radius thereof.

5) Those portions of the Parish of Union as follows: The property of Elgin Dean in Section 33, Township 21 North, Range 1 East; and all properties within a one mile radius thereof.

6) Those portions of the Parish of Winn as follows: The property of Johnnie Toms in Section 16, Township 13 North, Range 5 West; and all properties within a one mile radius thereof.

2.0 Pink Bollworm (*Pectinophora gossypiella*, Saunders)

Pink bollworm quarantined areas are divided into generally infested and/or suppressive areas as described by USDA-PPQ.

ARIZONA

(1) Generally infested area: the entire state.

ARKANSAS

(1) Generally infested area: None.

(2) Suppressive area: Clark County: The entire county; Dallas County: The entire county; Jefferson County: The entire county except that area south of U.S. Highway 65; Lafayette County: The entire county; Lonoke County: The entire county lying south of Interstate 40; Miller County: The entire county; Ouachita County: The entire county; Pulaski County: That area of the county lying east of the Arkansas River and south of Interstate 40.

CALIFORNIA

(1) Generally infested area: The entire Counties of: Imperial, Inyo, Los Angeles, Orange, Riverside, San Bernardino, San Diego.

(2) Suppressive area: The entire Counties of: Fresno, Kern, Kings, Madera, Merced, San Benito, Tulare.

LOUISIANA

(1) Generally infested area: The entire Parish of Caddo

(2) Suppressive area: None

NEVADA

(1) Generally infested area: The entire Counties of Clark and Nye.

(2) Suppressive area: None.

NEW MEXICO

(1) Generally infested area: The entire state.

OKLAHOMA

(1) Generally infested area: The entire state.

TEXAS

(1) Generally infested area: The entire state.

3.0 Brown Garden Snail (*Helix aspersa*)

The entire State of California.

4.0 Leaf Scald (*Xanthomonas albilineans*)

All areas of the country where sugarcane is grown.

5.0 Lethal Yellowing

The states of Florida and Texas and the Commonwealth of Puerto Rico.

6.0 Sweet Potato Mosaic

The states of Alabama and Georgia and any other state which may hereafter be found to be infected with sweet potato mosaic; and all other states which do not maintain restrictions against the movement of regulated products from the quarantined area.

7.0 Tristeza, xyloporosis, psorosis, exocortis.

All citrus growing areas of the United States.

8.0 Burrowing nematode (*Radopholus similis*)

The states of Florida and Hawaii and the Commonwealth of Puerto Rico.

9.0 Oak Wilt (*Ceratocystis fagacearum*)

ARKANSAS

Infected counties: Baxter, Benton, Boone, Carroll, Clay, Craighead, Crawford, Franklin, Fulton, Independence, Izard, Johnson, Lawrence, Logan, Madison, Marion, Mississippi, Nevada, Newton, Poinsett, Pope, Randolph, Scott, Searcy, Sharp, Stone, Washington, and Yell.

ILLINOIS

Entire state is quarantined.

IOWA

Entire state is quarantined.

KANSAS

Infected counties: Anderson, Atchison, Cherokee, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Linn, Miami, Neosho, Pottawatomie, Shawnee, and Wyandotte.

MARYLAND

Infected counties: Allegany, Frederick, Garrett, and Washington.

MICHIGAN

Infected counties: Barry, Barrien, Calhoun, Cass, Clare, Clinton, Grand Traverse, Kalamazoo, Kent, Lake, Livingston, Manistee, Missaukee, Muskegon, Oakland, Roscommon, St. Joseph, Van Buren, Washtenaw, Wayne, and Menominee.

MINNESOTA

Infected counties: Anoka, Aitkin, Blue Earth, Carver, Cass, Chicago, Crow Wing, Dakota, Dodge, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Le Sueur, McLeod, Mille Lacs, Morrison, Mower, Nicollet, Olmsted, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Waseca, Washington, Winona, and Wright.

MISSOURI

Entire state is quarantined.

NEBRASKA

Infected counties: Cass, Douglas, Nemaha, Otoe, Richardson, and Sarpy.

NORTH CAROLINA

Infected counties: Buncombe, Burke, Haywood, Jackson, Lenoir, Macon, Madison, and Swain.

OKLAHOMA

Infected counties: Adair, Cherokee, Craig, Delaware, Haskell, Latimer, LeFlore, Mayes, McCurtain, McIntosh, Ottawa, Pittsburg, Rogers, Sequoyah, and Wagoner.

PENNSYLVANIA

Infected counties: Adams, Allegheny, Armstrong, Beaver,

Bedford, Blair, Butler, Cambria, Centre, Clarion, Clinton, Cumberland, Erie, Fayette, Franklin, Fulton, Greene, Huningdon, Indiana, Jefferson, Juniata, Lawrence, Mifflin, Perry, Somerset, Venango, Washington, and Westmoreland.

SOUTH CAROLINA

Infected counties: Chesterfield, Kershaw, Lancaster, Lee, and Richland.

TENNESSEE

Infected counties: Blount, Carter, Cocke, Cumberland, Grainger, Greene, Hamblen, Hancock, Hardeman, Hawkins, Jefferson, Knox, Lincoln, Loudon, Montgomery, Rhea, Roane, Robertson, Sevier, Sullivan, Union, Washington, and White.

TEXAS

Infected counties: Bandera, Bastrop, Bexar, Blanco, Basque, Burnett, Dallas, Erath, Fayette, Gillespie, Hamilton, Kendall, Kerr, Lampasas, Lavaca, McLennan, Midland, Tarrant, Travis, Williamson.

VIRGINIA

Infected counties: Aleghany, Augusta, Bath, Botetoust, Clarke, Frederick, Giles, Highland, Lee, Loudoun, Montgomery, Page, Rockbridge, Rockingham, Scott, Shenandoah, Smyth, Warren, Washington, Wise, and Wythe.

WEST VIRGINIA

Infected counties: all counties except Tucker and Webster.

WISCONSIN

Infected counties: Adams, Brown, Buffalo, Chippewa, Clark, Columbia, Crawford, Dane, Dodge, Dunn, Eau Claire, Fond du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kenosha, La Crosse, Lafayette, Lincoln, Marquette, Milwaukee, Monroe, Oconto, Outagamie, Ozaukee, Pepin, Pierce, Polk, Portage, Racine, Richland, Rock, St. Croix, Sauk, Shawano, Trempealeau, Vernon, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood.

10.0 Phony Peach

ALABAMA

Entire state.

FLORIDA

Entire state.

GEORGIA

Entire state.

ARKANSAS

Counties of Arkansas, Ashley, Bradley, Chicot, Columbia, Crittendon, Cross, Desha, Drew, Hempstead, Howard, Jefferson, Lafayette, Lee, Lincoln, Little River, Miller, Monroe, Nevada, Phillips, Pike, Poinsett, St. Francis, Sevier, Union, and Woodruff.

KENTUCKY

County of McCracken.

LOUISIANA

Parishes of Bienville, Bossier, Caddo, Claiborne, DeSoto, Jackson, Lincoln, Morehouse, Natchitoches, Ouachita, Red River and Union.

MISSISSIPPI

Entire state.

MISSOURI

County of Dunklin.

NORTH CAROLINA

Counties of Anson, Cumberland, Gaston, Hoke, Polk and Rutherford.

SOUTH CAROLINA

Counties of Aiken, Allendale, Bamberg, Barnwell, Cherokee, Chesterfield, Edgefield, Greenville, Lancaster, Laurens, Lexington, Marlboro, Orangeburg, Richland, Saluda, Sparatanburg, Sumter, and York.

TENNESSEE

Counties of Chester, Crockett, Dyer, Fayette, Hardman, Hardin, Lake, Lauderdale, McNairy, Madison, and Weakley.

TEXAS

Counties of Anderson, Bexar, Brazos, Cherokee, Freestone, Limestone, McLennan, Milan, Rusk, San Augustine, Smith, and Upshur.

11.0 Citrus Canker (*Xanthomonas campestris pv citri* (Hasse) Dawson)

The entire State of Florida.

12.0 Southern Pine Beetle (*Dendroctonus frontalis* Zimm.)

The Parishes of: LaSalle, Catahoula, Grant, Caldwell, Bienville, Jackson, East Feliciana, St. Helena, DeSoto, Red River, Sabine, Natchitoches, and Evangeline.

John W. Impson
State Entomologist

Bob Odum
Commissioner of Agriculture

POTPOURRI

Department of Health and Human Resources Office of Management and Finance

The Section 1122 Policies and Guidelines published as a Rule on April 20, 1985 in the *Louisiana Register* lists types of capital expenditures which are subject to review under the program (p. 354). It is noted that questions regarding appropriateness of review of a particular capital expenditure should be directed to DPPE for an official determination. The Department of Health and Human Services has recently clarified their response to one such question which has arisen several times.

A change in an approved capital expenditure proposal which is related to a change in bed capacity or substantial change in services will be subject to full review including determination of need as related to the change. The need for a change in bed capacity will be determined based on whether said change causes the original proposal to more closely conform to the applicable criteria in the State Health Plan. The need for a change in services will be determined based on the need in the service area for the service(s) proposed for change.

If the change is approved, the due date for evidence of obligation to make the capital expenditure for the change remains the same as the due date for the original approval.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

POTPOURRI

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources hereby gives notice that, in addition to any currently used reference system, the Louisiana Administrative Code (LAC) reference system will be indicated, wherever possible, on all DHHR material appearing in the *Louisiana Register*.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

POTPOURRI

House of Representatives Legislative Research Library

TO: All State Agencies

RE: Reports to the Legislature

Act 905 of 1985 R.S. changes the requirements for sub-

mission of reports requested by the Legislature or required by law or resolution to be submitted to the Legislature. Pursuant to Act 905, copies should be distributed as follows:

1. One copy to the presiding officer of each house of the Legislature.

2. Two copies of each report filed with the Legislative Research Library, Box 94012, Baton Rouge, LA 70804-9012. Reports should be furnished without cost to the library within five days of publication.

The Legislative Research Library will distribute a list of such reports to the members of the Legislature who may then request a copy from the distributing agency if they so desire. The library will be the depository for all reports.

Suzanne Hughes
Administrator
Legislative Research Library

POTPOURRI

Department of Natural Resources Office of the Secretary Coastal Management Division

The secretary previously gave notice in the December 20, 1985 *Louisiana Register* of his intent to amend the rules and procedures of the Coastal Zone Management Program under the authority of the State and Local Coastal Resources Management Act of 1978, R.S. 49:213.1 et. seq., in particular Sections 213.11B, 213.11C and E, and 213.16C, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et. seq.

The proposed amendments would implement regulations for the orderly consideration and disposition of reconsideration petitions to the secretary of the Department of Natural Resources. The amendments also rescind Section E of Part VI and Sections D and E of Part VIII of Appendix c1, Rules and Procedures for Coastal Use Permits, and Appendix c5, Procedural Rules for the Hearing of Appeals by the Louisiana Coastal Commission. A public hearing was held on January 6, 1986 in the Conservation Auditorium on the first floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

As a result of public comments received, certain corrections and revisions were made to the proposed amendments, upon which the department wishes to hold a second hearing. A public hearing will be held at 7 p.m. on April 2, 1986 in the Conservation Auditorium on the first floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral and/or written comments on the corrections and revisions to the proposed amendments.

All interested persons are invited to submit written comments on the corrections and revisions to the proposed amendments. Such comments should be submitted no later than April 11, 1986, to Dr. Charles G. Groat, Assistant to the Secretary, Department of Natural Resources, Box 94396, Baton Rouge, LA 70804-9396. Dr. Groat may be contacted at the address above, or telephone (504) 342-7591. A copy of the proposed amendments as revised and corrected may be obtained from the Coastal Management Division, State Land and Natural Resources Building, tenth floor, 625 North Fourth Street, Baton Rouge, LA.

B. Jim Porter
Secretary

POTPOURRI

Department of Natural Resources Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56:7001 through 56:700.5, and regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980, notice is given that 50 claims amounting to \$67,266.22 were received during the month of February, 1986. No claims were paid during the month of February, 1986.

The following claims are the subjects of public hearings to be held at the locations indicated:

Friday, April 4, 1986, at 2 p.m., in the Lafitte City Hall, Lafitte, LA.:

CLAIM NO. 85-2447 (RESCHEDULED)

Lester C. Arcement, of Lafitte, LA, while trawling on the vessel, "CHARLIE'S ANGELS", in the Gulf of Mexico, northeast of North Pass, at LORAN-C readings of 29,119.8 and 46,830.4, Plaquemines Parish, encountered a submerged boat mast on June 13, 1985, at approximately 12:30 p.m., causing loss of his 85 foot trawl. Amount of Claim: \$635.64

CLAIM NO. 85-2523 (RESCHEDULED)

Lester C. Arcement, of Lafitte, LA, while trawling on the vessel, "CHARLIE'S ANGELS", in the Gulf of Mexico, southeast of Rollover Bayou, at LORAN-C readings of 27,091.7 and 46,944.2, Vermilion Parish, encountered a submerged piece of rope on July 7, 1985, at approximately 8:30 p.m., causing damage to his vessel. Amount of Claim: \$785.79

CLAIM NO. 85-2646 (RESCHEDULED)

Herbert Schultz, Jr., of Lafitte, LA, while trawling on the vessel, "LADY SARAH", in Garden Island Bay, southeast of Port Eads at approximate LORAN-C readings of 28,977.0 and 46,776.1, Plaquemines Parish, encountered an unidentified submerged obstruction on August 6, 1985, at approximately 8 a.m., causing loss of one 9½ foot by 40 inch trawl board. Amount of Claim: \$513.84

CLAIM NO. 85-2700 (RESCHEDULED)

Allen Wiseman, of Harvey, LA, while trawling on the vessel, "MIDNIGHT SPECIAL", in the Houma Navigation Canal, at the mouth of Little Cocodrie Bayou, Terrebonne Parish, encountered a large piece of rope on September 4, 1985, at approximately 5 p.m., causing damage to his vessel. Amount of Claim: \$2,725

CLAIM NO. 85-2717

Eddie Matherne, of Lafitte, LA, while trawling on the vessel, "KEITH & LYNN", in the Gulf of Mexico, south of Grand Terre Islands, at LORAN-C readings of 28,608.2, and 46,863.4, Jefferson Parish, encountered an unidentified submerged obstruction on September 1, 1985, at approximately 11 a.m., causing loss of 62 foot trawl. Amount of Claim: \$1,050

CLAIM NO. 85-2726

Floyd A. Robin, of Lafitte, LA, while trawling on the vessel, "LADY BEA", in Vermilion Bay, west of Boston Bayou ¼ mile from land, Vermilion Parish, encountered an unidentified submerged obstruction on September 11, 1985, at approximately 11:30 a.m., causing loss of 50 foot trawl. Amount of Claim: \$825

CLAIM NO. 85-2772

Brian K. Plaisance, of Westwego, LA, while trawling on the vessel, "LITTLE REO", in the Gulf of Mexico, ¾ mile off Scofield Bay, Plaquemines Parish, encountered an unidentified submerged obstruction on September 19, 1985, at approximately 12 p.m., causing loss of try net and boards. Amount of Claim: \$151.90

CLAIM NO. 85-2807

Joseph Rogers, Jr., of Lafitte, LA, while trawling on the vessel, "L&A", in the Gulf of Mexico, between Main Pass and

North Pass, Plaquemines Parish, encountered an unidentified submerged obstruction on September 27, 1985, at approximately 4 p.m., causing loss of one set of boards, two 50 foot trawls and chains. Amount of Claim: \$2,769.70
CLAIM NO. 85-2817

E. J. Foret, Jr., of Harahan, LA, while trawling on the vessel, "JENNIFER", in Between the Passes, approximately ½ mile east, southeast of mouth of North Pass, Plaquemines Parish, encountered an unidentified submerged obstruction on October 9, 1985, at approximately 9 a.m., causing damage to propeller. Amount of Claim: \$475.96
CLAIM NO. 85-2828

August E. Despaux, Jr., of Barataria, LA, while trawling on the vessel, "THERESA ANNE", in Barataria Bay, east side of #26 channel marker, Jefferson Parish, encountered a submerged channel marker piling on October 13, 1985, at approximately 11 a.m., causing damage to 50 foot trawl. Amount of Claim: \$287.67
CLAIM NO. 85-2830

Cyrus Blanchard, of Lafitte, LA, while trawling on the vessel, "WILD TURKEY", in the Barataria Waterway, 1½ miles south of the mouth of Bayou Dupont, Jefferson Parish, encountered an unidentified submerged obstruction on September 22, 1985, at approximately 7:30 p.m., causing loss of a pair of wing nets. Amount of Claim: \$406.03
CLAIM NO. 85-2833

George D. Eckerle, of Lafitte, LA, while trawling on the vessel, "LADY JANET", in Bay Batiste, at mouth of Bay Batiste, Plaquemines Parish, encountered an unidentified submerged obstruction on October 16, 1985, at approximately 1 p.m., causing loss of 50 foot trawl. Amount of Claim: \$480
CLAIM NO. 85-2845

Eddie J. Matherne, of Lafitte, LA, while trawling on the vessel, "KEITH & LYNN", in West Bay, Plaquemines Parish, encountered an unidentified submerged obstruction on October 15, 1985, at approximately 10 a.m., causing damage to his vessel. Amount of Claim: \$3,085
CLAIM NO. 85-2859

Hillen W. Boudreaux, Jr., of Marrero, LA, while trawling on the vessel, "BRANDI LYNN", in the Gulf of Mexico, approximately three miles east of Four Bayous, at LORAN-C readings 28,671.4 and 46,865.8, Plaquemines Parish, encountered an unidentified submerged obstruction on October 16, 1985, at approximately 10:30 a.m., causing loss of 55 foot trawl and set of boards. Amount of Claim: \$1,820.85
CLAIM NO. 85-2903

Floyd A. Robin, of Lafitte, LA, while trawling on the vessel, "LADY BEA", in Vermilion Bay, west of Cypremort Point, Vermilion Parish, encountered an unidentified submerged obstruction on October 18, 1985, at approximately 9 a.m., causing loss of 14 foot try net and set of boards. Amount of Claim: \$240.90
CLAIM NO. 85-2909

George D. Eckerle, of Lafitte, LA, while trawling on the vessel, "LADY JANET", in the Barataria Waterway, one mile past Texaco Dock, Jefferson Parish, encountered a submerged plastic rope on October 27, 1985, at approximately 4 a.m., causing damage to vessel. Amount of Claim: \$378.90
CLAIM NO. 85-2910

Joseph A. Rivere, of Westwego, LA, while trawling on the vessel, "MASTER TODD", in Bayou Segnette, south of the power lines which cross the bayou, Jefferson Parish, encountered an unidentified submerged obstruction on September 19, 1985, at approximately 2 p.m., causing damage to vessel's shaft and wheel. Amount of Claim: \$627.02
CLAIM NO. 85-2911

Joseph A. Rivere, of Westwego, LA, while trawling on the

vessel, "MASTER TODD," in Lake Cataouatche, the north central section, Jefferson Parish, encountered an unidentified submerged obstruction on September 25, 1985, at approximately 9 a.m., causing damage to trawl. Amount of Claim: \$255.80
CLAIM NO. 85-2912

Brian K. Plaisance, of Westwego, LA, while trawling on the vessel, "LITTLE REO," in the Gulf of Mexico, ¾ mile south of Bay la Mer, Plaquemines Parish, encountered an unidentified submerged obstruction on November 9, 1985, at approximately 2 p.m., causing loss of 16 foot trinet and boards. Amount of Claim: \$151.90
CLAIM NO. 85-2919

Lionel B. Fitzgerald, Sr., of Barataria, LA, while trawling on the vessel "MISS LYRIA," Barataria Bay, at the mouth of Bayou St. Denis, Jefferson Parish, encountered an unidentified submerged obstruction on November 13, 1985, at approximately 9 a.m., causing loss of one 38 foot trawl. Amount of Claim: \$475
CLAIM NO. 85-2933

Lawrence Plaisance, of Lafitte, LA, while trawling on the vessel, "CAPT. LAWRENCE," in Lake Salvador, the north central section, Jefferson Parish, encountered an unidentified submerged obstruction on October 25, 1985, at approximately 9 a.m., causing loss of 50 foot trawl. Amount of Claim: \$450
CLAIM NO. 85-2939

Curtis Silver, of Lafitte, LA, while trawling on the vessel, "SHINING STAR," in the Gulf of Mexico, at the entrance of Bay la Mer, Plaquemines Parish, encountered an unidentified submerged obstruction on November 14, 1985, at approximately 12 a.m., causing loss of 55 foot trawl. Amount of Claim: \$814
CLAIM NO. 85-2956

Lester C. Arcement, of Lafitte, LA, while trawling on the vessel, "CAPT. CRAIG," in South East Pass, at approximate LORAN-C readings 29,057.3 and 46,797.2, Plaquemines Parish, encountered an unidentified submerged obstruction on October 21, 1985, at approximately 10 a.m., causing loss of 68 foot trawl. Amount of Claim: \$485
CLAIM NO. 85-2957

Lester C. Arcement, of Lafitte, LA, while trawling on the vessel, "CHARLIE'S ANGELS," in South Pass, at approximate LORAN-C readings 28,993.3 and 46,767.6, Plaquemines Parish, encountered an unidentified submerged obstruction on November 15, 1985, at approximately 11:30 a.m., causing damage to 68 foot trawl. Amount of Claim: \$500
CLAIM NO. 85-2958

Lester C. Arcement, of Lafitte, LA, while trawling on the vessel, "CAPT. CRAIG," in the Gulf of Mexico, South Pass, at LORAN-C readings 28,995.5 and 46,771.0, Plaquemines Parish, encountered an unidentified submerged obstruction on November 17, 1985, at approximately 10 a.m., causing loss of trawl and boards. Amount of Claim: \$2,702.73
CLAIM NO. 85-2963

Floyd A. Robin, of Lafitte, LA, while trawling on the vessel, "LADY BEA," in the Gulf of Mexico, east of Four Bayou about ½ mile from shore near Bay la Mer, Plaquemines Parish, encountered a submerged piece of iron on November 18, 1985, at approximately 12:30 a.m., causing damage to 55 foot trawl. Amount of Claim: \$275
CLAIM NO. 85-2995

August Gisclair, of Barataria, LA, while trawling on the vessel, "MASTER DOYLE," in North Pass, at approximate LORAN-C readings 29,095.6 and 46,835.8, Plaquemines Parish, encountered an unidentified submerged obstruction on October 16, 1985, at approximately 1 a.m., causing loss of 47 foot trawl. Amount of Claim: \$1,150

CLAIM NO. 85-3018

Brian K. Plaisance, of Westwego, LA, while trawling on the vessel, "LITTLE REO," in the Gulf of Mexico, about ¾ mile east of Four Bayou Pass, Plaquemines Parish, encountered an unidentified submerged obstruction on November 26, 1985, at approximately 12 p.m., causing damage to trawl. Amount of Claim: \$402.85

CLAIM NO. 85-3019

Eric J. Frickey, of Lafitte, LA, while enroute to a shrimping area in the vessel, "MR. LUCKY," in the Barataria Waterway, near Bayou St. Denis, Jefferson Parish, encountered a submerged piling marker on December 3, 1985, at approximately 10 a.m., causing damage to propeller. Amount of Claim: \$159

CLAIM NO. 85-3020

Manuel Creppel, of Marrero, LA, while trawling on the vessel, "SEVEN C's," in the Gulf of Mexico, at the mouth of Main Pass, Plaquemines Parish, encountered a submerged cable spool on October 23, 1985, at approximately 7:30 a.m., causing damage to trawl. Amount of Claim: \$150

CLAIM NO. 85-3021

Manuel Creppel, of Marrero, LA, while trawling on the vessel, "SEVEN C's," in North Pass, Plaquemines Parish, encountered an unidentified submerged obstruction on October 22, 1985, at approximately 9:30 a.m., causing loss of 50 foot trawl. Amount of Claim: \$475

CLAIM NO. 85-3022

Manuel Creppel, of Marrero, LA, while trawling on the vessel, "SEVEN C's," in the Lonesome Bayou, Plaquemines Parish, encountered an unidentified submerged obstruction on October 21, 1985, at approximately 10 a.m., causing loss of trawl. Amount of Claim: \$450

CLAIM NO. 85-3023

Keith E. Trosclair, of Marrero, LA, while trawling on the vessel, "LADY NELLIE," in the Gulf of Mexico, about 1¼ miles south of Chalant Pass, at approximate LORAN-C readings of 28,687.7 and 46,862.2, Jefferson Parish, encountered an unidentified submerged obstruction on December 5, 1985, at approximately 3 p.m., causing damage to trawls. Amount of Claim: \$450

CLAIM NO. 85-3044

Edward J. Cheramie, Jr., of Lafitte, LA, while trawling on the vessel, bearing Louisiana Registration Number LA-8751-AS, in the Gulf of Mexico, just north of Caminada Pass, Jefferson Parish, encountered an unidentified submerged obstruction on May 10, 1985, at approximately 3:30 p.m., causing loss of trawl. Amount of Claim: \$602.55

CLAIM NO. 85-3045

Edward J. Cheramie, Jr., of Lafitte, LA, while trawling on the vessel, bearing Louisiana Registration Number LA-8751-AS, in the Gulf of Mexico, just northeast of Quatre Bayou Pass, Jefferson Parish, encountered an unidentified submerged obstruction on June 7, 1985, at approximately 11:15 a.m., causing loss of trawl. Amount of Claim: \$589.93

CLAIM NO. 85-3046

Edward J. Cheramie, Jr., of Lafitte, LA, while trawling on the vessel, bearing Louisiana Registration Number LA-8751-AS, in the Gulf of Mexico, south of Grand Terre Islands, Jefferson Parish, encountered an unidentified submerged obstruction on June 13, 1985, at approximately 11:45 a.m., causing loss of trawl. Amount of Claim: \$589.93

CLAIM NO. 85-3069

Marcello Reynon, Jr., of Marrero, LA, while trawling on the vessel, "LADY CRESHIA," in the Gulf of Mexico, east of Main Pass, Plaquemines Parish, encountered and unidentified sub-

merged obstruction on October 20, 1985, causing loss of 50 foot trawl. Amount of Claim: \$504.95

CLAIM NO. 85-3070

Marcello Reynon, Jr., of Marrero, LA, while trawling on the vessel, "LADY CRESHIA," in the Gulf of Mexico, west of Pass du Bois, Plaquemines Parish, encountered an unidentified submerged obstruction on November 15, 1985, at approximately 10 a.m., causing loss of trawl. Amount of Claim: \$554.95

CLAIM NO. 85-3090

Eugene Coulon, of Lafitte, LA, while trawling on the vessel, "SUMMER BREEZE," in the Gulf of Mexico, east of Cat Island Pass, at approximate LORAN-C readings of 28,151.0 and 46,822.2, Terrebonne Parish, encountered an unidentified submerged obstruction on November 28, 1985, at approximately 7:15 p.m., causing loss of 55 foot net and damage to vessel. Amount of Claim: \$5,000

CLAIM NO. 85-3097

John Otero, of Lafitte, LA, while trawling on the vessel "MISS FLUFFIE," in the Gulf of Mexico, east of Four Bayous, at approximate LORAN-C readings 28,671.5 and 46,865.7, Jefferson Parish, encountered an unidentified submerged obstruction on December 9, 1985 at approximately 11 a.m., causing loss of trawl, boards and cable. Amount of Claim: \$1,282

CLAIM NO. 86-3111

Irvin Helmer, Sr., of Westwego, LA, while trawling on the vessel, "JUDY DEE," in the Gulf of Mexico, east side of Grand Isle Pass, at LORAN-C readings of 28,568.0 and 46,865.1, Jefferson Parish, encountered an unidentified submerged obstruction on December 6, 1985, at approximately 12:30 p.m., causing loss of two 55 foot trawls, boards, and cables. Amount of Claim: \$3,653

CLAIM NO. 86-3120

Rufus Boutte, of Lafitte, LA, while trawling on the vessel, "MR. D. J.," in the Gulf of Mexico, one mile south of Four Bayou, Jefferson Parish, encountered an unidentified submerged obstruction on November 10, 1985, at approximately 9 a.m., causing loss of 40 foot trawl. Amount of Claim: \$420

Wednesday, April 9, 1986, at 10 a.m., in the Louisiana State University Cooperative Extension Service Office, 511 Roussel Street, Houma, LA:

CLAIM NO. 85-2760

Korl Authement, of Houma, LA, while trawling on the vessel, "CAPT. KORL," in Terrebonne Bay, Terrebonne Parish, encountered an unidentified submerged obstruction on September 18, 1985, at approximately 10 a.m., causing loss of 50 foot trawl, 16 foot test, and boards. Amount of Claim: \$1,968.10

CLAIM NO. 85-2781

Larry J. Dupre, Sr., of Chauvin, LA, while trawling on the vessel, "MISS MARIE," in the Gulf of Mexico, just east of the mouth of Hog Bayou, approximate LORAN-C readings 26,907.0 and 46,965.4, Cameron Parish, encountered an unidentified submerged obstruction on September 8, 1985, at 8:30 a.m., causing loss of two 50 foot trawls, and 18 foot Tri-net. Amount of Claim: \$2,361.90

CLAIM NO. 85-2799

Adam J. Fitch, of Dulac, LA, while trawling on the vessel, "VIOLA B," in the Gulf of Mexico, just west of Shell Keys, at approximate LORAN-C readings of 27,373.0 and 46,922.6, St. Mary Parish, encountered an unidentified submerged obstruction on October 7, 1985, causing loss of trawls and boards. Amount of Claim: \$2,425.40

CLAIM NO. 85-2879

Roy Dion, of Dulac, LA, while trawling on the vessel, "ROY & JOBY," off of Marsh Island, South Point, at approximate LORAN-C readings of 27,523.5 and 46,922.7, Iberia Parish, en-

countered old pilings on October 24, 1985, at approximately 9 a.m., causing loss of two 50 foot trawls and tickler chain. Amount of Claim: \$1,905.05
CLAIM NO. 85-2880

Charles J. Cunningham, of Chauvin, LA, while trawling on the vessel, "AMY SUE," in the Gulf of Mexico, about 2½ miles off Joseph Harbor Cut Blk. 17, Terrebonne Parish, encountered a 4" pipe line on October 24, 1985, at approximately 1:20 p.m., causing loss of two 55 foot trawls, and two 70 foot tickle chains. Amount of Claim: \$2,272.80
CLAIM NO. 85-2886

Houston Trahan, of Chauvin, LA, while trawling on the vessel, "REBECCA LYNN," in the Gulf of Mexico, south of Trinity Bay, Terrebonne Parish, encountered an unidentified submerged obstruction on October 21, 1985, causing loss of his 50 foot trawl and chain. Amount of Claim: \$1,000.25
CLAIM NO. 85-2895

Floyd Trosclair, of Bourg, LA, while trawling on the vessel, "MISTRESS MARY," in East Cote Blanche Bay, at approximate LORAN-C readings 27,613.2 and 46,948, St. Mary Parish, encountered an unidentified submerged obstruction on November 3, 1985, at approximately 6 p.m., causing loss of 50 foot trawl, tickle chain, and boards. Amount of Claim: \$1,573.63
CLAIM NO. 85-2924

Joseph Ernest Verdin, of Houma, LA, while trawling on the vessel, "CAPT. J.V.," in the Gulf of Mexico, about 2 or 2½ miles from Roquet Pass going south, at approximate LORAN-C readings 27,699.0 and 46,900.4, Terrebonne Parish, encountered an unidentified submerged obstruction on October 25, 1985, at approximately 3 p.m., causing loss of trawl and damage to other. Amount of Claim: \$1,071.96
CLAIM NO. 85-2935

Edwin J. Voisin, of Houma, LA, while trawling on the vessel, "CAPT. EDDIE," in the Gulf of Mexico, just south of Point Au Fer, at approximate LORAN-C readings 46,889.3 and 27,681.6, Terrebonne Parish, encountered an unidentified submerged obstruction, causing damage to vessel. Amount of Claim: \$5,000
CLAIM NO. 85-2952

Theodore J. Buquet, Jr., of Houma, LA, while trawling on the vessel, "MOKIE THE BANDIT," in the Gulf of Mexico, at approximate LORAN-C readings of 27,471.4 and 46,912.6, Terrebonne Parish, encountered an unidentified submerged obstruction on July 21, 1985, at approximately 7 a.m., causing loss of Try-net and 1000' of wire rope and damage to two balloon nets. Amount of Claim: \$2,330.38
CLAIM NO. 85-2973

James Bergeron, of Chauvin, LA, while trawling on the vessel, "SWEET LORRAINE," in the Gulf of Mexico, ¾ mile off beach at Timbalier Island, at approximate LORAN-C readings 28,147.8 and 46,834.3, Terrebonne Parish, encountered a sunken boat on November 24, 1985, at approximately 3 a.m., causing loss of 50 foot net, 16 foot Try-net and board. Amount of Claim: \$1,274.69
CLAIM NO. 85-3029

Douglas Bourg, of Theriot, LA, while trawling on the vessel, "MATTHEW-ALINA," in East Cote Blanche Bay, outside Rabbit Island St. Mary Parish, encountered an unidentified submerged obstruction on December 4, 1985, at approximately 3 p.m., causing loss of 50 foot trawl. Amount of Claim: \$924.77
CLAIM NO. 85-3092

Raymond LeBouef, of Chauvin, LA, while trawling on the vessel, "LADY VICKIE," in the Gulf of Mexico, off Grand Caillou Bayou, at approximate LORAN-C readings of 29,095.3 and 90,580.9, Terrebonne Parish, encountered completely sub-

merged sunken boat on December 7, 1985, at approximately 10 a.m., causing damage to vessel. Amount of Claim: \$1,169.10
CLAIM NO. 85-3142

Wayne Boudwin, of Houma, LA, while trawling on the vessel, "CAPT. WAYNE," in the Gulf of Mexico, ¼ mile off of Blue Point Tanks, Terrebonne Parish, encountered an unidentified submerged obstruction on January 5, 1986, at approximately 8:30 a.m., causing damage to vessel. Amount of Claim: \$4,013.86
CLAIM NO. 85-2691

Paul Himel Lovell, of Theriot, LA, while trawling on the vessel, "LISA-RITA," in Breton Sound, a few 100 feet from Beacon 53, Terrebonne Parish, encountered an unidentified submerged obstruction on August 15, 1985, at approximately 2:30 p.m., causing loss of two 40 foot trawls and two sets of boards. Amount of Claim: \$2,158.88
CLAIM NO. 85-2773

Houston Trahan, of Chauvin, LA, while trawling on the vessel, "REBECCA LYNN," in Lake Pelto, Terrebonne Parish, encountered an unidentified submerged obstruction on September 27, 1985, at approximately 11 a.m., causing damage to trawl. Amount of Claim: \$1,005.25
Wednesday, April 16, 1986, at 3 p.m. in the L.S.U. Cooperative Extension Service Office, Cameron Parish Court House, Cameron, LA:

CLAIM NO. 85-2777

Frankie E. Mock, Jr., of Cameron, LA, while trawling on the vessel, "BELLE-B," in the Gulf of Mexico, 1¼ miles from beach 3¼ miles from Jetties, Cameron Parish, encountered a sunken boat on September 28, 1985, at approximately 11 a.m., causing loss of nets and bridel. Amount of Claim: \$1,122
CLAIM NO. 85-2800

Conrad J. Nunez, of Lake Charles, LA, while trawling on the vessel, "MISS GLENDA," in the East Pass of Calcasieu River, Cameron Parish, encountered a submerged rope on September 25, 1985, at approximately 6:30 p.m., causing damage to nets, frame and transducer. Amount of Claim: \$385
CLAIM NO. 85-2877

Jesse McDaniel, of Grand Chenere, LA, while trawling on the vessel, "LADY JESSICA," in the Gulf of Mexico, ¼ mile east of Mermenta River, at approximate LORAN-C readings 26,866.4 and 46,970.3, Cameron Parish, encountered an unidentified submerged obstruction on October 23, 1985, at approximately 12:45 p.m., causing damage to vessel and nets. Amount of Claim: \$898.91
CLAIM NO. 85-2882

Floyd Stanley, of Vinton, LA, while trawling on the vessel, "LYDIA GAIL," in the East Pass of Calcasieu River, Cameron Parish, encountered a submerged 3" steel cable on October 19, 1985, at approximately 9 a.m., causing loss of anchor, rope, and chain. Amount of Claim: \$742.21
CLAIM NO. 85-2885

Ashful Authement, of Cameron, LA, while trawling on the vessel, "CAPT. ASHFUL," in the Gulf of Mexico, ⅓ mile off beach, at approximate LORAN-C readings 26,620.2 and 46,977.9, Cameron Parish, encountered an unidentified submerged obstruction on October 22, 1985, at approximately 3:15 p.m., causing damage to 50 foot net. Amount of Claim: \$150
CLAIM NO. 85-2951

Justin Picou, Sr., of Cameron, LA, while trawling on the vessel, "LITTLE JOHN," in the Gulf of Mexico, along Jetties, 500' from cap in rocks, Cameron Parish, encountered an unidentified submerged obstruction on November 2, 1985, at approximately 8 a.m., causing loss of 50 foot net, chain, and lazy line. Amount of Claim: \$864.27

CLAIM NO. 85-2955

D. J. East, of Hackberry, LA, while trawling on the vessel, "LITTLE JOE", in the Calcasieu Ship Channel, five miles south of Hackberry, Cameron Parish, encountered a submerged steel cable on November 19, 1985, at approximately 8 a.m., causing damage to vessel. Amount of Claim: \$5,000

CLAIM NO. 85-2967

Frederick W. Wannage, Sr., of Lake Charles, LA, while trawling on the vessel, "MS. KAT", in the Intracoastal Canal, Devils Elbow, Calcasieu Parish, encountered a rope tied to tree beneath water's surface on November 15, 1985, at approximately 4 p.m., causing damage to vessel. Amount of Claim: \$5,000

CLAIM NO. 85-2975

Carlton Styron, of Cameron, LA, while trawling on the vessel, "DRAG'N WAGON," in the Gulf of Mexico, 1/2 mile west of Cameron Jetties, Cameron Parish, encountered an unidentified submerged obstruction November 21, 1985, at approximately 10 a.m., causing loss of 50 foot net and tow block. Amount of Claim: \$365.40

CLAIM NO. 85-3003

James B. King, of Vinton, LA, while trawling on the vessel, LA Registration Number LA-283-ZS, in Shell Cut, 9 miles south of Vinton, LA or 3 miles west of Gum Cove ferry, Calcasieu and Cameron Parishes, encountered a submerged tree on November 28, 1985, at approximately 9 p.m., causing damage to vessel. Amount of Claim: \$993.03

CLAIM NO. 85-3061

Thomas Debarge, of Cameron, LA, while trawling on the vessel, "CAPTAIN WAYNE," in the Gulf of Mexico, east of the new cut, at approximate LORAN-C readings 26,908.1 and 46,966.7. Cameron Parish, encountered large pieces of wood attached by bolts on December 10, 1985, at approximately 1:30 a.m., causing damage to vessel and nets. Amount of Claim: \$525

CLAIM NO. 85-2510

Bernie Broussard, of Sulphur, LA, while trawling on the vessel, "ST. JUDE," in Calcasieu Lake, Cameron Parish, encountered an unidentified submerged obstruction on July 5, 1985, at approximately 10 a.m., causing loss of 50 foot trawl and chain. Amount of Claim: \$707

Wednesday, April 16, 1986, at 11 a.m., in the Delcambre Town Hall, Delcambre, LA:

CLAIM NO. 85-2751

Harold Dressendorfer, of New Iberia, LA, while enroute to Delcambre after leaving a shrimping area, the "GWEN DOE," in the Intercoastal Canal, Vermilion Parish, encountered an unidentified submerged obstruction on September 19, 1985, at approximately 4:30 p.m., causing damage to vessel. Amount of Claim: \$1,283.25

CLAIM NO. 85-2726

Roland Guidry, of Brusly, LA, while trawling on the vessel, "MISS BRINA," in Vermilion Bay, 1/4 mile Northeast of Mico Tower, St. Mary Parish, encountered an unidentified submerged obstruction on September 14, 1985, at approximately 2 p.m., causing damage to 40 foot trawl. Amount of Claim: \$156

CLAIM NO. 85-2783

Clyde Peltier, of Breaux Bridge, LA, while trawling on the vessel, "MIS HUN," in East Cote Blanche Bay, 100 feet north of Pan-AM Point, Iberia Parish, encountered an unidentified submerged obstruction on September 20, 1985, at approximately 11 a.m., causing damage to trawl. Amount of Claim: \$50.88

CLAIM NO. 85-2784

Clyde Peltier, of Breaux Bridge, LA, while trawling on the vessel, "MIS HUN," in East Cote Blanche Bay, one quarter mile west of East Point of Marsh Island, Iberia Parish, encountered an

unidentified submerged obstruction on September 29, 1985, at approximately 9 a.m., causing damage to trawl. Amount of Claim: \$53.20

CLAIM NO. 85-2838

John N. Castille, of Opelousas, LA, while trawling on the vessel, "AMERICAN WAY," in Calcasieu Lake, 1000 feet west of tank battery in Big Lake Section, Cameron Parish, encountered an unidentified submerged obstruction on October 15, 1985, at approximately 3:30 p.m., causing loss of 40 foot trawl. Amount of Claim: \$350

CLAIM NO. 85-2872

Jerry Castille, of Castille Enterprises, Inc., St. Martinville, LA, while trawling on the vessel, "LADY ANN MARIE," in Freshwater Bayou, near Freshwater City, Vermilion Parish, encountered an unidentified submerged obstruction on October 19, 1985, at approximately 5 a.m., causing damage to vessel. Amount of Claim: \$480.40

CLAIM NO. 85-2873

Leroy Romig, of Maringouin, LA, while trawling on the vessel, "KING DAVID," in West Cote Blanche Bay, approximately 200 yards southeast of Lark Point, St. Mary Parish, encountered an unidentified submerged obstruction October 15, 1985, at approximately 11 a.m., causing loss of 50 foot trawl. Amount of Claim: \$600

CLAIM NO. 85-2874

Leroy Romig, of Maringouin, LA, while trawling on the vessel, "KING DAVID," in Cote Blanche Bay, approximately 300 yards northeast of East Point, St. Mary Parish, encountered an unidentified submerged obstruction on October 22, 1985, at approximately 9 a.m., causing loss of 45 foot trawl. Amount of Claim: \$500

CLAIM NO. 85-2989

Octa Goutierrez, Jr., of Goutierrez, Inc., Delcambre, LA, while trawling on the vessel, "KRISTI NICOLE," in Mermentau River, Cameron Parish, encountered an unidentified submerged obstruction on October 23, 1985, at approximately 4 p.m., causing damage to vessel. Amount of Claim: \$1,265.71

CLAIM NO. 85-3007

Rodney J. Bourque, of Rodney J. Bourque, Inc., Delcambre, LA, while trawling on the vessel, "MASTER HEATH," Intercoastal Canal, about ten miles from mouth, Vermilion Parish, encountered an submerged piling on November 28, 1985, at approximately 1:30 p.m., causing damage to vessel. Amount of Claim: \$4,949.13

CLAIM NO. 85-3008

Jimmie P. & Carl Lee Leger, of Erath, LA, while trawling on the vessel, "BROTHERS PRIDE," in the Gulf of Mexico, at approximate LORAN-C readings 26,553.0 and 46,975.5, Cameron Parish, encountered an unidentified submerged obstruction on November 19, 1985, at approximately 8 a.m., causing loss of Trinets, doors, and cable. Amount of Claim: \$294.68

CLAIM NO. 85-3010

J & L Boat Company, Inc., of Delcambre, LA, while trawling on the vessel, "THREE GRAND KIDS," in the Gulf of Mexico, at approximate LORAN-C readings 27,157.0 and 46,936.7, Vermilion Parish, encountered an unidentified submerged obstruction, causing loss of nets, boards and cable. Amount of Claim: \$3,261.02

CLAIM NO. 85-3085

Allen J. Comeaux, of Allen J. Comeaux, Inc., Delcambre, LA, while trawling on the vessel, "MARY C. TOOMER," in the Gulf of Mexico, west of Freshwater Bayou, at approximate LORAN-C readings 27,045.3 and 46,945.9, Vermilion Parish, encountered an unidentified submerged obstruction on November 5, 1985, at

approximately 2 p.m., causing loss of and damage to nets. Amount of Claim: \$1,030.25
CLAIM NO. 85-3086

Allen J. Comeaux, of Allen J. Comeaux, Inc., Delcambre, LA, while trawling on the vessel, "MARY K. TOOMER," in the Gulf of Mexico, SE of Big Constance Bayou, at approximate LORAN-C readings 27,143.8 and 46,939.0, Vermilion Parish, encountered an unidentified submerged obstruction on December 8, 1985, at approximately 4 a.m., causing damage to trawl. Amount of Claim: \$439.35

Friday, April 18, 1986, at 10:30 a.m. in the L.S.U. Cooperative Extension Service Office, Greater Lafourche Port Commission Building, Highway 308, Galliano, LA:

CLAIM NO. 85-2785

Brad Friloux, of Ama, LA, while trawling on the vessel, "CALIE-JAMIE," in the Gulf of Mexico, west of Point AuFer, at approximate LORAN-C readings of 27,665.2 and 46,907.1, St. Mary Parish, encountered an unidentified submerged obstruction on September 28, 1985, at approximately 2:30 p.m., causing loss of his 50 foot trawl. Amount of Claim: \$475
CLAIM NO. 85-2834

Webb Cheramie, Jr., of Grand Isle, LA, while trawling on the vessel, "MASTER WAYNE I," in the Gulf of Mexico, near mouth of Bayou Tartellon, at approximate LORAN-C readings of 28,375.0 and 46,831.7, Lafourche Parish, encountered an unidentified submerged obstruction on October 10, 1985, at approximately 2 p.m., causing loss of trawls. Amount of Claim: \$1,573.44
CLAIM NO. 85-2867

Jerry Remont, of Galliano, LA, while trawling on the vessel, "LA 327AS," in Lake Pierre, between Lake Pierre & Oaks Bay, Lafourche Parish, encountered an unidentified submerged obstruction on October 18, 1985, at approximately 10 a.m. causing loss of trawl. Amount of Claim: \$396.72
CLAIM NO. 85-2870

Mervin Ledet, Jr., of Lockport, LA, while trawling on the vessel, "RUDY-JOE," in Gulf of Mexico, six miles south of Pt. Chevreuil, at approximate LORAN-C readings of 27,625.7 and 46,915.4, St. Mary Parish, encountered an unidentified submerged obstruction on October 20, 1985, at approximately 5 p.m., causing loss of one 55 foot net. Amount of Claim: \$900
CLAIM NO. 85-2928

Herbert Charpentier, of Sea Durbin, Inc., Cut Off, LA, while trawling on the vessel, "SEA DURBIN," in the Mississippi Sound, at approximate LORAN-C reading of 11,914.1 and 47,045.8, St. Tammany Parish, encountered an unidentified submerged obstruction on November 9, 1985, at approximately 9:30 a.m., causing loss of his 50 foot trawl. Amount of Claim: \$922.34
CLAIM NO. 85-2947

Irvin J. Richoux, of Grand Isle, LA, while trawling on the vessel, "CAJUN QUEEN," in the Gulf of Mexico, west of entrance to Barataria Pass, Jefferson Parish, encountered an unidentified submerged obstruction on November 4, 1985, at approximately 11 a.m., causing damage to net. Amount of Claim: \$410.12
CLAIM NO. 85-2983

Steven Charpentier, Galliano, LA, while trawling on the vessel, "CAPT. STEVEN," in the Gulf of Mexico, just west of Port Eads, at approximate LORAN-C readings of 28,921.2 and 46,779.5, Plaquemines Parish, encountered an unidentified submerged obstruction on November 27, 1985, at approximately 6:30 a.m., causing damage to 55 foot trawl. Amount of Claim: \$355.54
CLAIM NO. 85-2984

Steven Charpentier, Galliano, LA, while trawling on the vessel, "CAPT. STEVEN," in the Gulf of Mexico, due East of Burwood, at approximate LORAN-C readings of 28,866.5 and 46,777.5, Plaquemines Parish, encountered a unidentified sub-

merged obstruction on November 26, 1985, at approximately 2 p.m., causing damage to 55 foot trawl. Amount of Claim: \$509.79
CLAIM NO. 85-2985

Steven Charpentier, of Galliano, LA, while enroute to a shrimping area, on the vessel, "CAPT. STEVEN," in Bayou Lafourche between Golden Meadow and Leesville, Lafourche Parish, encountered unidentified submerged obstruction on November 18, 1985, causing damage to vessel. Amount of Claim: \$1,019.29
CLAIM NO. 85-3009

Randy J. Adams of Galliano, LA, while trawling on the vessel, "SUNSHINE LADY," in the Gulf of Mexico, about two miles southeast of Sandy Point Bay, at approximate LORAN-C readings of 28,794.7 and 46,842.4, Plaquemines Parish, encountered an unidentified submerged obstruction on December 5, 1985, at 7:30 a.m., causing loss of one 50 foot trawl complete. Amount of Claim: \$943.61
CLAIM NO. 85-3024

Lurey Terrebonne, of Cut Off, LA, while trawling on the vessel, "CAPT. BASON," in the Gulf of Mexico, approximately $\frac{3}{4}$ miles SW of rocks at Belle Pass, Lafourche Parish, encountered an unidentified submerged obstruction on November 22, 1985, at 5:15 a.m., causing loss of one 48 foot Ballon Trawl. Amount of Claim: \$1,142.61
CLAIM NO. 85-3037

Irvin Bruce, of Scotty Bruce, Inc., Cut Off, LA, while trawling on the vessel, "SCOTTY BRUCE," in Freshwater Bayou Canal, between Beacon 10 and Locks, Vermilion Parish, encountered an unidentified submerged obstruction on December 9, 1985, at 8 p.m., causing damage to vessel. Amount of Claim: \$5000
CLAIM NO. 85-3047

Calvin L. Melancon, of Miss Sandy, Inc., of Galliano, LA, while trawling on the vessel "MISS SANDY," in the Gulf of Mexico, one mile east, northeast of jetties at end of Belle Pass, Lafourche Parish, encountered an unidentified submerged obstruction on December 4, 1985, at approximately 7 a.m., causing damage to one 44 foot trawl. Amount of Claim: \$451.21
CLAIM NO. 85-3048

Calvin L. Melancon, of Miss Sandy, Inc., Galliano, LA, while trawling on the vessel "MISS SANDY," in the Gulf of Mexico, $\frac{3}{4}$ mile east of jetties at Belle Pass, Lafourche Parish, encountered an unidentified submerged obstruction on December 7, 1985, at approximately 10 a.m., causing damage to his trawl. Amount of Claim: \$440.56
CLAIM NO. 85-3065

Farrel Charpentier, of Galliano, LA, while trawling on the vessel "CAPT. FARREL," in East Bay, Southwest of Port Eads, at LORAN-C readings of 28,918.5 and 46,772.6, Plaquemines Parish, encountered an unidentified submerged obstruction on November 27, 1985, at approximately 8 a.m., causing loss of 62 foot Ballon trawl. Amount of Claim: \$1,096.50
CLAIM NO. 85-3066

Farrel Charpentier, of Galliano, LA, while trawling on the vessel "CAPT. FARREL," in Gulf of Mexico, on the west side of Southwest Pass, at LORAN-C readings of 28,909.6 and 46,774.4, Plaquemines Parish, encountered an unidentified submerged obstruction on November 28, 1985, at approximately 10:10 a.m., causing damage to nets. Amount of Claim: \$229.68
CLAIM NO. 85-3067

Farrel Charpentier, of Galliano, LA, while trawling on the vessel "CAPT. FARREL," in Gulf of Mexico, in between Belle Pass and Little Pass Timbalier, at LORAN-C readings of 28,262.1 and 46,822.7, Lafourche Parish, encountered an unidentified submerged obstruction on December 1, 1985, at approximately 4:15 p.m., causing damage to nets. Amount of Claim: \$351

CLAIM NO. 85-3068

Farrel Charpentier, of Galliano, LA, while trawling on the vessel, "CAPT. FARREL", in the Gulf of Mexico, on the East Side of Southwest Pass, at LORAN-C readings of 28,847.3 and 46,773.9, Plaquemines Parish, encountered an unidentified submerged obstruction on December 18, 1985, at approximately 11:30 a.m., causing loss of 62 foot trawl. Amount of Claim: \$882.30

CLAIM NO. 85-3077

Steven Charpentier, of Galliano, LA, while trawling on the vessel, "CAPT. STEVEN", in the Gulf of Mexico, just east of Little Pass Timbalier, at LORAN-C readings of 28,265.7 and 46,822.5, Lafourche Parish, encountered an unidentified submerged obstruction on December 9, 1985, at approximately 12:30 p.m., causing damage to nets. Amount of Claim: \$629.42

CLAIM NO. 85-3084

Ernest Espouge, of Beachcomber, Inc., Galliano, LA, while enroute to a shrimping area on the vessel, "MR. ESPONGE", in the Intracoastal Canal, near 155 mile marker, Vermilion Parish, encountered an unidentified submerged obstruction on December 13, 1985, at approximately 4:30 p.m., causing damage to vessel. Amount of Claim: \$2,026.45

CLAIM NO. 85-3096

Leonard F. Billot, Jr., of Golden Meadow, LA, while trawling on the vessel, "GULF COAST I", in the Gulf of Mexico, approximately ¾ miles west-south-west of the rocks at Belle Pass, Lafourche Parish, encountered an unidentified submerged obstruction on December 29, 1985, at approximately 10 a.m., causing loss of 50 foot shrimp trawl and tickle chain. Amount of Claim: \$1,096.55

CLAIM NO. 85-3017

Michael Gaspard, of Grand Isle, LA, while trawling on the vessel, "QUEEN TORI", in the Gulf of Mexico, just South of Caminada Pass, Jefferson Parish, encountered an unidentified submerged obstruction on December 20, 1985, at approximately 9:30 a.m., causing loss of two 45 foot trawls. Amount of Claim: \$1,355.54

CLAIM NO. 85-2413 (RESCHEDULED)

Webb Cheramie, Jr., of Grand Isle, LA, while trawling on the vessel, "MASTER WAYNE I", in the Gulf of Mexico, south of Grand Isle, at approximate LORAN-C readings of 28,536.0 and 46,857.8, Jefferson Parish, encountered an unidentified submerged obstruction on June 6, 1985, causing loss of his trawl.

CLAIM NO. 85-2414 (RESCHEDULED)

Wayne Cheramie, of Grand Isle, LA, while trawling on the vessel, "MASTER WAYNE II", in the Gulf of Mexico, south of Grand Isle, at approximate LORAN-C readings of 28,536.0 and 46,857.8, Jefferson Parish, encountered an unidentified submerged obstruction on June 7, 1985, causing loss of his 51 foot balloon trawl and tickle chain. Amount of Claim: \$1,006.22

CLAIM NO. 85-2857 (RESCHEDULED)

Raleigh Rousse, of Galliano, LA, while trawling on the vessel, "CAPT. ROUSSE", in the Barataria Bay, at LORAN-C readings of 28,562 and 46,869, Jefferson Parish, encountered an unidentified submerged obstruction on October 20, 1985, causing loss of trawl. Amount of Claim: \$752.93

CLAIM NO. 85-2668

Werlin LeBouef, of Galliano, LA, while trawling on the vessel, "MASTER CRAIG", in Lake Raccouri, south of Bouy at point near Rosa Bay, at approximate LORAN-C readings of 28,575.0 and 47,033.0, Lafourche Parish, encountered an unidentified submerged obstruction on August 19, 1985, at approximately 11:30 a.m., causing damage to 45 foot Baloon trawl. Amount of Claim: \$183

CLAIM NO. 85-2711

Kearn Chouest, of L&K, Inc., Galliano, LA, while trawling on the vessel "L&K", in East Cote Blanche Bay, about ½ mile S-SW of Pt. Chevreuil, St. Mary Parish, encountered an unidentified submerged obstruction on August 26, 1985, at approximately 7 a.m., causing loss of Try-net and doors. Amount of Claim: \$256.07

CLAIM NO. 85-2775

Murry A. Gaspard, of Grand Isle, LA, while trawling on the vessel, "TE GALOOD", in Caminada Bay, Jefferson Parish, encountered a submerged 30 foot log on September 29, 1985, at approximately 6 p.m., causing loss of 50 foot Balarina trawl. Amount of Claim: \$660.10

CLAIM NO. 85-2849 (RESCHEDULED)

Robert J. Bruce, of Cut Off, LA, while trawling on the vessel, "BOBBY JOE", in the Gulf of Mexico, at LORAN-C readings of 27810.2 and 46865.6, Terrebonne Parish, encountered an unidentified submerged obstruction on October 18, 1985, causing loss of 50 foot balloon trawl and damage to vessel. Amount of Claim: \$1,634.50

Wednesday, April 23, 1986, at 9:30 a.m., in the St. Bernard Police Jury Office, 8201 West Judge Perez Drive, Chalmette, LA:

CLAIM NO. 85-2420 (RESCHEDULED)

Joseph A. Fos, of Meraux, LA, while trawling on the vessel, "THE FOS," in Lake Pontchartrain, west of the Lakefront Airport, at approximate LORAN-C readings of 28,707.0 and 47,029.6, Orleans Parish, encountered an unidentified submerged obstruction on June 13, 1985, at approximately 10 a.m., causing loss of his 35 foot trawl, boards, and cable. Amount of Claim: \$810

CLAIM NO. 85-2661 (RESCHEDULED)

Lenny Serpas, Jr., of Delacroix Island, LA, while trawling on the vessel, "BLUE EYES," in Black Bay, northwest of Mozambique Point, Plaquemines Parish, encountered an unidentified submerged obstruction on August 19, 1985, at approximately 2 a.m., causing loss of his trawl, boards and light. Amount of Claim: \$994.18

CLAIM NO. 85-2710

Wilson Melerine, of Chalmette, LA, while trawling on the vessel, "CAPTAIN TODD," in Bay Crab, near Julius Bayou, Plaquemines Parish, encountered completely submerged sunken boat on July 15, 1985, at approximately 10 a.m., causing damage to 47 foot trawl. Amount of Claim: \$264.08

CLAIM NO. 85-2787

Kenneth R. Adams, Jr., of New Orleans, LA, while trawling on the vessel, "SHANNA BABY," in the Gulf of Mexico, between Southwest Pass and Fresh Water Bayou, Vermilion Parish, encountered an unidentified submerged obstruction on September 21, 1985, at approximately 6:15 p.m., causing loss of balloon trawl, chain, and line. Amount of Claim: \$843

CLAIM NO. 85-2788

Lester B. Schellinger, Jr., of Chalmette, LA, while trawling on the vessel, bearing Louisiana Registration Number LA 8542Y, in Lake Borgne, one mile to the SW of Alligator Point, Orleans Parish, encountered an unidentified submerged obstruction on September 27, 1985, at approximately 4:30 p.m., causing damage to propeller. Amount of Claim: \$228

CLAIM NO. 85-2789

Lester B. Schellinger, of Chalmette, LA, while trawling on the vessel bearing Louisiana Registration Number LA 8542Y, in Chef Pass, ¼ mile from Lake Borgne, Orleans Parish, encountered an unidentified submerged obstruction on September 23, 1985, at approximately 10 a.m., causing loss of 50 foot trawl. Amount of Claim: \$520

CLAIM NO. 85-2809

Harry Friese, of St. Bernard, LA, while trawling on the ves-

sel, "CAPT. SNAKE," in Black Bay, 1/2 mile southeast of Mozambique Point, Plaquemines Parish, encountered completely submerged sunken rocks on October 3, 1985, at approximately 1 p.m., causing damage to vessel. Amount of Claim: \$1,446.71
CLAIM NO. 85-2812

Scott C. Pete, Jr., of New Orleans, LA, while trawling on the vessel, "HONKY CAT," in Lake Pontchartrain, about 4 miles west of South Draw on the Lake Pontchartrain Causeway Bridge, Jefferson Parish, encountered an unidentified submerged obstruction on October 4, 1985, at approximately 9:30 a.m., causing damage to Tri-net. Amount of Claim: \$217.15
CLAIM NO. 85-2813

Scott C. Pete, Jr., of New Orleans, LA, while trawling on the vessel, "HONKY CAT," in Lake Borgne, approximately 1/4 mile east of Alligator Point, Orleans Parish, encountered an unidentified submerged obstruction on October 10, 1985, at approximately 7:30 a.m., causing loss of Tri-net. Amount of Claim: \$153
CLAIM NO. 85-2818

Robert Guerra, of St. Bernard, LA, while trawling on the vessel, "BABY BRIDGETTE," in Long Bay, southeast part, Plaquemines Parish, encountered a submerged round pipe on October 7, 1985, at approximately 7 a.m., causing loss of 50 foot trawl. Amount of Claim: \$850
CLAIM NO. 85-2819

William F. Vila, of New Orleans, LA, while trawling on the vessel "PRETZEL LOGIC," in the Intracoastal Canal, Orleans Parish, encountered an unidentified submerged obstruction September 25, 1985, at approximately 4 p.m., causing damage to vessel. Amount of Claim: \$568
CLAIM NO. 85-2826

Gary J. Treuil, of Metairie, LA, while trawling on the vessel, "DOWN MIST," in Lake Pontchartrain, approximately five miles N-NW of Camp Little Woods, Orleans Parish, encountered an unidentified submerged obstruction on October 15, 1985, at approximately 9:30 a.m., causing loss of trawl and boards. Amount of Claim: \$644
CLAIM NO. 85-2844

James Daspit, of Pearl River, LA, while trawling on the vessel, "COUNTRY GIRL," in Barataria Waterway, two miles below Texaco plant in Channel, Jefferson Parish, encountered a submerged large tree on October 19, 1985, at approximately 8 p.m., causing loss of Butterfly nets. Amount of Claim: \$250
CLAIM NO. 85-2853

Nicholas Gonzales, of Meraux, LA, while trawling on the vessel, "BLUE PERSUASION," in Chandeleur Sound, southeast of Point Chicot, St. Bernard Parish, encountered an unidentified submerged obstruction on September 17, 1985, at approximately 9:15 p.m., causing loss of trawls. Amount of Claim: \$1,075.46
CLAIM NO. 85-2855

Arthur J. Krantz, Jr., of New Orleans, LA, while trawling on the vessel, "LAURIE ANN," in the Chef Pass, Orleans Parish, encountered an unidentified submerged obstruction on October 5, 1985, at approximately 2 p.m., causing loss of 50 foot trawl. Amount of Claim: \$568
CLAIM NO. 85-2856

Arthur Krantz, Jr., of New Orleans, LA, while trawling on the vessel, "LAURIE ANN," in Lake Borgne, near Proctor Point, St. Bernard Parish, encountered an unidentified submerged obstruction on October 19, 1985, at approximately 11 a.m., causing loss of his 50 foot trawl. Amount of Claim: \$600
CLAIM NO. 85-2887

John Domingo, of St. Bernard, LA, while trawling on the vessel, "CAPT. JOHN," in Caillou Bay, south of Taylor's Bayou, at approximate LORAN-C readings of 27,894.5 and 46,861.5, Terrebonne Parish, encountered an unidentified submerged ob-

struction on October 14, 1985, at approximately 10 a.m., causing damage to vessel. Amount of Claim: \$2,111.12

CLAIM NO. 85-2741

Clifford F. Vicknair, of Slidell, LA, while trawling on the vessel, Louisiana Registration Number LA 4911 AT, in the Rigolets, 100 yards from #4 marker, Orleans Parish, encountered a submerged wing net barge on September 15, 1985, at approximately 3:30 p.m., causing loss of 50 foot trawl and tickle chain. Amount of Claim: \$640
CLAIM NO. 85-2690

Manuel M. Perez, of Meraux, LA, while trawling on the vessel, "HUSTLER," in Lake Borgne, St. Bernard Parish, encountered an unidentified submerged obstruction on August 27, 1985, at approximately 10:30 p.m., causing loss of 50 foot trawl, boards, tickle chain, and back boom. Amount of Claim: \$1,722.50
CLAIM NO. 85-3051 (RESCHEDULED)

Leon E. Seghers, of New Orleans, LA, while trawling on the vessel, "MASTER JEFF," in the Lake Pontchartrain, Orleans Parish, encountered an unidentified submerged obstruction on December 11, 1985, causing loss of nets. Amount of Claim: \$685
CLAIM NO. 85-3052 (RESCHEDULED)

Leon E. Seghers, of New Orleans, LA, while trawling on the vessel, "MASTER JEFF," in Lake Borgne, Orleans Parish, encountered an unidentified submerged obstruction on October 10, 1985, causing loss of 50 foot trawl and tickler chain. Amount of Claim: \$490
CLAIM NO. 85-3053 (RESCHEDULED)

Leon E. Seghers, of New Orleans, LA, while trawling on the vessel "MASTER JEFF," in Lake Pontchartrain, St. Tammany Parish, encountered an unidentified submerged obstruction on September 30, 1985, causing loss of 50 foot balloon trawl and tickler chain. Amount of Claim: \$550
CLAIM NO. 85-2505

Anthony Dudenhefer, of Slidell, LA, while trawling on the vessel "LOVELY LADY," in Lake Borgne, Jefferson Parish, encountered an unidentified submerged obstruction on June 25, 1985, at approximately 2 p.m., causing loss of 50 foot trawl. Amount of Claim: \$900
CLAIM NO. 85-2562

David Singletary, of Slidell, LA, while trawling on the vessel, "DAVID L," in Lake Borgne, St. Bernard Parish, encountered an unidentified submerged obstruction on July 13, 1985, at approximately 2 a.m., causing loss of 45 foot trawl. Amount of Claim: \$489
CLAIM NO. 85-2803

Bruce Guerra, Jr., of St. Bernard, LA, while trawling on the vessel, "LADY CANDACE," in Oak River Bay, Lafourche Parish, encountered an unidentified submerged obstruction on October 9, 1985, at approximately 6 a.m., causing damage to vessel. Amount of Claim: \$1,588.74
CLAIM NO. 85-2827

Gary J. Treuil, of Metairie, LA, while trawling on the vessel "DAWN MIST," in Lake Borgne, at mouth of Rigolets, Orleans Parish, encountered parts of fender from train bridge on October 10, 1985, at approximately 8 a.m., causing loss of trawl. Amount of Claim: \$895
CLAIM NO. 85-2823

Manuel L. Campo, Sr., of St. Bernard, LA, while trawling on the vessel, "MISS DOT," in Breton Sound, St. Bernard Parish, encountered an unidentified submerged obstruction on September 28, 1985, at approximately 6 a.m., causing loss of 45 foot trawl. Amount of Claim: \$707.03
CLAIM NO. 85-2822

Manuel L. Campo, of St. Bernard, LA, while trawling on the vessel, "MISS DOT," in Breton Sound, about a mile and a half

off the north side of the Mississippi River Gulf outlet, St. Bernard Parish, encountered an unidentified submerged obstruction on October 7, 1985, at approximately 4:30 p.m., causing loss of 45 foot trawl, boards, and chain. Amount of Claim: \$1,895.96
CLAIM NO. 85-2780

Raymond Gilham, of Metairie, LA, while trawling on the vessel, Louisiana Registration No. LA 2201 AP, in Lake Pontchartrain, Jefferson Parish, encountered an unidentified submerged obstruction on September 30, 1985, at approximately 9 a.m., causing damage to net. Amount of Claim: \$280
CLAIM NO. 85-2685

Scott C. Pete, Jr., of New Orleans, LA, while trawling on the vessel, "HONKY CAT," in Terrebonne Bay, about 300 yards south of piling cluster by south end of Pt. Meshe, encountered an unidentified submerged obstruction on August 21, 1985, at approximately 9:30 a.m., causing loss of 50 foot trawl. Amount of Claim: \$642
CLAIM NO. 85-2752

Peter Gerica, of New Orleans, LA, while trawling on the vessel, "MISS LUCY," in Lake Borgne, one mile off shore from Violet, St. Bernard Parish, encountered an unidentified submerged obstruction on September 18, 1985, at approximately 10:30 a.m., causing loss of 55 foot trawl. Amount of Claim: \$500
CLAIM NO. 85-2683

Lonnie L. Assavedo, of St. Bernard, LA, while trawling on the vessel, "MITZI LYNNE," in Breton Sound, St. Bernard Parish, encountered an unidentified submerged obstruction on August 7, 1985, at approximately 11 a.m., causing loss of 50 foot trawl and tickler chain. Amount of Claim: \$757.10
CLAIM NO. 85-2665

Peter Gerica, of New Orleans, LA, while trawling on the vessel, "MISS LUCY," in Lake Pontchartrain, three miles off shore from Pontchartrain Beach, Orleans Parish, encountered an unidentified submerged obstruction on August 19, 1985, at approximately 6 a.m., causing loss of 50 foot trawl. Amount of Claim: \$400
CLAIM NO. 85-2604

Gene J. Alonzo, of Hopedale, LA, while trawling on the

vessel, "TAMMY GINA," in Eloi Bay, due north of Deadman Island, St. Bernard Parish, encountered an unidentified submerged obstruction on July 15, 1985, at approximately 12 p.m., causing loss of 50 foot trawl and tickler chain. Amount of Claim: \$703.91
CLAIM NO. 85-2584

Lonnie L. Assavedo, of St. Bernard, LA, while trawling on the vessel, "MITZI LYNNE," in Lake Borgne, two miles south southwest of Alligator Point, St. Bernard Parish, encountered an unidentified submerged obstruction on August 23, 1985, at approximately 1 a.m., causing loss of 50 foot trawl and damage to vessel. Amount of Claim: \$1,350.16

Any person may submit evidence or make objections in person at the hearings. Written comments can be mailed to: Administrator, Fishermen's Gear Compensation Fund, Box 94396, Capitol Station, Baton Rouge, Louisiana 70804, and must be postmarked no later than seven days after the hearing(s).

B. Jim Porter
Secretary

POTPOURRI
Department of Revenue and Taxation
Tax Commission

The Louisiana Tax Commission will hold a public hearing on April 15, 1986, at 10 a.m., at 923 Executive Park Avenue, Baton Rouge, LA.

The purpose of this hearing is to disclose and discuss the findings of ratio studies on residential property, for 1985, throughout the state. The commission will also conduct any further business that comes before it.

Jamar W. Adcock
Chairman

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