

CONTENTS

I. EXECUTIVE ORDERS

EWE 86-28 — Members to be appointed to Governor's Hispanic-American Affairs Commission	653
EWE 86-29 — Directs the promotion of an awareness campaign to maintain the state's natural beauty	653
EWE 86-30 — Members to be appointed to Governor's Commission on Black on Black Crime	653

II. EMERGENCY RULES

Governor's Office:	
Division of Administration—State Purchasing—Vendor subscription fee	654
Governor's Special Commission on Education Services—Application processing fee	654
Health and Human Resources Department:	
Board of Practical Nurse Examiners—Adjudication, license suspension and revocation proceedings	654
Office of Family Security—MAP - Eyeglass Program	656
MAP - Implements Medicaid coverage of disabled widows/widowers	657
Public Safety and Corrections Department:	
Board of Pardons—LAC 22:V.101 Applications	657
Transportation and Development Department:	
Office of Public Works—Engineering service fee schedule	658

III. RULES

Commerce Department:	
Office of Commerce and Industry—Corporate Headquarters Tax Equalization Program	659
Finance Division - Enterprise Zone Program	660
Industrial Tax Equalization Program	661
Industrial Tax Exemption Program	662
Industry Assistance Program	663
Local Economic Development Support Fund	664
Louisiana Capital Companies Tax Credit Program	664
Restoration Tax Abatement Program	665
Sales and Use Tax Exemption on Energy Conservation Property	666
Education Department:	
Board of Elementary and Secondary Education—Chapter I, ECIA repayment agreements	666
Electives to the Elementary Program of studies	667
NTE Educational Administration and Supervision Test	667
School Transportation Handbook	667
Vocational-technical school fee schedule	667
Vocational-technical school sabbatical leave policy	668
Environmental Quality Department:	
Office of Air Quality and Nuclear Energy—Air Quality Division - Fee schedule	668
Nuclear Energy Division - Fee schedule	674
Office of Solid and Hazardous Waste—Hazardous Waste Division - Fee schedule	676
Solid Waste Division - Fee schedule	676
Office of Water Resources—Fee schedule	677
Governor's Office:	
Division of Administration—Property Assistance Agency - LAC 34:VII.703, Agency inventory master file interface	677
Office of Women's Services—Minimum standards for family violence programs	677
Health and Human Resources Department:	
Board of Embalmers and Funeral Directors—LAC 46:XXXVII.2303, Penalty	677
Board of Nursing—LAC 46:XLVII.3703, Delegation of nursing functions	677
LAC 46:XLVII.3515, Faculty and faculty organization	678
Board of Practical Nurse Examiners—LAC 46:XLVII.905, Staffing	678
Office of Family Security—AFDC Program - Assistance to legally married or emancipated child	678
MAP - EPSDT reimbursement	678
MAP - Hospital program rate freeze	678
MAP - ICF-I, ICF-II and SNF rate freeze	679
MAP - Non-emergency medical transportation	679
MAP - Pharmacy Program dispensing fee	679
MAP - Reimbursement for clinical laboratory services	679
MAP - Third party liability provider mandate	679
MAP - Transportation provider, choice	680
MAP - Transportation provider, rates	680
Office of Management and Finance—LAC 84:I.12503, Section 1122, Expedited review criteria	680
Office of Preventive and Public Health Services—Vital records	681
Senior Citizens Trust Fund Board	685
Natural Resources Department:	
Office of Conservation—Adjudicatory hearings	686
Revenue and Taxation Department:	
Excise Taxes Section—Fuel tax	688

This public document was published at a total cost of \$5,120.00. 1,475 copies of this public document were published in this monthly printing at a cost of \$3,630.00. The total cost of all printings of this document including reprints is \$5,120.00. This document was published by Bourque Printing, Inc., 13112 South Choctaw Drive, Baton Rouge, LA 70815, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-970. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

Secretary of State:	
Office of the Secretary—Fees	689
Transportation and Development Department:	
Marine Operations—Tolls on statewide ferries	690
Office of Highways and The Mississippi River Bridge Authority—Tolls on Greater New Orleans Bridges No. 1 and No. 2	690
Board of Registration for Professional Engineers and Land Surveyors—LAC 46: LXI.1515, Re-examination; LAC 46:LXI.1701, Seal rules	692
Treasury Department:	
Board of Trustees of the State Employees Groups Benefits Program—Consolidated Omnibus Budget Reconciliation Act (COBRA)	692

IV. NOTICES OF INTENT

Agriculture and Forestry Department:	
Office of Management and Finance—Central Registry	693
Commerce Department:	
Racing Commission—Specific duties and responsibilities	693
Use of appliance to start	694
Real Estate Commission—Disbursement of escrow deposits	694
Culture, Recreation and Tourism Department:	
Office of State Parks—Commercial boats; reservation/rates; basis for assistance; facility projects	695
Fee changes	697
Education Department:	
Board of Elementary and Secondary Education—Bulletin 741 - Alternative schools/programs	697
Bulletin 741 - Prohibits teaching more than two subjects per class period	698
Bulletin 741 - State curriculum guides	698
Governor's Office:	
Division of Administration—Office of Risk Management - Structured settlement services	699
Office of State Planning - LCDBG Final Statement, FY 1986	699
State Purchasing - Vendor subscription fee	700
Governor's Office for Minority Business Enterprise - Designation of a minority set-aside bid; Criteria for procurement of goods and services	701
Governor's Special Commission on Education Services - Education Majors Program	702
Rockefeller Scholarship Program	704
Health and Human Resources Department:	
Board of Chiropractic Examiners—Disciplinary procedures; fees; general practice	705
Board of Dentistry—Listing as dental specialist; prohibits re-use of toothbrush; prescription records maintenance; informal disposition of complaints; administrative procedures	706
Board of Examiners of Psychologists—Disciplinary procedures	707
Board of Practical Nurse Examiners—Practical nursing education and licensure to practice in Louisiana	709
Office of Family Security—MAP - Case management services	709
Office of Human Development—Louisiana Commission for the Deaf	710
Office of Management and Finance—DPPE - Section 1122 - Expedited review changes	711
Office of Preventive and Public Health Services—Birth certificate copies issued by clerks of courts	712
Fluoridation Program	712
Sanitary Code—Grade A raw milk for pasteurization	713
Office of the Secretary—Anatomical gifts	713
Equal Delivery of Services	716
Natural Resources Department:	
Office of the Secretary—Coastal Resources Management	717
Public Safety and Corrections Department:	
Board of Pardons—LAC 22:V.101 Applications	721
Liquefied Petroleum Gas Commission—Use of fuel directly from cargo tanks	723
Revenue and Taxation Department:	
Excise Taxes Section—Hazardous waste disposal tax	723
Transportation and Development Department:	
Office of Highways—Flight Operations Manual - Aircraft use fee	726
Office of Public Works - Engineering service fee	727
Treasury Department:	
Board of Trustees of the State Employees Group Benefits Program—Dependent coverage termination date	727
Election procedures	728
Eligible expenses	729
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Dredging of fill materials and/or fill sand from Louisiana waters	730

V. LOUISIANA ADMINISTRATIVE CODE UPDATE

July 1986 through September 1986 LAC Changes	730
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VI. POTPOURRI

Health and Human Resources Department:	
Office of Family Security—AFDC Program - Legally married or emancipated child	731
Natural Resources Department:	
Fishermen's Gear Compensation Fund—Claims	731

Executive Orders

EXECUTIVE ORDER EWE 86-28

WHEREAS, Executive Order EWE 85-17 created the Governor's Hispanic-American Affairs Commission in an effort to coordinate the state's efforts relative to programs to assist our 208,000 citizens of Hispanic descent; and

WHEREAS, certain changes are needed in the structure of the commission so that it can fulfill its mission properly and efficiently; and

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

SECTION 1: The Governor's Hispanic-American Affairs Commission's 21 members shall serve at the pleasure of the governor.

SECTION 2: The governor's assistant for Hispanic-American Affairs or her designee shall serve as chairman.

SECTION 3: This executive order is effective September 2, 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 15th day of September, A.D., 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 86-29

WHEREAS, the Louisiana Litter Control and Recycling Commission, the Louisiana Tourist Development Commission, the Louisiana Hotel-Motel Association, the Louisiana Restaurant Association, the Louisiana Travel Promotion Association and the Women For a Better Louisiana are working together to promote the tourism industry in our state; and

WHEREAS, the tourism industry is vital to our state's economy by virtue of the large sum of money which is spent by visitors to Louisiana annually, and

WHEREAS, litter hampers the positive image that we are trying to promote and spoils the natural beauty with which Louisiana is blessed; and

WHEREAS, the tourism and travel industries will embark on a statewide public awareness campaign to encourage our citizens to help maintain our state's appearance; and

WHEREAS, it is fitting and proper that the government of Louisiana join in this effort;

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

SECTION 1: Each agency head shall take actions necessary to ensure that each state owned vehicle under his or her jurisdiction bears a "Please Don't Litter" bumpersticker.

SECTION 2: Each local governing authority is encouraged to join the state in this endeavor.

SECTION 3: Each citizen is urged to join in this campaign to preserve our state's image.

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 15th day of September, A.D., 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 86-30

WHEREAS, Executive Order EWE 86-24 created the Governor's Commission on Black on Black Crime as urged by House Concurrent Resolution 41 of 1986; and

WHEREAS, the commission was to be composed of 18 members, an even number which could pose potential problems in relation to procedural matters; and

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

SECTION 1: The Governor's Commission on Black on Black Crime shall be composed of 19 members appointed by the governor to serve at his pleasure as follows:

- a. two members from each congressional district
- b. two members from the state at large
- c. the governor's executive assistant for minority affairs

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 19th day of September, A.D., 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

Emergency Rules

DECLARATION OF EMERGENCY

Division of Administration State Purchasing

The Division of Administration, State Purchasing, is exercising the emergency provision of the Administrative Procedure Act R.S. 49:953B to implement a rule, effective October 21, 1986 for establishment and implementation of a schedule for a vendor subscription fee, to be in effect for a period of 120 days or until new rules are adopted in accordance with the Administrative Procedure Act, whichever occurs first.

An annual subscription of \$50/25 (\$25 for certified minority vendors) will be charged vendors to become eligible to bid to the state of Louisiana. The fee covers the fiscal year period July through June and will not be prorated. Any fee paid where there is less than three months prior to expiration of current fiscal year will be carried over and given full year credit.

This fee entitles the vendor to be on the bid list for one fiscal year, automatically receive all State Purchasing bid solicitations in selected commodity categories, receive a "How to Do Business With the State of Louisiana" book and includes registration fees for vendor seminars.

This emergency rule is necessary due to (1) timely putting the rule in place for the 1986-87 fiscal year, while the notice of intent is republished with the amendment to reduce the \$50 fee to certified minority vendors to \$25; (2) current budgetary constraints for which this fee will insure availability of funds to provide vendors with the necessary services throughout the fiscal year.

Stephanie Alexander
Commissioner

DECLARATION OF EMERGENCY

Office of the Governor Governor's Special Commission on Education Services

In accordance with Administrative Procedure Act (R.S. 49:953 (B)), the Governor's Special Commission on Education Services is requesting an emergency rule for implementation of an application processing fee of \$2.50 per application for the T. H. Harris Scholarship, Rockefeller Scholarship, State Student Incentive Grant, Carl D. Perkins Scholarship, Education Majors Program, and the Governors Scholars Program. This has been deemed an emergency situation because of the economic climate of the State of Louisiana, budget reductions realized in scholarship and grant programs already implemented by GSCES, and anticipate budget reductions for the newly funded programs.

Mona H. Durham
Director

DECLARATION OF EMERGENCY

Department of Health and Human Resources Board of Practical Nurse Examiners

In accordance with the emergency provisions of the Louisiana Administrative Procedure Act (R.S. 49:953, B) and under the authority of R.S. 37:969, A. (4) and 969, B. (4), the Louisiana State Board of Practical Nurse Examiners has adopted emergency additions to its existing rules as set forth below. This emergency action was necessitated to provide for immediate confidentiality to citizens of Louisiana who report violators and also to clarify due process for violators. This action will be effective October 27, 1986.

LAC Title 46

Part XLVII. Nurses

Chapter 3. Board of Practical Nurse Examiners

§ 307. Rules and adjudication and license suspension and revocation proceedings

A. All adjudication proceedings (as defined in Louisiana Revised Statutes, Title 49, Section 951) and license suspension and/or license revocation or probation proceedings conducted by the board shall be in accordance with the Administrative Procedure Act, Louisiana Revised Statutes, Title 49, Section 955 et seq.

B. All proceedings calling for the suspension, revocation, or probation of a license shall begin with the receipt by the board of allegation(s) pertaining to the violation(s) by a licensee of any provisions of R.S. 37:961 through 37:979.

C. Communications received by the board expressing such allegation(s) shall be privileged, confidential, and shall not be revealed to any person except when such document(s) are offered for evidence in a formal hearing. Such communications will be in writing and signed by the party making the allegation(s).

D. The allegation(s) shall be investigated by the executive director, his/her designee, and/or staff. Any information and/or documents generated pursuant to such investigation of the allegation(s) shall be considered the work product of the board and shall be privileged, confidential, and shall not be revealed to any person except when such investigative information and/or documents are offered for evidence in a formal hearing.

E. The allegation(s) against a licensee may be concluded in an informal proceeding without formal hearing if the executive director does not deem the allegation(s) to be sufficiently serious. The informal resolution of the allegation(s) may be done by correspondence between the executive director and a licensee; by conference of the executive director and a licensee; or by consent order between the board and a licensee.

F. If such allegation(s) are concluded by this informal procedure, any result and/or recommendations shall be submitted by the executive director to the Board for approval.

G. If a matter is not concluded by informal proceedings and a formal hearing is deemed necessary by the executive director, a formal hearing shall be scheduled before a hearing officer designated by the board. A decision to initiate a formal complaint by the board expressing the allegation(s) and specific violation(s) of R.S. 37:961 through 979 may be made if one or more of the following conditions exist:

1. the allegation(s) are sufficiently serious;
2. The licensee fails to respond to the board's correspondence concerning the allegation(s);
3. the licensee's response to the board's correspondence is insufficient, unsatisfactory, or fails to be convincing that no action is warranted;
4. an informal proceeding has failed to resolve all of the issues or allegation(s).

H. Formal hearing procedures shall commence with the filing of a formal complaint by the board indicating the specific allegation(s) and violation(s) of one or more of the provisions under R.S. 37:961 through 37:979.

I. A notice of formal complaint shall be sent by certified mail to the last known address of the accused licensee. If the mailing is not returned to the board, it is assumed to have been received by said licensee as it is the licensee's obligation and duty to keep the board informed of his/her whereabouts.

J. The licensee shall return his/her response to the complaint to the board within 10 days or shall be deemed to have waived his/her right to a hearing. In response, the licensee shall either deny or admit the allegations of the complaint and shall either request a hearing before the hearing officer or waive his/her right to said hearing.

K. If the licensee waives his/her right to a hearing or does not respond in writing within the time allotted, the hearing officer shall decide the case forthwith. The hearing officer shall make specific findings of fact, conclusions of law, and make recommendations to the board.

L. If a licensee requests a formal hearing before the hearing officer, the executive director or his/her designee shall schedule such hearing and notify the licensee of the place, date and time fixed for the formal hearing by certified mail at least 10 days prior to said hearing.

M. Except for conditions of extreme emergency, motions requesting the continuance of a formal hearing must be received by the board at least five days prior to the date fixed for a formal hearing. Such motion must express the specific reason(s) and show good cause why a continuance is warranted and be relevant for due process.

N. Discovery

1. Prior to a formal hearing an accused licensee shall have the right to retain an attorney to represent his/her interest before, during, and after the proceedings. All costs and/or expenses incurred by a licensee as a result of his/her exercise of said right, shall be the sole responsibility and obligation of the licensee.

2. Prior to a formal hearing, the executive director or his/her designee will, upon written request received by the board at least five days prior to the formal hearing, issue subpoenas on behalf of the board and/or the accused licensee. Such subpoenas include or are for the purpose of:

a. requiring that a person appear and give testimony in the formal hearing; and

b. subpoena *duces tecum*, requiring that a person produce books, records, correspondence, or other materials over which he/she has control providing:

i. the information requested is reasonable in terms of amount; and

ii. the scope of the information requested is limited to documentary material that is relevant to the proceeding;

iii. the information requested does not include those documents referred to in Section 307(C) and 307(D); and

iv. the requesting party deposits with the board a sum of money sufficient to pay all fees and expenses to which a witness in the proceedings is entitled pursuant to R.S.-13:3661 and R.S.-13:3671.

3. Prior to a formal hearing, an accused licensee shall, upon written notice received by the board at least five days prior to said hearing, be given a list of all witnesses the board will or may call to give testimony during a formal hearing.

4. Prior to a formal hearing an accused licensee, his/her attorney, or any party representing his/her interest is prohibited from having any contact whatsoever with any witness which will or may be called to give testimony in a formal hearing.

5. Depositions for the purpose of discovery are not permissible and may only be allowed for the perpetuation of a witness' testimony upon good showing to the board that a witness will be unavailable to appear in person at a formal hearing. All costs of a deposition are borne by the requesting party.

6. Motions may be made before, during, and/or after a formal hearing. All motions made before and after a formal hearing shall be made in writing and in a timely manner in accordance with the nature of the request. Motions made during a formal hearing shall be made orally, as they become a part of the transcript of the proceeding.

O. During a formal hearing, the licensee or his/her attorney shall be afforded the opportunity to present documentary, visual, physical or illustrative evidence and cross-examine witnesses as well as call witnesses to give oral testimony on behalf of the licensee. All testimony given during a formal hearing shall be under oath and before a certified stenographer.

P. The record of the proceeding shall be retained until such time for any appeal has expired or until an appeal has been concluded. The record of the proceeding shall not be transcribed until such time as a party to the proceeding so requests, and the requesting party pays for the cost of the transcript.

Q. After the hearing is concluded, the hearing officer shall issue a report containing his/her findings of fact, conclusions of law and recommendations. This report shall be presented to the board.

R. The board shall make a decision based on the hearing officer's report and determine what sanctions, if any, should be imposed and issue an appropriate order with respect thereto. This order of the board shall be sent to the licensee by certified mail.

S. Sanctions imposed by the board may include reprimand, probation, suspension, revocation, as well as penalties provided under R.S. 37:961 et seq., as amended by Act 1075, of the 1986 Regular Session, or any combination thereof.

1. Reprimand - May include a personal conference between the licensee and the executive director and/or a letter to the licensee regarding the incident or incidents which have been brought to the board's attention and which may or may not be determined to warrant a hearing.

2. Probation - Will include stipulations which may be imposed by the board as a result of the findings of facts of a hearing and the order shall clarify the obligations of the licensee through a specified period of time. A licensee who is placed on probation by the board may practice practical nursing in the state of Louisiana provided the probation terms are met.

3. Suspension - A license to practice practical nursing in the state of Louisiana may be withheld by the board as a result of the findings of facts presented in a hearing. The time of suspension may be a definite stated period or an indefinite term. A licensee whose license is suspended may not practice practical nursing in the state of Louisiana during the suspension period so designated.

a. Definite time of suspension shall be stipulated by the board in the order to the licensee. Upon termination of the time period the licensee shall be entitled to receive his/her license upon payment of the required fee and upon documented compliance with the conditions which may have been imposed by the board at the time of the original order.

b. If a license is suspended for an indefinite term, the licensee may petition for reinstatement of his/her license only after one calendar year has lapsed from the date of the original order. The board may terminate the suspension and reinstate such license after a hearing is held and the board determines that the cause/causes for the suspension no longer exist or that intervening circumstances have altered the condition leading to the

suspension. If reinstatement is granted the licensee shall pay the required reinstatement fee.

4. Revocation - A license to practice practical nursing in the state of Louisiana may be withdrawn by the board. A person whose license is so revoked shall never again be allowed to practice practical nursing in the state.

T. A petition by a party for reconsideration or rehearing must be in proper form and filed within 30 days after notification of the board's decision. The petition shall set forth the grounds for the rehearing, which include one or more of the following:

1. the board's decision is clearly contrary to the law and the evidence;

2. there is newly discovered evidence, which was not available to the board or the licensee at the time of the hearing and which may be sufficient to reverse the board's action;

3. there is a showing that issues not previously considered ought to be examined in order to dispose of the case properly;

4. it would be in the public interest to further consider the issues and the evidence.

U. The grounds for disciplinary proceedings against a licensed practical nurse include, but are not limited to:

1. guilty of fraud or deceit in procuring or attempting to procure a license to practice practical nursing;

2. is guilty of a crime;

3. is unfit, or incompetent by reason of negligence, habit or other causes;

4. is habitually intemperate or is addicted to the use of habit-forming drugs;

5. is mentally incompetent; or

6. is guilty of unprofessional conduct; unprofessional conduct includes, but is not limited to the following:

a. failure to practice practical nursing in accordance with the standards normally expected;

b. failure to utilize appropriate judgement in administering nursing practice;

c. failure to exercise technical competence in carrying out nursing care;

d. violating the confidentiality of information or knowledge concerning a patient;

e. performing procedures beyond the authorized scope of practical nursing;

f. performing duties and assuming responsibilities within the scope of the definition of practical nursing when competency has not been achieved or maintained, or where competency has not been achieved or maintained in a particular specialty;

g. improper use of drugs, medical supplies, or patients' records.

h. misappropriating personal items of an individual or the agency;

i. falsifying records;

j. intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;

k. delegating nursing care, functions, tasks, or responsibilities to others contrary to regulation;

l. leaving a nursing assignment without properly notifying appropriate personnel;

m. failing to report, through the proper channels, facts known regarding the incompetent, unethical, or legal practice of any health care provider;

n. has violated any provisions of this Part (L.R.S.-37:961 through 979 as amended 1986) or aid or abet therein.

Interested persons may direct inquiries to the Louisiana State Board of Practical Nurse Examiners, Tidewater Place, 1440 Canal Street, Suite 2010, New Orleans, LA., 70112,

(504) 568-6480. Written comments will be received through December 31, 1986.

Terry L. DeMarcay
Executive Director

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953 B to adopt the following rule in the Medical Assistance Program.

Summary

Currently, the Durable Medical Equipment Program provides eyeglasses to adult categorically and medically needy Medicaid recipients in Louisiana who have had cataract surgery. As a result of a lawsuit, *Ledet vs. Fischer*, the U.S. District Court has found that Louisiana has an optional eyeglass program which is not sufficient in scope under 42 CFR 440.230(d). The court's findings of fact conclude that Louisiana has an optional eyeglass program which may be continued at the state's option. Until this optional program is eliminated, the state must expand current services to provide eyeglasses in accordance with federal regulations. Under the above cited regulation, the Medical Assistance Program must provide eyeglass program services to categorically and medically needy recipients sufficient in amount, duration, and scope to reasonably achieve the purpose of the eyeglass program. The court has determined that the purpose of the eyeglass program is to aid or improve vision. This emergency rule is necessary to implement the U.S. District Courts judgment which requires the Medical Assistance Program to provide eyeglass program services to adult categorically and medically needy Medicaid recipients in Louisiana who have vision impairments and meet the need requirement to aid or improve their vision, but who have not had cataract surgery.

This emergency rule establishes the requirements and limitations for eyeglass program services required under the *Ledet vs. Fischer* judgment.

Emergency Rulemaking

Eyeglass Program Services

The eyeglass program shall provide eyeglasses to eligible categorically and medically needy Title XIX recipients over age 21 who have vision impairments of 20/80 or worse.

This service will be reimbursed when provided to eligible recipients who have:

(1) been examined by a physician or specialist trained in diagnosis and treatment of diseases and refractory problems associated with the eye;

(2) been diagnosed as having a vision impairment of 20/80 or worse which can be corrected with eyeglasses;

(3) been given a prescription for corrective eyeglasses;

(4) submitted such prescriptions to the Office of Family Security, Medical Assistance Program for medical review of necessity; and

(5) received written authorization from the Medical Assistance Program for eyeglasses.

Reimbursement for eyeglasses will only be made for those recipients who are examined by an enrolled Title XIX provider

and submit a prescription for eyeglasses to the Office of Family Security for medical review and approval. Eyeglasses shall be provided by enrolled Title XIX providers at their usual and customary charge to the general public not to exceed \$150 per pair of eyeglasses. Recipients shall be limited to receipt of one pair of eyeglasses per year per eligible recipient.

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953 B to adopt the following rule in the Medical Assistance Program.

Summary

Prior to January of 1984, disabled widows/widowers between the ages of 50 and 59 received less Social Security benefits than older disabled widows/widowers because of an actuarial formula required by federal Law in determining their benefit amount. In January of 1984 this reduction factor was eliminated by law resulting in increased benefit amounts. For some widows and widowers who had also been receiving Supplemental Security Income (SSI) benefits, this increase combined with Cost of Living Adjustments (COLA's) was enough to raise their incomes above the SSI benefit rate, thus causing the loss of SSI and with it the loss of eligibility for Medicaid as categorically needy individuals. The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) (P.L. 99-272, Section 12202) amended Section 1634 of the Social Security Act, restoring categorically needy Medicaid eligibility for those individuals who apply within a prescribed period. Eligibility for categorical Medicaid under Section 12202 of COBRA is effective no earlier than July 1, 1986. Individuals who may be eligible for categorical Medicaid must file a written application for Medicaid under this section before July 1, 1987. If an individual does not file a written application before that date, he or she cannot be eligible for Medicaid under this law.

The Health Care Financing Administration has provided Louisiana with a computer tape prepared by the Social Security Administration (SSA) listing the individuals in Louisiana who may be eligible for Medicaid under the COBRA provisions. The Medical Assistance Program is currently completing the necessary computer programming and preparing notices to be mailed to each identified individual.

The Office of Family Security is declaring an emergency rule in the Medical Assistance Program to implement Medicaid coverage of disabled widows and widowers as mandated Section 12202 of P.L. 99-272.

Emergency Rulemaking

Effective July 1, 1986, Medicaid benefits under categorically needy shall be available to any disabled widow or widower who for any month is entitled to a widow's or widower's benefit under Section 202(e) or (f) of the Social Security Act, but is not

eligible for SSI benefits, if he or she:

1. was entitled to a monthly insurance benefit under title II of the Social Security Act for December 1983;

2. was entitled to and received a widow's or widower's benefit based on a disability under Section 202(e) or (f) of the Social Security Act for January 1984;

3. because of the increase in the amount of his or her widow's or widower's benefit which resulted from the elimination of the reduction factor for disabled widows and widowers entitled before age 60 became ineligible for SSI/SSP in the first month in which that increase was paid to him or her (and in which a retroactive payment of that increase for prior months was not made);

4. has been continuously entitled to a widow's or widower's benefit under Section 202(e) or (f) of the Act from the first month that increase in his or her widow's or widower's benefit was received; and

5. would be eligible for SSI/SSP benefits if the amount of that increase, and any subsequent cost-of-living adjustments in the widow's or widower's benefits provided under Section 215(i) of the Act, were disregarded.

Individuals who may be eligible for categorical Medicaid under this rule must file a written application for Medicaid under this section before July 1, 1987. If an individual does not file a written application before that date, he or she cannot be eligible for Medicaid under this section. Eligibility for categorical Medicaid under this rule is effective no earlier than July 1, 1986.

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

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections Board of Pardons

Pursuant to the emergency provisions of the Administrative Procedure Act, R.S. 49:953B and pursuant to Act 490, which has become R.S. 15:572 et. seq., and in compliance with the mandate established by Section 572.4 thereof, which provides, in part, that the Pardon Board shall: "Adopt written rules, regulations and procedures for consideration of clemency applications by January 1, 1980, . . . to be adopted in accordance with the procedures of R.S. 49:953(A)(1) and (2) . . .", the following rules, having been adopted by the Louisiana Board of Pardons on October 8, 1979, will govern the processing of applications for pardon, commutation of sentence, or restoration of citizenship. It is specifically provided that rules previously adopted and adhered to, unless included herein, are void.

Chapter 1. Applications

§ 101. Filing Procedure

A. To constitute a complete application for pardon, commutation of sentence or restoration of citizenship, an application must comply with two basic requirements:

1. Submit a petition setting forth the name of applicant, date of birth, offense, parish where tried, judicial district, sentence and date, length of time served, reason for requesting clemency, and relief desired. The petition shall be signed and dated and shall contain a prison address (if applicant is incarcerated) and a home address. There is no requirement that the petition be in any particular form or length, so long as it is legible and contains the items mentioned. In the case of a request for pardon or restoration of citizenship, all previous convictions for

which applicant was not pardoned must be listed.

2. Before considering the application for pardon or commutation of sentence, notice of intent to apply to the board for pardon or commutation of sentence shall be published on three separate days within a 30-day period of time, without cost to the state, in the official journal of the governing authority of the parish where the offense occurred for which the person was convicted. For the purpose of compliance with this rule, the board will accept an application received within one year of the date of the appearance of the advertisements. The applicant shall provide the board with proof of publication as evidenced by a certificate furnished by said newspaper.

§ 103. Hearing Dates

A. The board's regular meeting days are Mondays, Tuesdays, and Wednesdays. It shall also meet at such other times as the chairman may determine necessary for the purpose of reviewing and taking action upon applications pending before it and to transact such other business as it deems necessary.

§ 105. Notice of Hearings

A. Before considering the application for pardon or commutation of sentence for any person, the board shall give written notice of the date and time at which the application will be heard and considered, at least 30 days prior to the hearing to the following:

1. the district attorney and sheriff of the parish in which the applicant was convicted;
2. the applicant;
3. the victim who has been physically or psychologically injured by the applicant, and the victim's spouse or next of kin, unless the injured victim or his spouse or next of kin advises the board, in writing, that such notification is not desired;
4. the spouse or next of kin of a deceased victim when the offender responsible for the death is the applicant, unless the spouse or next of kin advises the board, in writing, that such notification is not desired;
5. any other interested persons.

B. The district attorney, injured victim, spouse or next of kin, and any other persons who desire to do so shall be given a reasonable opportunity to attend the meeting and be heard.

§ 107. Discretionary Powers of the Board

A. An application may be considered by the board any time after it is received, but no application will be considered by the board until it deems the application to be complete.

B. In determining which cases are ready to be heard, the board may, in its discretion, refuse to grant a hearing of an applicant who has not served one-fifth of his sentence. In cases of life sentences and sentences of forty-five years or longer, the applications may be heard at the discretion of the board. Additionally, the board may refuse a hearing to an applicant because of his past criminal record or his poor conduct while incarcerated. However, if good cause is shown, nothing in this article shall prevent the board from hearing the types of cases mentioned hereinabove. In any matters not specifically covered by these rules, the board shall have discretionary powers to act.

§ 109. Employment and Residence Agreements

A. To demonstrate good faith, an applicant should provide the board with both an employment and a residence agreement. However, neither an employment nor a residence agreement is required, but both are encouraged. The agreements shall inform the board of the applicant's plans for the present and/or future.

§ 111. Denials

A. The board, upon denying an application, shall, within 21 working days, inform the applicant of the denial. No new application will be accepted until one year has elapsed from the date of denial.

Lawrence Hand, Sr.
Vice Chairman

DECLARATION OF EMERGENCY

Department of Transportation and Development Office of Public Works

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:953B, notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the following fee schedule, effective October 20, 1986, that will apply to the engineering services it provides to drainage or subdrainage district, gravity drainage, or gravity subdrainage district, levee board or any political subdivision, other than state or federally funded projects, all in accordance with the provisions of R.S. 38:6 as amended by Act 110 of 1986.

ENGINEERING SERVICE FEE SCHEDULE INITIATING FEE

An initiating fee of \$2,000 shall be sent to the department with any request for an engineering study from any drainage or subdrainage district, any gravity drainage or gravity subdrainage district, or any levee board or any political subdivision.

ENGINEERING STUDY FEE

On completion of the study, the requesting agency will be charged an engineering study fee of 2 percent of the estimated project cost or a minimum of \$2,000 less the original \$2,000 initiating fee. On projects that are found to be not feasible and no recommendation of a construction project is made, the \$2,000 initiating fee will be returned.

PROJECT DESIGN FEE

In addition to the engineering study fee, the requesting agency will be charged a project design fee of 4 percent of the estimated project cost that is payable at the time the project design is requested.

CONSTRUCTION FEE

The requesting agency will be charged a construction fee of 2 percent of the construction cost that is payable at the time successful bids on the project are accepted.

In the event a project is state or federally funded within three years from the date of recommendation, the initiating fee and the engineering study fee will be returned and there will be no project construction fee.

Specifically excluded from the engineering service fee are the following:

1. statewide flood control projects;
2. soil conservation service projects;
3. routine engineering and surveying assistance provided to drainage or subdrainage district, any gravity drainage or gravity subdrainage district, or any levee board or any political subdivision, etc. not associated with a project undertaken by the affected agency;
4. any engineering study or project design begun prior to enactment of this fee.

All interested persons, so desiring, shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this rule to: Eugene P. Waquespack, Chief Maintenance and Operations Engineer, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245.

Robert G. Graves
Secretary

Rules

RULE

Department of Commerce Office of Commerce and Industry

New Corporate Headquarters Tax Equalization Program R.S. 47:3201-3206

The Finance Division of the Office of Commerce and Industry adopts the following rules for administering the New Corporate Headquarters Tax Equalization Program and include implementation of the fee schedule authorized by Act 684 of the 1986 Legislative Session.

Rule 1. Use of Louisiana Contractors, Labor and Suppliers

The Board of Commerce and Industry requires manufacturers and their contractors to give preference and priority to Louisiana manufacturers and, in the absence of Louisiana manufacturers, to Louisiana suppliers, contractors, and labor, except where not reasonably possible to do so without added expense or substantial inconvenience or sacrifice in operational efficiency. In considering applications for tax exemption, special attention will be given to those applicants agreeing to use, purchase and contract for machinery, supplies, and equipment manufactured in Louisiana, or in the absence of Louisiana manufacturers, sold by Louisiana residents, and the use of Louisiana contractors and labor in the construction and operation of proposed tax exempt facilities. It is a legal and moral obligation of the manufacturers receiving exemptions to favor Louisiana manufacturers, suppliers, contractors, and labor, all other factors being equal.

Rule 2. Application Process

(a) Not later than 90 days prior to the formal relocation announcement, an "Advance Notification" of intent to file for the New Corporate Headquarters Tax Equalization Program must be filed with the Department of Commerce, Office of Commerce and Industry. An advance notification fee of \$100 shall be submitted with the prescribed advance notification form.

(b) Within 31 days after the formal relocation announcement, the Office of Commerce and Industry will review the advance notification. If it appears the applicant qualifies for tax equalization, the Office of Commerce and Industry will furnish application forms to the applicant. The applicant must file the application with the Office of Commerce and Industry, Box 94185, Baton Rouge, LA 70804-9185 within 90 days after receipt of the forms.

(c) An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

(d) The Board of Commerce and Industry shall review any recommendations for exemptions made by the Office of Commerce and Industry. The board shall take the number of jobs to be created into consideration in making its recommendation to the Board of Tax Appeals. All Commerce and Industry Board action on applications will be made at regularly scheduled meetings. If the Board of Commerce and Industry concurs in the recommendation it shall forward the recommendation together with all supporting documents to the Board of Tax Appeals.

(e) Upon receipt of any such recommendation the Board of Tax Appeals shall notify the Department of Revenue of said recommendation and shall make available to the Department of Revenue the application and all supporting documents.

(f) The Department of Revenue and Taxation shall, within 10 days after receipt of the notice, file in writing with the Board of Tax Appeals any objections it has to granting the exemption.

(g) The Board of Commerce and Industry, after review by the Board of Tax Appeals and with the approval of the governor, may enter into a contract with the new corporate establishment.

Rule 3. Eligibility

To be eligible for consideration under this program, the corporate headquarters must be new to the state or have the written approval of its competitors in order to apply for consideration for this program. The Standard Industrial Classification codes will be used to determine the competitive companies.

A new corporate headquarters establishment at the time it is locating in Louisiana, must either be located in another state or be contemplating locating in another state which has equivalent or comparable advantages as exist at the particular area in Louisiana at which such establishment is locating.

The state in which establishment is located or is contemplating locating must have a state, parish (county) and local taxing structure which offers a greater franchise tax advantage to such establishment than does the taxing structure of Louisiana.

Rule 4. Certification of Sites

The chief financial officer of the applicant company requesting tax equalization under this program must certify in writing the total estimated site costs for each site under consideration.

Rule 5. Certification of State Taxes

A certified estimate of the state franchise taxes, and the method of computation, covering the first five years of operations must be filed for each site under construction.

Rule 6. Method of Computation

Louisiana Corporate Franchise taxes shall be computed for a period of five years and compared to the total taxes for the similar period for the competing sites. If the Louisiana site is at a tax disadvantage, then the Louisiana taxes will be adjusted to

eliminate this difference in the shortest practical time.

Rule 7. Contract Period

Maximum length of time for a given contract is five years. However, one additional five-year contract can be negotiated for a total of 10 years.

Rule 8. Affidavit of Final Cost

Within six months after construction has been completed, the owner of the new corporate headquarters establishment shall file on the prescribed form an affidavit of final cost showing complete cost of the project, together with a fee of \$100 for an inspection which will be conducted by the Office of Commerce and Industry.

Rule 9. Contract Renewals

Not more than one year prior to the expiration of a contract and not less than six months prior to the expiration, a company wishing an additional five-year contract period shall file with the Board of Commerce and Industry the information required in Rules 3 and 4 regarding certification of taxes. A \$100 filing fee must accompany the required information.

Rule 10. Violation of Contract

The Board of Commerce and Industry or its designated representative shall verify all items filed by the applicant company. On the board's initiative, or whenever any written complaint or violation of terms of the contract is received, the board shall cause to be made a full investigation on its behalf. If the investigation substantiates a violation, the board may formally request of the Louisiana Tax Commission termination of the contract.

Robert Paul Adams
Director

RULE

**Department of Commerce
Office of Commerce and Industry
Finance Division**

Enterprise Zone Program
R.S. 51:1781-1790

The Department of Commerce, Office of Commerce and Industry Finance Division, in accordance with the Administrative Procedure Act (R.S. 40:950 et seq.), has adopted amendments to the rules for the Enterprise Zone Program to include implementation of the fee schedule authorized by Act 684 of the 1986 Legislative Session.

Rules 1-8. No change.

Rule 9. Filing of Applications

(a) A notification of intent shall be filed at least 90 days prior to the beginning of construction. An advance notification fee of \$100 shall be submitted with the prescribed advance notification form.

(b) Application for tax exemption must be filed with the Office of Commerce and Industry, Box 94185, Baton Rouge, Louisiana, 70804-9185 on the form prescribed within a minimum of six months after the beginning of construction and/or not later than three months before completion of construction or the beginning of operations, whichever occurs first.

The phrase "beginning of construction" shall mean the first day on which foundations are started, or, where foundations are unnecessary, the first day on which installation of the facility begins.

(c) An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

(d) Within six months after construction has been completed, the owner of the establishment shall file on the prescribed form an affidavit of final cost showing complete cost of the project, together with a fee of \$100 for the plant inspection which will be conducted by the Office of Commerce and Industry.

Upon request by the Office of Commerce and Industry, a map showing the location of all facilities exempted in the project will be submitted in order that the exempted property may be clearly identifiable.

(e) The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

(f) Applications must be submitted to the Office of Commerce and Industry at least 60 days prior to the Board of Commerce and Industry meeting where it will be heard.

(g) The business applicant proposing a project with a construction period greater than two years must file a separate application for each construction phase. The business applicant must comply with Rule 18 requiring the creation of new permanent jobs on each application he files on the project. An application fee shall be submitted with each application filed based on the fee schedule in (c) above.

(h) The Office of Commerce and Industry is authorized to grant a six month extension for filing of the tax exemption application. The Board of Commerce and Industry must approve further extensions. The request for extension must be in writing and must state why the extension is required.

Rules 10-15. Unchanged

Rule 16. Affidavits Certifying Eligibility Filed Annually

On January 15 of each year subsequent to the commencement of operations of the new business or expansion, the business will file an affidavit, on the form prescribed, certifying that the business still qualifies under Rule 4 or 5. If the affidavit shows the business no longer qualifies under Rule 4 or 5, the Board of Commerce and Industry shall cancel the contract and no further exemptions will be granted. The Department of Commerce will notify the Department of Revenue and Taxation within 30 days after revocation of a contract.

Rules 17-20. Unchanged

Rule 21. Delete - Deals with areawide review board/clearinghouse of alternative designations

Rule 22. Alternative Designation of Enterprise Zone (Becomes Rule 21)

The alternative designation of an enterprise zone will be on a one time basis only, unless there are extenuating circumstances which must have prior approval of the Board of Commerce and Industry. A local governing authority shall be limited to 10 percent of the total number of originally qualified enumeration districts to be exchanged unless there are extenuating circumstances which must have prior approval of the Board of Commerce and Industry. A local governing authority requesting

an alternative designation must provide valid reasons for requesting the exchange.

In order for an applicant to meet the requirements of Rule 4, those employees who live in an enterprise zone which was deleted by virtue of alternative designation shall qualify for the 35 percent residency requirement.
Rules 23-25. Becomes Rules 22-24.

Robert Paul Adams
Director

RULE

Department of Commerce Office of Commerce and Industry

Industrial Tax Equalization Program
R.S. 473201-3206

The Department of Commerce, Office of Commerce and Industry Finance Division, in accordance with the Administrative Procedure Act (R.S. 40:950, et seq.), has adopted rules for the administration of the Industrial Tax Equalization Program and include implementation of the fee schedule authorized by Act 684 of the 1986 Legislative Session.

Rule 1. Use of Louisiana Contractors, Labor and Suppliers

The Board of Commerce and Industry requires manufacturers and their contractors to give preference and priority to Louisiana manufacturers and, in the absence of Louisiana manufacturers, to Louisiana suppliers, contractors, and labor, except where not reasonably possible to do so without added expense or substantial inconvenience or sacrifice in operational efficiency. In considering applications for tax exemption, special attention will be given to those applicants agreeing to use, purchase and contract for machinery, supplies, and equipment manufactured in Louisiana, or in the absence of Louisiana manufacturers, sold by Louisiana residents, and the use of Louisiana contractors and labor in the construction and operation of proposed tax exempt facilities. It is a legal and moral obligation of the manufacturers receiving exemptions to favor Louisiana manufacturers, suppliers, contractors, and labor, all other factors being equal.

Rule 2. Application Process

(a) Not later than 90 days prior to the formal plant announcement, an "Advance Notification" of intent to file for Industrial Tax Equalization must be filed with the Department of Commerce, Office of Commerce and Industry. An advance notification fee of \$100 shall be submitted with the prescribed advance notification form.

(b) Within 31 days after the formal plant announcement, the Office of Commerce and Industry will review the advance notification. If it appears the applicant qualifies for industrial tax equalization, the Office of Commerce and Industry will furnish application forms to the applicant. The applicant must file the application with the Office of Commerce and Industry, Box 94185, Baton Rouge, LA 70804-9195 within 90 days after receipt of the forms.

(c) An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

(d) The Board of Commerce and Industry shall review any recommendations for exemptions made by the Office of Commerce and Industry. The board shall take the number of jobs to be created into consideration in making its recommendation to the Board of Tax Appeals. All Commerce and Industry Board action on applications will be made at regularly scheduled meetings. If the Board of Commerce and Industry concurs in the recommendation it shall forward the recommendation together with all supporting documents to the Board of Tax Appeals.

(e) Upon receipt of any such recommendation the Board of Tax Appeals shall notify the Department of Revenue of said recommendation and shall make available to the Department of Revenue the application and all supporting documents.

(f) The Department of Revenue and Taxation shall, within 10 days after receipt of the notice, file in writing with the Board of Tax Appeals any objections it has to granting the exemption.

(g) The Board of Commerce and Industry, after review by the Board of Tax Appeals and with the approval of the governor, may enter into a contract with the new manufacturing establishment.

Rule 3. Eligibility

To be eligible for consideration under this program, the manufacturing operation must be new to the state or have the written approval of its competitors in order to apply for consideration for this program. The Standard Industrial Classification codes will be used to determine the competitive industries.

A new manufacturing establishment at the time it is locating in Louisiana, must either be located in another state or be contemplating locating in another state which has equivalent or comparable advantages as exist at the particular area in Louisiana at which such establishment is locating.

The state in which establishment is located or is contemplating locating must have a state, parish (county) and local taxing structure which offers a greater tax advantage to such establishment than does the taxing structure of Louisiana.

Rule 4. Certification of Sites

The chief financial officer of the applicant company requesting Tax Equalization under this program must certify in writing the following estimated costs for each site under consideration:

- (a) Plant Construction Cost
- (b) Annual Labor Cost
- (c) Annual Raw Materials Cost
- (d) Annual Transportation Cost
- (e) Annual Power Cost
- (f) Site Cost

Rule 5. Certification of State Taxes

A certified estimate of the following state taxes, and the method of computation, covering the first five years of operations (including construction period) must be filed for each site under consideration:

- (a) State Sales/Use Tax
- (b) State Corporate Income Tax
- (c) State Corporate Franchise Tax
- (d) State Ad Valorem Property Tax (if any)
- (e) State Inventory Tax (if any)

Additional applicable state taxes must be included and comparable information is to be listed for all proposed sites.

Rule 6. Certification of Local Taxes

A certified estimate of the following local taxes covering the first five years of operations (including construction period) must be filed for each site under consideration:

- (a) Local Sales/Use Tax
- (b) Local Ad Valorem Property Tax
- (c) Local Inventory Tax

Additional applicable local taxes must be included and comparable information is to be listed for all proposed sites.

Rule 7. Method of Computation

Total Louisiana taxes (state and local) shall be computed for a period of five years (including construction period) and compared to the total taxes for the similar period for the competing sites. If the Louisiana site is at a total tax disadvantage, then the appropriate Louisiana taxes will be adjusted to eliminate this difference in the shortest practical time.

Rule 8. Contract Period

Maximum length of time for a given contract is five years (including construction period). However, one additional five-year contract can be negotiated for a total of 10 years.

Rule 9. Affidavit of Final Cost

Within six months after construction has been completed, the owner of the new manufacturing establishment shall file on the prescribed form an affidavit of final cost showing complete cost of the project, together with a fee of \$100 for the plant inspection which will be conducted by the Office of Commerce and Industry.

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

Rule 10. Affidavit of Final Cost

Within six months after construction has been completed, an "affidavit of final cost" showing complete cost of the exempted project shall be filed on the prescribed form together with a fee of \$100 for the inspection which will be conducted by the Office of Commerce and Industry.

Rule 11. Violation of Contract

The Board of Commerce and Industry or its designated representative shall verify all items filed by the applicant company. On the board's initiative, or whenever any written complaint or violation of terms of the contract is received, the board shall cause to be made a full investigation on its behalf. If the investigation substantiates a violation, the board may formally request of the Louisiana Tax Commission termination of the contract.

Robert Paul Adams
Director

RULE

**Department of Commerce
Office of Commerce and Industry**

Industrial Tax Exemption Program
Article VII, Part II Section 21F of the
Louisiana Constitution of 1974

The Department of Commerce, Office of Commerce and Industry Finance Division, in accordance with the Administrative Procedure Act (R.S. 40:950, et seq.), has adopted amendments to the rules for the Industrial Tax Exemption Program to include implementation of the fee schedule authorized by Act 684 of the 1986 Legislative Session.

Note: Rule 2 applies to all applications other than those covered in Rule 3.

Rule 2. Time Limits for Filing of Applications

(a) An advance notification of intent to apply for tax exemption must be filed with the Office of Commerce and Industry on the prescribed form at least 90 days prior to the beginning of construction or installation of facilities. An advance notification fee of \$100 shall be submitted with the form.

(b) Application for tax exemption must be filed with the Office of Commerce and Industry on the form prescribed within a minimum of six months after the beginning of construction and/or not later than three months before completion of construction or the beginning of operations, whichever occurs first. An application fee shall be submitted with the application based on the following range of taxes to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

(c) The phrase "beginning of construction" shall mean the first day on which foundations are started, or, where foundations are unnecessary, the first day on which installation of the facility begins.

A cutoff date for processing applications to be considered for tax exemptions is four weeks prior to board meetings. The Assistant Secretary of Commerce and Industry is authorized, at his discretion, to accept certain applications beyond this date.

Rule 3. Miscellaneous Capital Additions

Tax exemption applications on miscellaneous capital additions totaling less than \$3,000,000 may be filed in the following manner:

(a) Capital additions totaling less than \$3,000,000 in one calendar year.

Not later than March 31 of each year, applications for tax exemption shall be filed on the prescribed form with the Office of Commerce and Industry, listing the nature, the date and the amount of miscellaneous capital additions completed during the preceding calendar year, and deduction therefrom such replacements made, if any, at their original cost. Such amounts shall be clearly identifiable on the records of the manufacturer. An application fee shall be submitted with the application based on the following range of taxes to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

RULE
Department of Commerce
Office of Commerce and Industry
 Industry Assistance Program
 R.S. 47:4301-4306

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

Since the assessment date for Orleans Parish is August 1, applications for tax exemption on miscellaneous capital additions in Orleans Parish should be filed not later than October 31 and should cover items completed since August 1 of the preceding year.

(b) Capital additions reaching an accumulated total of \$3,000,000 during the calendar year.

Application for tax exemption on the prescribed forms must be filed with the Office of Commerce and Industry whenever miscellaneous capital additions on which exemption is to be requested reach an accumulated amount of \$3,000,000. An application fee shall be submitted with the application based on the following range of taxes to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Department of Commerce, Office of Commerce and Industry Finance Division, in accordance with the Administrative Procedure Act (R.S. 40:950, et seq.), has adopted amendments to the rules for the Industry Assistance Program to include implementation of the fee schedule authorized by Act 684 of the 1986 Legislative Session.

Rule 3. How to Apply

(a) An "Advance Notification" of intent to file for Industry Assistance shall be filed by the company at least 90 days prior to filing an application. An advance notification fee of \$100 shall be submitted with the prescribed advance notification form.

(b) Application to the Board of Commerce and Industry for the Industry Assistance Program must be filed with the Office of Commerce and Industry, Box 94185, Baton Rouge, LA 70804-9185 on the form prescribed, along with the required "additional information."

(c) An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

(d) Application must be accompanied by five years of comprehensive financial statements, prepared in accordance with generally accepted accounting principles; and, which contains relevant information that will support the application justification. The justification should refer to qualitative as well as quantitative information contained in the financial statements which can materially demonstrate the need for the program benefits, and the resulting cost/impact benefits to the state.

Qualitative information should provide explanation about: economic resources, the sources of prospective cash inflows; obligations to transfer economic resources to others, the causes of prospective cash outflows; and earnings, the financial results of operations and other events and conditions that affect the enterprise.

Rule 10. Contract Subject to Annual Audit and Review

The contractee will be subject to an annual audit by the Finance Division of the Office of Commerce and Industry. The company will receive notice of the annual review 45 days in advance. A review fee of \$100 must be returned and received 15 days prior to the appointment date of the annual review.

The contract will be reviewed annually by both the Board of Commerce and Industry and the Joint Legislative Committee of the Budget. Should the audit or review uncover a violation of the contract, the Board of Commerce and Industry, with the approval of the Governor and the Joint Legislative Committee of the Budget, shall give notice, thereof, in writing, and unless the violation is corrected within 90 days, any remaining portion of

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

Rule 14. Affidavit of Final Cost

Within six months after construction has been completed, the owner of a manufacturing establishment shall file on the prescribed form an Affidavit of Final Cost showing complete cost of the exempted project. A fee of \$100 shall be filed with the Affidavit of Final Cost for an on-site inspection that will be conducted by a representative of the Office of Commerce and Industry. Upon request by the Office of Commerce and Industry, a map showing the location of all facilities exempted in the project will be submitted in order that the exempted property may be clearly identifiable.

Rule 17. Changes in Tax Exemption Contract

The Office of Commerce and Industry is to be notified immediately of any change which affects the tax exemption contract. This includes any changes in the ownership or operational name of a firm holding a tax exemption contract, the retirement of any portion of exempt equipment or the abandonment of operations. Failure to report can constitute a breach of contract.

Robert Paul Adams
 Director

the exemption from taxation granted under any contract entered into under this statute may be cancelled. The contract may also be cancelled if the contractee can no longer demonstrate a need for the exemption.

Robert Paul Adams
Director

RULE

Department of Commerce Office of Commerce and Industry

In accordance with the notice of intent published in the August 20, 1986 issue of the *Louisiana Register*, the Department of Commerce, Office of Commerce and Industry, announces the adoption of the following rules, effective October 20, 1986.

Local Economic Development Support Fund

Urban is defined as an organization whose service area includes a parish with a population of 50,000 or over. *Rural* is defined as an organization whose service area includes no parish with a population of 50,000 or over.

URBAN

1. **APPLICANT:** Applicant organization may not be a tax levying body.

2. **STAFF:** Must employ professional full-time executive director. Must submit resume and evidence of employment by applicant organization.

3. **SERVICE AREA:** If organization has been active for the past three years and has had no change in service area during that time, a list of parishes and/or cities served must be submitted.

If applicant has been organized during past three years, evidence of acceptability to parish/local government must be presented. This may take the form of a resolution, a letter of approbation from the chief elected official, evidence that elected officials sit (by virtue of their position) on the board of the applicant and/or evidence that dues are paid or contributions made by local governing bodies to the applicant organization.

4. **BUDGET:** A budget, developed according to state guidelines, covering use of the grant for the negotiated scope of work must be submitted and will be made part of the contract. Monies received through the LEDS program may constitute no more than 50 percent of the current budget of the organization. Satisfactory evidence of this ratio must be submitted at the time of application and at the time of the fourth quarter financial report.

No monies received under this program shall be used for acquisitions.

At the discretion of the Department of Commerce, up to 75 percent of the monies may be used for one major project.

5. **AUTHORIZATION TO ENTER INTO CONTRACT:** A resolution from the board of the applicant organization must be submitted authorizing entering into contract and naming signator.

6. **SCOPE OF WORK:** Performance standards for all tasks shall be made part of the contract.

RURAL

1. **APPLICANT:** Applicant may not be a tax levying body.

2. **STAFF:** May employ professional full-time executive director or may contract for work. Must submit resume and evidence of employment by applicant organization. If full-time employee or contract employee not applicable, must submit

evidence of capability of completing contracted scope of work.

3. **SERVICE AREA:** If organization has been active for the past three years and has had no change in service area during that time, a list of parishes and/or cities served must be submitted.

If applicant has been organized during past three years, evidence of acceptability to parish/local government must be presented. This may take the form of a resolution, a letter of approbation from the chief elected official, evidence that elected officials sit (by virtue of their position) on the board of the applicant and/or evidence that dues are paid or contributions made by local governing bodies to the applicant organization.

4. **BUDGET:** A budget, developed according to state guidelines, covering use of the grant for the negotiated scope of work must be submitted and will be made part of the contract. If the organization is one year old or less, monies received through the LEDS program may constitute no more than 75 percent of the current 1987 budget of the organization. If the organization is between one and two years old, the monies may constitute no more than 65 percent of the budget. If the organization is three years old or older, the monies may constitute no more than 50 percent of the budget. Satisfactory evidence of this ratio must be submitted at the time of application and at the time of the fourth quarter financial report.

No monies received under this program shall be used for acquisitions.

At the discretion of the department, up to 75 percent of the monies may be used for one major project.

5. **AUTHORIZATION TO ENTER INTO CONTRACT:** A resolution from the board of the applicant organization must be submitted authorizing entering into contract and naming signator.

6. **SCOPE OF WORK:** Performance standards for all tasks shall be made part of the contract.

William T. Hackett
Assistant Secretary

RULE

Department of Commerce Office of Commerce and Industry

Louisiana Capital Companies Tax Credit Program R.S. 51:1921-1931

The Department of Commerce, Office of Commerce and Industry Finance Division, in accordance with the Administrative Procedure Act (R.S. 40:950, et seq.), has adopted amendments to the rules for the Louisiana Capital Companies Tax Credit Program to include implementation of the fee schedule authorized by Act 684 of the 1986 Legislative Session; and, to reflect changes to the capitalization and investment requirements as provided by Act 695.

Rule 4. The Tax Credit For An Eligible Individual

The credit shall be calculated by the department as 35 percent of the person's paid in cash at the time of certification. The value of property or services contributed shall not be included for purposes of determining the credit. Said certified company's initial capitalization shall be two hundred thousand dollars or more, up to a total of \$20 million. Credits granted under this rule shall not be transferable.

Rule 6. Notice of Intent

An "Advance Notification" of intent to seek certification shall be filed by a capital company at least 90 days prior to filing an application. An advance notification fee of \$100 shall be submitted with the advance notification form.

Rule 7. Application Process

(1) A company organized and existing under the laws of Louisiana, created for the purpose of making venture or risk capital available for qualified investments as required in R.S. 51:1921 shall make written application for certification to the secretary of the Department of Commerce on application forms provided by the Office of Commerce and Industry.

(2) An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

(3) Said application shall be signed by a duly authorized officer, or partner, and contain the following information and evidence:

(a) The full legal name of the company.

(b) The address of the applicant's principal office in Louisiana.

(c) The names and respective addresses of the applicant's directors and officers or general and managing partners including street number in any city or town, state and zip code.

(d) A certified copy of the certificate of incorporation, and articles of incorporation, or a certified copy of the certificate of formation of a limited partnership, or trust documents, or other evidence that the company is organized and existing under the laws of Louisiana, as required by the Secretary of State.

(e) Information and evidence that the applicant's purpose is to encourage and assist in the creation, development, and expansion of Louisiana businesses and to provide maximum opportunities for the employment of Louisiana residents, by making venture or risk capital available to Louisiana businesses.

(f) Information and evidence that the applicant has filed with the Louisiana Securities Commission a disclosure document and a consent to service of process as required by R.S. 51:701-720 or information and evidence that the applicant has registered the securities offering pursuant to the Louisiana Securities Act or information and evidence that the securities offering is exempt from registration under the Securities Act et. seq. of Louisiana.

(g) Information and evidence that the applicant has disclosed or will disclose to all investors that a tax credit is not available for an investment in a company until the company has been designated a "certified" Louisiana capital company and the investor has received a certificate approving the credit from the secretary of the Louisiana Department of Commerce.

(h) Information and evidence that the applicant has disclosed or will disclose to all investors that a tax credit will not be made available until the company raises at least \$200,000 in equity capital and all statutory limits on tax credits are disclosed.

(i) Information and evidence that the applicant has disclosed or will disclose to all investors that the State of Louisiana

is not liable for damages to an investor in a "certified" Louisiana capital company that fails to become designated as a "certified" Louisiana capital company.

(j) A statement that if the investors in the company or partnership receive a tax credit under Title 51, Chapter 26, then the company will use the capital base included by such tax credit to make qualified investments as required in R.S. 51:1926.

(k) A statement that the company will comply with all requirements of Title 51, Chapter 26, including the filing of quarterly reports of new investors and qualified investments that include the name of each investor in a "certified" Louisiana capital company who has applied for a tax credit, the amount of each investor's investment, the amount of tax credit allowed to the investor and the date on which the investment was made.

(4) Information stating the total capital account of the applicant and how the value has been determined and how the equity portion has been determined for both the period before July 1, 1984 and after.

(5) The form for applying to become a "certified" Louisiana capital company may be obtained from the Office of Commerce and Industry, Finance Division, Box 94185, Baton Rouge, Louisiana 70804-9185 and shall be filed at the same address.

(6) The time and date of filings shall be recorded at the time of filing in the office of the Finance Division and shall not be construed to be the date of mailing.

(7) The secretary of Commerce shall cause all applications to be reviewed by the department and designate those he determines to be complete. In the event that an application is deemed to be incomplete in any respect, the applicants will be notified within 15 days of receipt. An incomplete application shall be resubmitted, either in a partial manner or totally, as deemed necessary by the department.

(8) The submission of any false or misleading information in the application documents will be grounds for rejection of the application and denial of further consideration.

Rule 8. Requirements For Continuance Of Certification

The secretary shall conduct an annual review of each "certified" Louisiana capital company to determine the company's compliance with the requirements for continuance of certification.

The company will receive notice of the annual review 45 days in advance. A review fee of \$100 must be returned and received 15 days prior to the appointment date of the annual review.

C. No investment in equity may be made at a cost to a "certified" capital company of greater than 25 percent of the total assets under management of the "certified" capital company at the time of investment.

Rule 9. Decertification

(Delete the last sentence of paragraph (A) "The cost of the annual review. . .")

Robert Paul Adams
Director

RULE

Department of Commerce Office of Commerce and Industry

Restoration Tax Abatement Program
R.S. 47:4311-4319

The Department of Commerce, Office of Commerce and Industry Finance Division, in accordance with the Administrative

Procedure Act (R.S. 49:950, et seq.), has adopted amendments to the rules for the Restoration Tax Abatement Program to include implementation of the fee schedule authorized by Act 684 of the 1986 Legislative Session.

Rule 1. Time Limits for Filing Application

(a) The applicant shall submit an "Advance Notification" on the prescribed form 90 days prior to the beginning of construction. An advance notification fee of \$100 shall be submitted with the advance notification form.

(b) Application for tax exemption must be filed with the Office of Commerce and Industry, Box 94185, Baton Rouge, Louisiana, 70804-9185 on the form prescribed within a minimum of six months after the beginning of construction and/or not later than three months before completion of construction or the beginning of operations, whichever occurs first.

The phrase "beginning of construction" shall mean the first day on which foundations are started, or, where foundations are unnecessary, the first day on which installation of the facility begins.

(c) An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted are incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

Rule 10. Affidavit of Final Cost

Within six months after construction has been completed, an "affidavit of final cost" showing complete cost of the exempted project shall be filed on the prescribed form together with a fee of \$100 for the inspection which will be conducted by the Office of Commerce and Industry.

Robert Paul Adams
Director

RULE

**Department of Commerce
Office of Commerce and Industry**

**Sales and Use Tax Exemption on Energy Conservation Property
R.S. 47:305.30**

The Department of Commerce, Office of Commerce and Industry Finance Division, in accordance with the Administrative Procedure Act (R.S. 49:950, et seq.), has adopted amendments to the rules for the Sales and Use Tax Exemption on Energy Conservation Property Program to include implementation of the fee schedule authorized by Act 684 of the 1986 Legislative Session.

Rule 8. Time Limits for Filing Application

(a) The applicant shall submit an "advance notification" on the prescribed form 90 days prior to the beginning of construction and the purchase of materials, machinery or equipment for qualifying projects. An advance notification fee of \$100 shall be submitted with the advance notification form.

(b) Application for tax exemption (refund) must be filed with the Office of Commerce and Industry, Box 94185, Baton Rouge, LA, 70804-9185 on the form prescribed within 30 days after the beginning of construction or installation.

The phrase "beginning of construction" shall mean the first day on which foundations are started, or, where foundations are unnecessary, the first day on which installation of the facility begins.

(c) An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of energy saved to the applicant if the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of energy saved which have been accepted, will not be refundable.

(d) After approval by the Board of Commerce and Industry, the effective date of the exemption (refund) shall be the date the advance notification form was received in the Office of Commerce and Industry.

(e) A cutoff date for processing applications to be considered for a particular board meeting is four weeks prior to that board meeting.

Rule 11. Affidavit of Energy Saved

Not later than 12 months after completion of a modification or replacement described in Rule 3(a), the applicant shall submit an Affidavit of Energy Saved on the prescribed form together with a fee of \$100 and such evidence as the board, in consultation with the Department of Natural Resources, shall require to establish to the satisfaction of the board that property on which sales and use tax has been exempt (refunded) is energy conservation property.

Robert Paul Adams
Director

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 July 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below: Rule 3.01.46.a

The board adopted an amendment to Standards, Methods for Implementation and Accountability for Chapter I, ECIA regarding administrative procedures to repay the State Department of Education for violations of Chapter I, ECIA.

James Meza, Jr., Ed.D.
Executive Director

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 July 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below: Rule 3.01.51.y(1)

The board adopted the Department of Education's recommendation for adding electives to the Elementary Program of Studies. (See page 448 of July, 1986 issue of *Louisiana Register* for context of amendment.)

James Meza, Jr., Ed.D.
Executive Director

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 July 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below: Rule 3.01.70.v(22).a

The board adopted a passing score of 620 to be required on the National Teacher Examinations Educational Administration and Supervision Test as criterion for initial certification as principal or assistant principal in Louisiana.

James Meza, Jr., Ed.D.
Executive Director

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 July 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below: Rule 9.00.50.d

The board adopted an amendment to Bulletin 1191, *School Transportation Handbook* to require that regular bus drivers with three or more years of service as certified drivers earn eight hours inservice training every other year.

James Meza, Jr., Ed.D.
Executive Director

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

July 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below: Rule 4.03.48

The board adopted the following fee schedule for students attending vocational technical schools.

FEE SCHEDULE FOR STUDENTS ATTENDING VOCATIONAL-TECHNICAL SCHOOLS

Effective July 1, 1986 persons enrolled in full-time or part-time classes at vocational-technical schools shall be charged fees in compliance with the following provisions:

- 1. Registration and tuition fee schedule:
 - (1) Registration fee: A registration fee of \$5 shall be charged each student upon registration or re-enrollment.
 - (2) Residents shall pay in advance, the following tuition fees:

TUITION FEES

	Year	Quarter	Term
Full-time	\$100	\$25.00	\$20
3/4 time	\$ 75	\$18.75	\$15
1/2 time	\$ 50	\$12.50	\$10

NOTE: A school year contains either four quarters of three months or five terms of 45 days.

(3) Non-residents shall pay tuition fees twice the amount charged students who are residents.

2. Louisiana high school students will NOT be charged any fees during the regular school year. High school students will be considered full-time vocational technical students during the summer.

3. Enrollment or re-enrollment payments, or acceptable evidence of indebtedness, shall be due upon registration or re-enrollment, as part of the enrollment process. These fees are non-refundable, except where the class is cancelled or closed.

4. Tuition fees may be paid by another agency on behalf of a student.

5. For enrollment and fee purposes, students of Louisiana high schools and military personnel stationed in Louisiana under Active Duty orders, and their dependents, are deemed to be Louisiana residents.

- 6. Extension courses of instruction shall include:
 - a. programs, including apprenticeship, which are offered in the evening, or on weekends;
 - b. programs totaling less than 170 hours.

7. Persons who attend classes or programs for which the school does not claim enrollment credit will NOT be charged registration or tuition fees.

8. Students being "carried over" into the fiscal year beginning in 1986 shall pay fees on the first day of class in the new fiscal year. Those continuing training into other payment periods shall pay the appropriate fee by the end of the preceding month or term.

9. Each school will establish internal fiscal and accounting procedures to collect the appropriate fees according to any one, or all, of the following schedules:

- a. annual
- b. quarter
- c. 45 day term

10. The fee schedules provided herein shall become effective July 1, 1986, provided they are not in conflict with state law, that all revenues derived from enrollment and tuition fees shall be utilized by the school where fees are collected.

11. Any funds derived from fees collected by a school may be expended by that school for supplies and equipment

over and above legislative appropriations for the school, subject to the approval of BESE and in compliance with state law.

12. Fees collected for extension courses may be used to defray costs of extension courses with approval by the board.

13. It is the intent of this section to provide necessary funds over and above the regular appropriations for each school, and is not to replace appropriated funds.

James Meza, Jr., Ed.D.
Executive Director

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 July 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below: Rule 6.03.95.12.3

The board adopted the following amendments to the Sabbatical Leave Policy for vocational technical schools:

1. Amend Policy 6.03.95.12.3 of the policy and procedure manual to read: "At no time shall the number of persons on sabbatical leave for professional improvement from a school with less than 20 VTIE certified personnel exceed one and from a school with 20 or more, exceed two."

2. Amend Policy 6.03.95.12.4 of the policy and procedure manual by deleting "75 percent" and inserting "50 percent."

James Meza, Jr., Ed.D.
Executive Director

RULE

Department of Environmental Quality Office of Air Quality and Nuclear Energy Air Quality Division

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., in particular Sections 1065 B and 1084 B (1) and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the secretary of the Department of Environmental Quality, Patricia L. Norton, adopted the Louisiana Air Quality Division Fee System Regulations on October 10, 1986. The effective date of these regulations will be October 20, 1986.

The secretary initiated rulemaking procedures to adopt this rule on July 10, 1986. Prior to the final adoption by the secretary, this rule was forwarded to, and found acceptable by, the Joint Committees on Natural Resources.

PART VI FEE SCHEDULE

100.1 Scope and Purpose

It is the purpose of these regulations to establish a fee system for funding the monitoring, investigation and other activities required to be conducted for the maintenance of a safe and

healthful environment by the Department of Environmental Quality in accordance with the Louisiana Environmental Quality Act (R. S. 30:1051 et seq.). Fees are required for all permits, licenses, registrations, and variances authorized by the Act.

100.2 Authority

These regulations provide fees as required by R.S. 30:1065.

100.3 Definitions

All terms used in these rules, unless the context otherwise requires or unless specifically defined in the Louisiana Environmental Quality Act, or in other regulations promulgated by the secretary of the Department of Environmental Quality or his predecessor, shall have their usual meaning.

100.4 Application Fees

Each application or amendments thereto for which a fee is prescribed shall be accompanied by a remittance in the full amount of the fee. No application or amendments thereto shall be accepted or processed prior to payment of the full amount specified. No permit, license, registration, or variance, unless otherwise authorized by the secretary, shall be issued until such check or draft has been accepted by the bank or drawee and the department's account has been credited with the amount of the fee.

100.5 Annual Fees

Unless otherwise provided herein, all parties conducting activities for which an annual fee is provided shall be subject to the payment of such fee within 30 days from receipt of billing.

100.6 Methodology

(1) Formula to apportion fees:

Annual Maintenance Fee (based on type of facility and on rated production capacity/throughput)	Variable
New Application Fee (based on type of facility and on rated production capacity/throughput)	Variable
Major and Minor Modification Modified Permit Fee (based on type of facility and on rated production capacity/throughput)	Variable
PSD Application Fee (based on type of facility and on rated production capacity/throughput)	Surcharge of 50 percent of the application fee
"NESHAP" maintenance fee (based on type of facility and on rated production capacity/throughput)	surcharge of 25 percent of the annual maintenance fee for that particular process/plant
"NSPS" maintenance fee (based on type of facility and on rated production capacity/throughput)	surcharge of 25 percent of the permit application fee
Research fee for alternate disposal of hazardous waste	surcharge of 5.7 percent of the annual maintenance fee for those facilities that generate hazardous waste

(2) Fee Methodology

- i. All persons required to obtain a new or modified permit shall be subject to a permit fee (see fee schedule). This fee shall be submitted with any application for a new or modified permit. The annual maintenance fee for a new or modified source shall be paid during the fiscal year in which the process specified in the permit comes on line.
- ii. The Standard Industrial Classification (SIC) codes listed in the fee schedule shall be used to assess fees.
- iii. The permit fee for multiple source permits shall be equal to the total amounts required by the individual

processes involved, as listed in the table.

- iv. All invoices for annual maintenance fees for major sources shall be submitted to those sources during the fiscal year and remittances are due 30 days after receipt of the invoice. The annual maintenance fee shall be applicable to the fiscal year beginning July 1 of each year and ending the following June 30. Failure to remit the annual maintenance fee in accordance with the above shall be considered grounds for revoking an existing permit. Maintenance fees not received for prior fiscal years are due upon receipt of new or duplicate invoices. Minor sources may or may not receive an annual compliance inspection. In this case the maintenance fee must be paid within 30 days after notification by the agency of the amount due. Only one such fee shall be charged annually.
- v. If a conditional permit is issued in accordance with adopted procedures, fees submitted with that application for permit shall be retained and be applicable to the regular permit when it is acted upon.
- vi. If a process is not listed in the fee schedule and is not a source type exempted from fees by this regulation, then the department shall assign a fee based on the most similar processes and negotiated separately. The Air Quality Division (AQD) shall analyze each permit request to determine the number of processes involved and the permit fee associated with each.
- vii. Periodically, the Air Quality Division (AQD) shall re-evaluate the permit fee schedule based upon the previous fiscal year's reasonable costs involved in the operation of the permit system and shall adjust fees in the table, so as to recover the reasonable costs, and submit such revised schedule to the secretary for approval.
- viii. A permit fee exempt list shall be presented to the secretary annually for approval. The permit fee exempt list shall be in the offices of the Air Quality Division and shall be available for public inspection. Any person may request permit fee exemption for a source class by application to the assistant secretary. Sources listed in the permit fee exempt list shall be exempt from the permit fee fee schedule and from having to obtain a permit. The assistant secretary may grant initial approval and denial of the class exemption pending consideration by the secretary.
- ix. When a company withdraws its application and claims refund for the permit fee, no refund shall be made if the review of the application is essentially completed at the time of withdrawal. However, up to 50 percent refund may be made when the review has been initiated but is not essentially completed.
- x. Although a process unit or a plant is operated at a reduced level or is operated during certain months only, the annual maintenance fee will not be prorated. The annual maintenance fee is charged on the rated capacity and not on the actual output/throughput level.
- xi. When a permanent shutdown occurs and a company properly notifies the Air Quality Division, by official change in the Emission Inventory Questionnaire (EIQ) and permit, the maintenance fee will be dropped for that shutdown portion of the process/plant in the appropriate fiscal year only if that portion of the process/plant does not operate at any time during that fiscal year.
- xii. Unless otherwise stated, generally, the minor modifi-

cation fee is equal to the Annual Maintenance fee (AMF), the major modification is three times the AMF and new application fee is five times the AMF. Where there is a minimum and/or maximum AMF established in a particular category, the same rationale shall apply to minimum and maximum permit fees.

- xiii. NSPS fees may be waived when a PSD application fee is imposed.
- xiv. The AQD administrator and staff will determine the type of fee. This determination will be based on the work load and on the factors described as follows:
 - (a) New application fee (based on new capacity or incremental capacity) applies when:
 - (1) a new facility is added;
 - (2) a new operation in an existing facility is added;
 - (3) an existing operation is expanded by more than 80 percent in capacity.
 - (b) Major modification fee (based on existing capacity) applies when:
 - (1) the modification will trigger PSD review;
 - (2) the modification would have triggered PSD review; without the use of contemporaneous emission reductions or banked emissions;
 - (3) the modification will increase 25 tons/yr or more of non-attainment pollutant;
 - (4) the modification will change emissions over 100 tons/yr;
 - (5) the modification will increase capacity of an existing operation by 40 percent.
 - (c) Minor modification fee (based on existing capacity) applies when a modification is not qualified under new application fee or major modification fee.
 - (d) If a modification is such that it does not increase capacity and changes emissions by less than 25 tons/year, the permit fee can be charged equal to the minimum minor modification permit fee for each process category involved.

100.7 Determination of fee

These regulations apply to all registrants, specific licensees, permittees and other persons subject to charges concerned with one or more of the various programs of the Department of Environmental Quality.

100.8 Method of Payment

Fee payment shall be made by check, draft or money order payable to the Department of Environmental Quality and mailed to the following address: State of Louisiana, Department of Environmental Quality, Air Quality Division, Box 94381, Baton Rouge, LA 70804-9381

100.9 Late Payment

Unless otherwise provided herein, annual fees or other charges not received by 15 days after the due date will be subject to a late charge of an additional 10 percent per month.

100.10 Failure to Pay

Failure to pay the prescribed application fee or annual fee as provided herein will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act, including, but not limited to, revocation or suspension of the applicable permit, license, registration or variance.

100.11 Effective Date

The application fees prescribed herein shall be effective upon publication in the *Louisiana Register* as adopted.

The annual fees prescribed herein shall be effective for the state fiscal year in which these fee regulations are published in the *Louisiana Register* as adopted and each state fiscal year thereafter. Fees submitted to the department in accordance with

previous fee regulations for the state fiscal year in which these fee regulations are published in the *Louisiana Register* as

adopted shall be credited against the fees due and payable under these fee regulations.

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
FEE SCHEDULE LISTING

OCTOBER 20, 1986

	AIR CONTAMINANT SOURCE	SICC	ANNUAL MAINTENANCE FEE	NEW APPLI-CATION	MODIFIED PERMIT FEES		ANNUAL MAINTENANCE FEE	
					MAJOR	MINOR	MIN.	MAX.
0010	COTTON GIN	0724	0.00	0.22	0.13	0.03		
0020	PER BALE GINNED IMMEDIATE PAST SEASON BITUMINOUS COAL AND LIGNITE MINING	1211	315.83	1579.17	947.50	315.83		
0030	COAL PREPARATION	1211	789.59	3947.94	2368.76	789.59		
0040	CRUDE OIL AND NATURAL GAS PRODUCTION (100 - 249 T/YR SOURCE)	1311	63.16	315.83	189.50	63.16		
0041	CRUDE OIL AND NAT GAS PRODUCTION (250 - 499 T/YR SOURCE)	1311	195.00	975.00	585.00	195.00		
0042	CRUDE OIL AND NAT GAS PROD GREATER THAN 500 T/YR SOURCE	1311	325.00	1300.00	975.00	325.00		
0050	NATURAL GAS LIQUIDS PER UNIT	1321	157.92	789.59	473.75	157.92		
0060	CONSTRUCTION SAND AND GRAVEL	1442	63.16	315.83	189.50	63.16		
0070	INDUSTRIAL SAND	1446	63.16	315.83	189.50	63.16		
0080	SALT MINING	1476	789.59	3947.94	2368.76	789.59		
0090	SULFUR MINING	1477	789.59	3947.94	2368.76	789.59		
0100	COMMERCIAL RICE MILLING	2044	315.83	1579.17	947.50	315.83		
0110	ANIMAL FEED PREPARATION	2048	315.83	1579.17	947.50	315.83		
0120	CANE SUGAR, EXCEPT REFINING ONLY	2061	789.59	3947.94	2368.76	789.59		
0130	CANE SUGAR REFINING PER 1,000 LB/HR RATED CAPACITY	2062	6.31	31.59	18.95	6.31	780.00	
0140	COTTONSEED OIL MILL	2074	157.92	789.59	473.75	157.92		
0150	SOYBEAN OIL MILL	2075	110.53	552.70	331.63	110.53		
0160	ANIMAL & MARINE FATS AND OIL (RENDERING) 10,000 OR MORE TON/YR	2077	379.00	1895.01	1137.00	379.00		
0170	ANIMAL & MARINE FATS & OIL (RENDERING) LESS THAN 10,000 TON/YR	2077	189.50	947.50	569.02	189.50		
0180	SHORTENING, TABLE OILS, MARGARINE AND OTHER EDIBLE FATS AND OILS	2079	78.96	394.79	236.87	78.96		
0190	MALT BEVERAGES	2082	78.96	394.79	236.87	78.96		
0200	COFFEE ROASTING PER 1,000,000 LB/YR RATED CAPACITY	2095	63.16	315.83	189.50	63.16		3965.00
0210	SAWMILL AND/OR PLANING LESS THAN 25,000 BD FT/SHIFT	2421	157.92	789.59	473.75	157.92		
								* NOTE 10 *
0220	SAWMILL AND/OR PLANING MORE THAN 25,000 BD FT/SHIFT	2421	473.75	2368.76	1421.26	473.75		
								* NOTE 10 *
0230	HARDWOOD MILL	2426	284.25	1421.26	852.76	284.25		
								* NOTE 10 *
0240	SPECIAL PRODUCT SAWMILL N.E.C.	2429	284.25	1421.26	852.76	284.25		
								* NOTE 10 *
0250	MILLWORK WITH 10 EMPLOYEES OR MORE	2431	284.25	1421.26	852.76	284.25		
0260	HARDWOOD VENEER AND PLYWOOD	2435	631.67	3158.35	1895.01	631.67		
0270	SOFTWOOD VENEER AND PLYWOOD	2436	631.67	3158.35	1895.01	631.67		
0280	WOOD PRESERVING	2491	157.92	789.59	473.75	157.92		
0290	PARTICLEBOARD/WAFERBOARD MANUFACTURE (O.S.B)	2492	631.67	3158.35	1895.01	631.67		
0300	HARDBOARD MANUFACTURE	2499	473.75	2368.76	1421.26	473.75		
0310	FURNITURE AND FIXTURES A) 100 OR MORE EMPLOYEES	2511	94.75	473.75	284.25	94.75		
0320	FURNITURE AND FIXTURES B) MORE THAN 10 & LESS THAN 100 EMPLOYEES	2511	94.75	473.75	284.25	94.75		
0330	PULP MILLS PER TON DAILY RATED CAPACITY	2611	2.36	11.84	7.11	2.36	1625.00	
0340	PAPER MILL PER TON DAILY RATED CAPACITY	2621	2.36	11.84	7.11	2.36	1625.00	
								* NOTE 1 *
0350	PAPERBOARD MILLS PER TON DAILY RATED CAPACITY	2631	2.36	11.84	7.11	2.36	1625.00	
0360	PAPER COATING	2641	94.75	473.75	284.25	94.75		
0370	INSULATION MANUFACTURE	2649	157.92	789.59	473.75	157.92		
0380	CORRUGATED BOXES	2653	236.87	1184.37	710.63	236.87		
0390	BUILDING BOARD AND TILE	2661	789.59	3947.94	2368.76	789.59		
0400	COMMERCIAL PRINTING - BLACK AND WHITE PER PRESS MODULE	2752	94.75	473.75	284.25	94.75	455.00	
								* NOTE 4 *
0410	COMMERCIAL PRINTING - COLOR PER PRESS MODULE	2752	157.92	789.59	473.75	157.92	780.00	
								* NOTE 4 *
0420	CAUSTIC/CHLORINE PER 1,000,000 LB/YR RATED CAP BASED ON CL	2812	1.58	7.90	4.74	1.58	780.00	
								* NOTE 2 *

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
FEE SCHEDULE LISTING

OCTOBER 20, 1986

AIR CONTAMINANT SOURCE	SICC	ANNUAL MAINTENANCE FEE	NEW APPLI-CATION	MODIFIED PERMIT FEES		ANNUAL MAINTENANCE FEE	
				MAJOR	MINOR	MIN.	MAX.
0430 CAUSTIC SODA PER 1,000,000 LB/YR RATED CAPACITY	2812	0.32	1.58	0.94	0.32	650.00	
0440 INDUSTRIAL GASSES	2813	315.83	1579.17	947.50	315.83		
0450 INORGANIC PIGMENTS	2816	315.83	1579.17	947.50	315.83		
0460 ALUMINUM SULFATE PRODUCTION PER 100 TON/YR RATED CAPACITY	2819	0.79	3.95	2.36	0.79	650.00	
0470 ALUMINA PER 1,000,000 LB/YR RATED CAPACITY	2819	3.15	15.79	9.47	3.15		
0480 CATALYST MFG & CAT REGENERATION PER LINE	2819	789.59	3947.94	2368.76	789.59		
0490 FLUOSILICATES	2819	473.75	2368.76	1421.26	473.75		
0500 INDUSTRIAL INORGANIC CHEMICALS MFG N.E.C. PER 1,000,000 LB/YR	2819	0.79	3.95	2.36	0.79	455.00	
0510 INDUSTRIAL INORGANIC ACIDS N.E.C. PER 1,000,000 LB/YR RATED CAPACITY	2819	7.90	39.48	23.69	7.90	780.00	
0520 NITRIC ACID MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	2819	3.15	15.79	9.47	3.15	780.00	
0530 PHOSPHORIC ACID MFG PER TON DAILY RATED CAP	2819	0.79	3.95	2.36	0.79	650.00	
0540 SULPHURIC ACID MANUFACTURE PER TON DAILY RATED MANUFACTURE	2819	0.79	3.95	2.36	0.79	650.00	
0550 POLYETHYLENE/POLYPROPYLENE MANUFACTURE PER 1,000,000 LB/YR RATED CAPACITY	2821	6.31	31.59	18.95	6.31	780.00	
0560 PVC MANUFACTURE PER 1,000,000 LB/YR RATED CAPACITY	2821	7.90	39.48	23.69	7.90	780.00	
0570 SYNTHETIC RESINS MANUFACTURE N.E.C. PER 1,000,000 LB/YR RATED CAPACITY	2821	7.90	39.48	23.69	7.90	780.00	
0580 RUBBER MFG PER 1,000,000 LB/YR RATED CAPACITY	2822	3.15	39.48	23.69	7.90	975.00	
0590 CHARCOAL PER OVEN	2861	157.92	789.59	473.75	157.92		
0600 GUM AND WOOD CHEMICALS PER UNIT	2861	473.75	2368.76	1421.26	473.75		
0610 STYRENE MONOMER PER 1,000,000 LB/YR RATED CAPACITY	2865	3.15	15.79	9.47	3.15	780.00	
0620 HALOGENATED HYDROCARBONS PER 1,000,000 LB/YR RATED CAP.	2869	4.74	23.69	14.22	4.74	780.00	
0630 ORGANIC OXIDES, ALCOHOLS, GLYCOLS PER 1,000,000 LB/YR RATED CAPACITY	2869	3.15	15.79	9.47	3.15	780.00	
0640 AMMONIA MANUFACTURE PER TON DAILY RATED CAPACITY	2873	1.58	7.90	4.74	1.58	780.00	
0650 FERTILIZER MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	2873	0.79	3.95	2.36	0.79	455.00	
0660 UREA AND UREAFORM PER 1,000 TON/YR RATED CAPACITY	2873	1.58	7.90	4.74	1.58	455.00	
0670 PESTICIDES MFG PER TRAIN	2879	631.67	3158.35	1895.01	631.67		
0680 CARBON BLACK MANUFACTURE PER 1,000,000 LB/YR RATED CAPACITY	2895	9.47	47.37	28.43	9.47	780.00	
0690 CHEMICAL AND CHEMICAL PREP. N. E. C. PER 1,000,000 LB/YR	2899	7.90	39.48	23.69	7.90	650.00	
0700 DRILLING MUD-STORAGE AND DISTRIBUTION	2899	157.92	789.59	473.75	157.92		
0710 DRILLING MUD-GRINDING	2899	631.67	3158.35	1895.01	631.67		
0720 PETROLEUM REFINING PER 1,000 BBL/DAY RATED CAP. CRUDE THRUPUT	2911	39.48	197.40	118.44	39.48	780.00	
0730 ASPHALTIC CONCRETE PAVING PLANTS PER TON/HR RATED CAPACITY	2951	1.19	5.91	3.54	1.19	325.00	* NOTE 3 *
0740 ASPHALT BLOWING PLANT (NOT TO BE CHARGED SEPARATELY IF IN REFINERY)	2951	473.75	2368.76	1421.26	473.75		* NOTE 5 *
0750 OLEFINS & AROMATICS N.E.C PER 1,000,000 LB/YR RATED CAPACITY	2951	3.15	15.79	9.47	3.15	780.00	
0760 BLENDING, COMPOUNDING, OR REFINING OF LUBRICANTS PER UNIT	2992	473.75	2368.76	1421.26	473.75		* NOTE 6 *
0770 PETROLEUM COKE CALCINING PER 1,000 TON/YR RATED CAPACITY	2999	6.31	31.59	18.95	6.31	780.00	
0780 GLASS AND GLASS CONTAINER MFG NATURAL GAS FUEL PER LINE	3229	236.87	1184.37	710.63	236.87		
0790 CEMENT MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	3241	4.74	23.69	14.22	4.74	650.00	
0800 GLASS AND GLASS CONTAINER MFG FUEL OIL PER LINE	3241	473.75	2368.76	1421.26	473.75		
0810 BRICK MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	3251	2.36	11.84	7.11	2.36	325.00	
0820 READY-MIX CONCRETE	3273	394.79	1200.17	789.59	394.79		
0830 LIME MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	3274	4.74	23.69	14.22	4.74		
0840 GYPSUM MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	3275	4.74	23.69	14.22	4.74	455.00	
0850 ABESTOS PRODUCTS PER SITE OR PER PRODUCTION UNIT	3292	947.50	4737.52	2842.51	947.50		
0860 CLAY KILN	3295	189.50	947.50	568.50	189.50		
0870 ROCK CRUSHER	3295	173.70	868.54	521.13	173.70		
0880 GRAY IRON AND STEEL FOUNDARIES A) 3,500 OR MORE TON/YR PRODUCTION	3321	252.66	1263.34	758.00	252.66		
0890 GRAY IRON AND STEEL FOUNDARIES B) LESS THAN 3,500 TON/YR PRODUCTION	3321	126.33	631.67	379.00	126.33		
0900 MALLEABLE IRON FOUNDARIES A) 3,500 OR MORE TON/YR PRODUCTION	3322	252.66	1263.34	758.00	252.66		

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
FEE SCHEDULE LISTING

OCTOBER 20, 1986

	AIR CONTAMINANT SOURCE	SICC	ANNUAL MAINTENANCE FEE	NEW APPLI-CATION	MODIFIED PERMIT FEES		ANNUAL MAINTENANCE FEE	
					MAJOR	MINOR	MIN.	MAX.
0910	MALLEABLE IRON FOUNDARIES	3322	126.33	631.67	379.00	126.33		
	B) LESS THAN 3,500 TON/YR PRODUCTION							
0920	STEEL INVESTMENT FOUNDARIES	3324	252.66	1263.34	758.00	252.66		
	A) 3,500 OR MORE TON/YR PRODUCTION							
0930	STEEL INVESTMENT FOUNDARIES	3324	126.33	631.67	379.00	126.33		
	B) LESS THAN 3,500 TON/YR PRODUCTION							
0940	STEEL FOUNNDARIES NOT ELSEWHERE CLASSIFIED	3325	252.66	1263.34	758.00	252.66		
	A) 3,500 OR MORE TON/YR PRODUCTION							
0950	STEEL FOUNDARIES NOT ELSEWHERE CLASSIFIED	3325	126.33	631.67	379.00	126.33		
	B) LESS THAN 3,500 TON/YR PRODUCTION							
0960	PRIMARY SMELTING AND REFINING OF COPPER	3331	3.15	15.79	9.47	3.15	780.00	
	PER 100,000 LB/YR RATED CAPACITY							
0970	ALUMINUM PRODUCTION PER POT	3334	15.79	78.96	47.37	15.79		
0980	REFINING OF NON-FERROUS METALS N.E.C.	3339	0.02	0.15	0.09	0.02	780.00	
	PER 1,000 LB/YR RATED CAPACITY							
0990	SECONDARY SMELTING OF NON-FERROUS METALS	3341	473.75	2368.76	1421.26	473.75	975.00	
	PER FURNACE							
1000	WIRE MANUFACTURE	3357	315.83	1579.17	947.50	315.83		
1010	ALUMINUM FOUNDARIES(CASTINGS)	3361	126.33	631.67	379.00	126.33		
	PER UNIT							
1020	BRASS/BRONZE/COPPER-BASED ALLOY FOUNDRY	3362	157.92	789.59	473.75	157.92		
	PER FURNACE							
1030	METAL HEAT TREATING	3398	94.75	473.75	284.25	94.75		
	INCLUDING SHOTPEENING							
1040	DRUM MANUFACTURING AND/OR	3412	473.75	2368.76	1421.26	473.75		
	RECONDITIONING							
1050	METAL CAN MANUFACTURE	3441	315.83	1579.17	947.50	315.83		
1060	FABRICATED PLATE WORK	3443	734.50	3672.50	2203.50	734.50		
1070	ELECTROPLATING, POLISHING AND ANODIZING	3471	94.75	473.75	284.25	94.75		
	WITH 5 OR MORE EMPLOYEES							
1080	SANDBLASTING OR CHEM. CLEANING OF METAL	3471	473.75	2368.76	1421.26	473.75		
	A) 10 OR MORE EMPLOYEES							
1090	SANDBLASTING OR CHEM. CLEANING OF METAL	3471	236.87	1184.37	710.63	236.87		
	B) LESS THAN 10 EMPLOYEES							
1100	COATING, ENGRAVNG, AND ALLIED SERVICES	3479	173.70	868.54	521.13	173.70		
	A) 10 OR MORE EMPLOYEES							
1110	COATING, ENGRAVING, AND ALLIED SERVICES	3479	94.75	473.75	284.25	94.75		
	B) LESS THAN 10 EMPLOYEES							
1120	GALVANIZING AND PIPE COATING	3479	189.50	947.50	568.50	189.50		
	EXCLUDING ALL OTHER ACTIVITIES							
1130	PAINTING TOPCOAT	3479	157.92	789.59	473.75	157.92		
	PER LINE							
1140	POTTING	3479	94.75	473.75	284.25	94.75		
	PER LINE							
1150	SOLDERING	3479	94.75	473.75	284.25	94.75		
	PER LINE							
1160	WIRE COATING	3479	315.83	1579.17	947.50	315.83		
	PER LINE							
1170	OIL FIELD MACHINERY AND EQUIPMENT	3533	157.92	789.59	473.75	157.92		
1180	POWER CHAIN SAW MANUFACTURE	3546	236.87	1184.37	710.63	236.87		
	PER LINE							
1190	COMMERCIAL GRAIN DRYER	3559	189.50	947.50	568.50	189.50		
1200	ELECTRODE MANUFACTURE	3624	221.09	1105.42	663.26	221.09		
	PER LINE							
1210	TELEPHONE MANUFACTURE	3661	552.70	2763.55	1658.13	552.70		
	PER LINE							
1220	ELECTRICAL CONNECTOR MANUFACTURE	3678	284.25	1421.26	852.76	284.25		
	PER LINE							
1230	BATTERY MANUFACTURE	3691	315.83	1579.17	947.50	315.83		
	PER LINE							
1240	ELECTRICAL EQUIPMENT	3694	189.50	947.50	568.50	189.50		
	PER LINE							
1250	SHIP AND BOAT BUILDING	3732	2368.76	11843.81	7106.29	2368.76		
	A) 5001 OR MORE EMPLOYEES							
1260	SHIP AND BOAT BUILDING	3732	1579.17	7895.87	4737.52	1579.17		
	B) 2501 TO 5000 EMPLOYEES							
1270	SHIP AND BOAT BUILDING	3732	789.59	3947.94	2368.76	789.59		
	C) 1001 TO 2500 EMPLOYEES							
1280	SHIP AND BOAT BUILDING	3732	473.75	2368.76	1421.26	473.75		
	D) 201 TO 1000 EMPLOYEES							
1290	SHIP AND BOAT BUILDING	3732	157.92	789.59	473.75	157.92		
	E) 200 OR LESS EMPLOYEES							
1300	PLAY GROUND EQUIPMENT MANUFACTURE	3949	236.87	1184.37	710.63	236.87		
	PER LINE							
1310	GRAIN ELEVATORS	4221	505.33	2526.68	1516.00	505.33		
	A) 20,000 OR MORE TON/YR							
1320	GRAIN ELEVATORS	4221	252.66	1263.34	758.00	252.66		
	B) LESS THAN 20,000 TON/YR							
1330	A) PETROLEUM, CHEMICAL BULK STORAGE & TER-	4226	4737.52	23687.62	14212.57	4737.52		
	MINAL(OVER 3,000,000 BBL CAPACITY) * NOTE 7 *							
1340	B)PETROLEUM, CHEMICAL BULK STORAGE & TER-	4226	3158.35	15791.75	9475.05	3158.35		
	MINAL(1,000,000-3,000,000BBL CAP) * NOTE 7 *							
1350	C)PETROLEUM, CHEMICAL BULK STORAGE & TER-	4226	1579.17	7895.87	4737.52	1579.17		
	MINAL(500,001-1,000,000BBL CAP) * NOTE 7 *							
1360	D)PETROLEUM, CHEMICAL BULK STORAGE & TER-	4226	789.59	3947.94	2368.76	789.59		
	MINAL(500,000BBL CAP OR LESS) * NOTE 7 *							
1370	RAILCAR/BARGE/TANK TRUCK CLEANING	4742	157.92	789.59	473.75	157.92		
	HEAVY FUELS ONLY							

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
FEE SCHEDULE LISTING

OCTOBER 20, 1986

	AIR CONTAMINANT SOURCE	SICC	ANNUAL MAINTENANCE FEE	NEW APPLI-CATION	MODIFIED PERMIT FEES		ANNUAL MAINTENANCE FEE	
					MAJOR	MINOR	MIN.	MAX.
1380	RAILCAR AND BARGE CLEANING OTHER THAN HEAVY FUELS	4742	789.59	3947.94	2368.76	789.59		
1390	TANK TRUCK CLEANING OTHER THAN HEAVY FUELS	4742	473.75	2368.76	1421.26	473.75		
1400	A)ELEC. POWER GEN PER MW (OVER 0.7% S IN FUEL)	4911	7.34	36.72	22.03	7.34	1495.00	
1410	B)ELEC POWER GEN PER MW(0.7% S OR LESS IN FUEL)	4911	4.40	22.03	13.22	4.40	715.00	
1420	C)ELEC. POWER GEN. PER MW (NATURAL GAS FIRED)	4911	2.21	11.02	6.61	2.21	520.00	
1430	NAT. GAS COMP PER 100 H.P. (TURBINES)	4922	3.15	15.79	9.47	3.15		
1440	RECIP. NAT GAS COMP PER 100 H.P. A) > 50,000 H.P.	4922	14.22	71.07	42.64	14.22		
1450	RECIP. NAT GAS COMP. PER 100 H.P. B) 20,000 TO 50,000 H.P.	4922	15.79	78.96	47.37	15.79		
1460	RECIP. NAT GAS COMP. PER 100 H.P. C)5,000 TO 20,000 H.P.	4922	18.95	94.75	56.84	18.95		
1470	RECIP NAT GAS COMP PER 100 H.P. D) 2,500 TO 5,000 H.P.	4922	22.11	110.53	66.32	22.11		
1480	RECIP. NAT GAS COMP. PER 100 H.P. E) 1,000 TO 2,500 H.P.	4922	23.69	118.44	71.07	23.69		
1490	RECIP. NAT. GAS COMP. F) < 1,000 H.P.	4922	315.83	789.59	315.83	315.83		
1500	COAL GASSIFICATION PER \$100,000 CAPITAL COST	4925	3.15	15.79	9.47	3.15		25285.00
1510	CO-GENERATION PER \$100,000 CAPITAL COST	4939	3.15	15.79	9.47	3.15		15795.00
1520	INCINERATORS A) 1,000 LB/HR AND GREATER CAPACITY	4953	157.92	789.59	473.75	157.92		
1521	INCINERATORS B) LESS THAN 1,000 LB/HR CAPACITY	4953	65.00	325.00	195.00	65.00		
1530	MUNICIPAL INCINERATORS	4953	1579.24	7895.94	4737.59	1579.24		
1540	STEAM GEN UNITS PER 1000 LBS/HR STEAM CAP-NAT GAS OR COMB NON-FOSSIL FUELS	4961	0.79	3.95	2.36	0.79	130.00	
1550	STEAM GEN UNITS PER 1000 LBS/HR STEAM CAP-FUELS WITH 0.7% S OR LESS	4961	1.58	7.90	4.74	1.58	325.00	
1560	STEAM GEN UNITS PE 1000 LBS/HR STEAM CAP-FUELS WITH MORE THAN 0.7% S	4961	2.36	11.84	7.11	2.36	455.00	
1570	CEMENT(BULK DISTRIBUTION)	5052	631.67	3158.35	1895.01	631.67		
1580	WHOLESALE DISTRIBUTION OF COAL PER 1,000 TON/YR THROUGHPUT	5052	0.15	0.79	0.46	0.15	455.00	
1590	WHOLESALE DISTRIBUTION OF COKE AND OTHER BULK GOODS PER 1000 TON/YR CAP	5093	0.32	1.58	0.94	0.32	780.00	
1600	FLOATING BULK LOADER A) OVER 100,000 TON/YR THROUGHPUT	5153	1579.17	7895.87	4737.52	1579.17		
1610	FLOATING BULK LOADER B) 100,000 OR LESS TON/YR THROUGHPUT	5153	789.59	3947.94	2368.76	789.59		
1620	GRAIN ELEVATORS-TERMINAL PER 10,000 BU/YR THROUGHPUT	5153	0.15	0.79	0.46	0.15	715.00	
1630	WHOLESALE DISTRIBUTION OF CHEMICALS AND ALLIED PRODUCTS PER FACILITY	5161	394.79	1579.17	1184.37	394.79		
1640	PETROLEUM BULK PLANTS	5171	31.59	157.92	94.75	31.59		
1650	PETROLEUM BULK TERMINAL	5171	315.83	1579.17	947.50	315.83		
1660	PETROLEUM BULK STATION	5171	31.59	157.92	94.75	31.59		
1670	STORAGE TANK	5171	0.00	315.83	157.92	157.92		
1680	CRUDE OIL DISTRIBUTION	5172	473.75	2368.76	1421.26	473.75		
1690	AUTOMOBILE, TRUCK AND VAN ASSEMBLY PER 1000 VEHICLES PER YEAR CAPACITY	3711	78.96	394.79	236.87	78.96		15795.00
1700	CHEMICAL WASTE DISPOSAL FACILITY FOR NONHAZARDOUS WASTE	9998	1469.00	7345.00	4407.00	1469.00		
1710	NEGOTIATED FEE	9999	0.00	0.00	0.00	0.00		
1711	RESEARCH FEE FOR ALTERNATE DISPOSAL OF HAZARDOUS WASTE	9999	0.00	0.00	0.00	0.00		
1720	ELECTRIC TRANSFORMERS PER 1000 UNITS/YEAR	3612	73.45	367.25	220.35	73.45		
1730	PAINT MANUFACTURING AND BLENDING	2851	293.80	1469.00	881.40	293.80		
1740	PLASTICS INJECTION MOULDING & EXTRUSION PER LINE	3079	157.92	789.59	473.75	157.92		
1750	AUTOMOBILE RECYCLING SCRAP PER 1000 TONS/YR	5093	6.50	32.50	19.50	6.50	325.00	15795.00
1760	SALT PROCESSING & PACKAGING PER 1,000,000 LB/YR	2899	0.13	0.65	0.39	0.13	195.00	
1770	COMMERCIAL HAZARDOUS WASTE INCINERATOR PER 1,000,000 BTU PER HOUR THERMAL CAPACITY	4953	91.00	455.00	273.00	91.00		
1780	NON COMMERCIAL HAZARDOUS WASTE INCINERATOR (PER 1,000,000 BTU/HR THERMAL CAPACITY)	4953	45.50	227.50	136.50	45.50		
1790	COMMERCIAL HAZARDOUS WASTE DISP FACILITY, N.E.C.	4953	13000.00	65000.00	39000.00	13000.00		
1800	COMMERCIAL HAZARDOUS WASTE UNDERGROUND INJECTION (SURFACE FACILITIES) PER LOCATION	4953	2600.00	13000.00	7800.00	2600.00		
1810	RECOVERABLE/RE-USABLE MATERIALS PROC. FACILITY (PER 1,000,000 BTU/HR THERMAL CAPACITY)	4953	45.50	227.50	136.50	45.50	1300.00	6500.00

EXPLANATORY NOTES FOR FEE SCHEDULE

- NOTE: 1 - THIS CATEGORY DOES NOT INCLUDE BUILDING PAPER
 NOTE: 2 - THIS CATEGORY IS CONSIDERED ONE PROCESS WITH THE FEE BASED ON THE RATED YEARLY CHLORINE CAPACITY.
 NOTE: 3 - THE FEE FOR THIS CATEGORY IS BASED ON CRUDE THROUGHPUT OF THE REFINERY. THROUGHPUT INCLUDES ADDITIONAL PURCHASED CHARGE STOCKS
 NOTE: 4 - MODULE IS DEFINED AS A ROTARY PRINTING DEVICE CAPABLE OF PRINTING ONE SHEET AND COMMONLY ARRANGED IN SERIES TO COMPRISE A PRINT PRESS.
 NOTE: 5 - THE FEES FOR THIS CATEGORY APPLY TO BOTH BATCH AND CONTINUOUS PROCESSES.
 NOTE: 6 - THIS FEE APPLIES TO LUBRICANTS MEANING LUBRICATING OILS AND GREASES. THIS FEE IS NOT TO BE CHARGED FOR UNITS WHICH ARE PART OF A FACILITY FOR WHICH THE PETROLEUM REFINERY FEE WAS PAID.
 NOTE: 7 - THE FEES FOR THIS CATEGORY ARE BASED ON THE ORGANIC COMPOUND STORAGE CAPACITY OF THE FACILITY
 NOTE: 8 - FOR AN ELECTRIC POWER GENERATION UNIT TO BE PLACED IN THIS CATEGORY IT MUST BURN FUEL OIL OR COAL OF LESS THAN .7% SULPHUR
 NOTE: 9 - WHOLESALE GRAIN DISTRIBUTION IS NOT INCLUDED IN THIS CATEGORY
 NOTE:10 - FACILITIES WITH NO FUEL OR WASTE BURNING EQUIPMENT ARE EXEMPTED FROM BOTH THE ANNUAL MAINTENANCE AND PERMIT FEES. POWER MUST BE SUPPLIED BY ELECTRIC MOTORS OR INTERNAL COMBUSTION ENGINES
 NOTE:11 - FOR COAL GASIFICATION AND COGENERATION PROJECTS WHEN COMPUTING APPLICATION FEES, THE CAPITAL COST FOR THE CONTROL EQUIPMENT THAT REDUCES EMISSIONS TO A LEVEL BELOW THE APPLICABLE NSPS REGULATIONS SHOULD BE DEDUCTED FROM THE CAPITAL COST.
 NOTE:12 - THE MAXIMUM ANNUAL MAINTENANCE FEE CHARGED TO ANY ONE GAS TRANSMISSION COMPANY FOR THE TOTAL OF FEE NUMBERS 1430,1440,1450,1460,1470,1480 AND 1490 SHALL NOT EXCEED \$15,795.00 .

Patricia L. Norton
 Secretary

RULE

**Department of Environmental Quality
 Office of Air Quality and Nuclear Energy
 Nuclear Energy Division**

Under the authority of the Louisiana Environmental Quality Act, R. S. 30:1051 et seq., in particular Sections 1065 B and 1084 B (1) and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the secretary of the Department of Environmental Quality, Patricia L. Norton, adopted the Louisiana Nuclear Energy Division Fee System Regulations on October 10, 1986. The effective date of these regulations will be October 20, 1986.

Sec. Y.13. EFFECTIVE DATE. The fees prescribed herein shall be effective on October 20, 1986.

**PART Y
 APPENDIX A
 NUCLEAR ENERGY PROGRAM FEE SCHEDULE**

	Initial Application Fee	Annual Maintenance Fee
I. Radioactive Material Licensing		
A. Medical Licenses:		
1. Therapy		
a. Teletherapy	290	290
b. Brachytherapy	290	290
2. Nuclear Medicine		
Group I, II & III or Group II and/or Group III	360	360
3. Nuclear Medicine Non-group License	215	215

	Initial Application Fee	Annual Maintenance Fee
4. Nuclear Pacemaker Implantation	145	145
5. Eye Applicators	145	145
6. Group I only or in vitro studies or radio-immunoassays or calibration sources	145	145
7. Processing or manufacturing and distribution of radio-pharmaceuticals	570	430
8. Mobile Nuclear Medicine Services	570	430
9. "Broad Scope" Medical Licenses	570 145	430 145
10. All Others		
B. Source Material Licenses:		
1. For Mining, Milling, or Processing Activities, or Utilization which results in Concentration or Re-distribution of Naturally-Occurring Radioactive Material	2,850	2,850
2. For the concentration and recovery of uranium from phosphoric acid as "yellow cake" (powdered solid)	1,425	1,425
3. For the concentration of uranium from or in phosphoric acid	715	715
4. All other specific "source material" licenses	145	145
C. Special Nuclear Material (SNM) Licenses:		
1. For use of SNM in sealed sources contained in devices used in measuring systems	215	215
2. SNM used as calibration or reference sources	145	145
3. All other licenses or use of SNM in quantities not sufficient to form a critical mass, except as in I.A.4., I.C.1., I.C.2.	145	145
D. Industrial Radioactive Material Licenses:		
1. For processing or manufacturing for commercial distribution	2,850	2,140
2. For Industrial Radiography operations performed in a shielded radiography installation(s) or permanently designated areas at the address listed in the license.	430	290
3. For Industrial Radiography operations performed at temporary jobsite(s) of the licensee	1,425	1,075
4. For possession and use of radioactive materials in sealed sources for irradiation of materials where the source is not	715	360

	Initial Application Fee	Annual Maintenance Fee		Initial Application Fee	Annual Maintenance Fee
removed from the shield and is less than 10,000 Curies			17. All other specific industrial licenses except as otherwise noted	290	290
5. For possession and use of radioactive materials in sealed sources for irradiation of materials when the source is not removed from the shield and is greater than 10,000 Curies, or where the source is removed from the shield	1,425	715	E. Radioactive Waste Disposal Licenses:		
6. For distribution of items containing radioactive material	715	715	1. Commercial waste disposal involving burial	355,900	355,900
7. Well-logging and subsurface tracer studies			2. Commercial waste disposal involving incineration of vials containing liquid scintillation fluids	2,850	1,425
a. Collar markers, nails, etc. for orientation	145	145	3. All other commercial waste disposal involving storage, packaging and/or transfer	1,425	1,425
b. Sealed sources less than 10 Curies and/or tracers less than or equal to 500 mCi	430	430	F. Civil Defense licenses	175	145
c. Sealed sources of 10 Curies or greater and/or tracers greater than 500 mCi but less than 5 Ci	715	715	G. Teletherapy Service Company License	715	715
d. Field Flood studies and/or tracers equal to or greater than 5 Curies	1,075	1,075	H. Consultants who:		
			1. do not possess sources	70	40
			2. possess calibration sources equal to or less than 500 mCi each	105	70
			3. possess calibration sources greater than 500 mCi	145	105
			II. Electronic Product Registration		
			A.		
			1. Medical diagnostic x-ray (per x-ray registration)	50	45
			2. Medical therapeutic x-ray (per registration)		
			a. Below 500 kVp	105	105
			b. 500 kVp to 1 MeV (including accelerator and Van de Graaff)	215	215
			c. 1 MeV to 10 MeV	290	290
			d. 10 MeV or greater	430	430
			3. Dental x-ray (per registration)	40	40
			4. Veterinary x-ray (per registration)	40	40
			5. Educational institution x-ray (teaching unit, per registration)	70	40
			6. Electron Microscope	40	40
			7. All other medical x-ray (per registration) except as otherwise noted	50	45
			B.		
			1. Industrial Accelerator (includes Van de Graaff machines and neutron generators)	215	215
			2. Industrial Radiography (per registration)	70	70
			3. All Other x-ray (per registration) except as otherwise noted	50	50
			Storage-same fee		
			III. General license which requires registration	40	0
NOTE: Any licensee in paragraph D.1, D.2, D.3 or D.7 possessing, storing, or using radioactive material at more than one permanent location under a single license shall be assessed annually an additional fee of 10 percent of the annual maintenance fee for each such location within the State of Louisiana. Such additional fee shall not exceed an amount equal to the annual maintenance fee.					
8. Operation of a Nuclear Laundry	2,850	1,425			
9. Industrial research and development of radioactive materials or products containing radioactive materials	360	360			
10. Academic research and/or instruction	290	290			
11. Licenses of broad scope:					
a. Academic, Industrial, Research and Development, total activity equal to or greater than 1 Curie	715	715			
b. Academic, Industrial, Research and Development, total activity not greater than 1 Curie	430	430			
12. Gas chromatographs, sulfur analyzers, lead analyzers, or similar laboratory devices	145	145			
13. Calibration sources equal to or less than 1 Curie per source	145	145			
14. Level or Density Gauges	215	215			
15. Pipe Wall Thickness Gauges	290	290			
16. Soil Moisture and Density Gauges	215	215			

IV. Reciprocal Recognition

The fee for reciprocal recognition of a license or registration from another state or USNRC is the annual fee of the applicable category. The fee covers activities in the State of Louisiana for 1 year from the date of receipt.

V. Shielding Evaluation (per room)		
A. Diagnostic	40	*
B. Therapeutic (below 500 kVp)	70	*
C. Therapeutic (500 kVp to 1 MeV)	105	*
D. Therapeutic (1 MeV to 10 MeV)	145	*
E. Therapeutic (10 MeV or greater)	215	*
F. Industrial and industrial radiography	145	*
VI. Device, Product, or Sealed Source Evaluation		
A. Device evaluation (each)	360	*
B. Sealed source design evaluation (each)	145	*
C. Update Sheet	70	*
VII. Testing to determine qualifications of employees, per test administered	70	*
VIII. Laboratory samples	145-715	(charges depend on types of analyses performed)

IX. Nuclear Electric Generating Station (per site)

Located in Louisiana	156,700
Located near Louisiana (Plume Exposure Pathway Emergency Planning Zone - includes area in Louisiana)	113,900

The secretary initiated rulemaking procedures to adopt this rule on July 10, 1986. Prior to the final adoption by the secretary, this rule was forwarded to, and found acceptable by, the Joint Committee on Natural Resources.

Patricia L. Norton
Secretary

RULE

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

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and in particular Section 1065 B 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 adopted revisions to the Hazardous Waste Fee System, Chapter 25 of the Louisiana Hazardous Waste Regulations. The effective date of these revisions will be upon publication with billing retroactive to July 1, 1986.

The revisions to Chapter 25 increased all fees to generators, treaters, storers, and disposers of hazardous waste by 30 percent.

The secretary of the Department of Environmental Quality initiated rulemaking procedures to adopt this rule on August 10, 1986. Prior to the final adoption by the secretary this rule was forwarded to and found acceptable by the Joint Committees of Natural Resources.

Persons requesting copies and/or further information concerning the rule may contact Bill Greenwich, Department of Environmental Quality, Hazardous Waste Division, Box 44307, Baton Rouge, LA 70804.

Patricia L. Norton
Secretary

RULE

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

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq. and in accordance with the provisions in the Administrative Procedure Act, R.S. 49:950 et seq., the secretary of the Department of Environmental Quality adopted revisions to the Solid Waste Fee System, Section 6.4.5 of the Louisiana Solid Waste Rules and Regulations (LSWRR). The effective date of these regulations will be October 20, 1986.

The revisions to Section 6.4.5 of the LSWRR increased the processor/disposer permit application fee and the annual permit maintenance fee for operators of solid waste disposal facilities by 30 percent. The assessment of the 30 percent increase will be retroactive for state fiscal year 1986-1987.

The secretary initiated rulemaking procedures to adopt this rule on July 20, 1986. Prior to final adoption by the secretary, this rule was forwarded to the Joint Committees on Natural Resources.

6.4.5. Solid Waste Fee System

A. Permit Application Fee

1. Applicants for Standard Permits shall pay a \$1040.00 permit application fee.

2. Payment of the permit application fee shall be due upon submission of the permit application and shall accompany each permit application submitted after promulgation of these revised regulations.

B. Annual Permit Maintenance Fee

1. Operators of all solid waste disposal facilities which have been issued a Standard Permit or Interim Permit shall be charged an annual permit maintenance fee for each permit.

2. Calculation of Annual Maintenance Fee

Base Fee per Permit + Fee Based on Volume = Annual Permit Maintenance Fee

a. Base Fee per Permit for Industrial Solid Waste Sites - \$2080.00

b. Base Fee per Permit for Non-industrial Solid Waste Sites - \$520.00.

c. Fee will be Based on Volume as Reported in the Disposer Annual Report.

(1) Industrial Waste - \$.21/ton or, \$.27/cubic yard

(2) Non-Industrial Waste -
Amts. exceeding 75,000 tons \$.05/ton or,
Amts. exceeding 250,000 cubic yards \$.03/cubic yard

d. Maximum Annual Permit Maintenance Fee Per Permit for Industrial Solid Waste Sites - \$20,800.00

e. Maximum Annual Permit Maintenance Fee Per Permit for Non-Industrial Solid Waste Sites - \$5,200.00

Patricia L. Norton
Secretary

RULE

Department of Environmental Quality Office of Water Resources

Under the authority of the Environmental Quality Act, in particular R.S. 30:1065 (B) and 30:1094 (B)(3), and in accordance with the provisions in R.S. 49:950 et seq., the secretary of the Department of Environmental Quality, Patricia L. Norton, adopted the Louisiana Water Pollution Control Fee System Regulations on October 10, 1986. The effective date of these regulations will be October 20, 1986.

The secretary initiated rulemaking procedures to adopt this rule on June 23, 1986. Prior to the final adoption by the secretary, this rule was forwarded to, and found acceptable by, the Joint Committees on Natural Resources.

Persons requesting copies and/or further information concerning this rule may contact Mary Fleming, Department of Environmental Quality, Water Pollution Control Division, Box 44091, Baton Rouge, LA 70804-4091.

Patricia L. Norton,
Secretary

RULE

Office of the Governor Division of Administration Property Assistance Agency

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 39:321-332, the Office of the Governor, Division of Administration, Louisiana Property Assistance Agency is hereby amending LAC 34:VII.703 as follows:

Chapter 7.

§ 703. Agency Inventory Master File Interface

C.1. IBM standard tape with a record length of 150 characters blocked with a blocking factor of 15,000 characters, or 100 records.

Louis W. Amedee
Director

RULE

Office of the Governor Office of Women's Services

Effective December 1, 1986 the Office of Women's Services is revising and re-adopting the Minimum Standards for Fam-

ily Violence Programs. These standards were previously adopted by the Department of Health and Human Resources, Women's Advocacy Bureau in May, 1983 in accordance with Act 60 of the 1983 First Extraordinary Session of the Louisiana Legislature. Act 60 expired in March, 1985.

These minimum health, safety and program standards were established to provide eligibility criteria for all programs receiving state and federal family violence funding. Funding is allocated and administered by the Office of Women's Services for the provision of services to victims of family violence.

As a result of the length of the standards, they are not included in this Rule. Copies of the standards may be obtained from the Office of Women's Services, 200 Riverside Mall, Baton Rouge, LA 70804, or by calling (504) 342-2715.

Judy Dunlap
Director

RULE

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

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) the Louisiana State Board of Embalmers and Funeral Directors in accordance with the authority granted under R.S. 37:840 and pursuant to the notice of intent published August 20, 1986 adopted the following amendments to LAC 46:XXXVII.2303 on September 22, 1986:

§2303. Penalty

A. Whoever violates the provisions of these rules and regulations shall be fined not less than \$500 nor more than \$2,500 for each offense, plus costs of the court reporter and the attorney for the board.

B. If a firm or association violates the provisions of these rules and regulations, all members of the firm or association who knowingly violate said provisions shall be subject to the penalty. If a corporation violates said provisions, the members of the corporation who knowingly violate said provisions shall be subject to the penalty.

Lloyd E. Eagan
Secretary

RULE

Department of Health and Human Resources Board of Nursing

Amendment to Rules on
Delegation of Nursing Functions,
LAC 46:XLVII.3703.A.12.d

i. A non-complex task is one that can safely be performed according to exact directions, with no need to alter the standard procedure, and the results are predictable.

ii. A complex task is one that requires judgment to safely alter the standard procedure in accordance with the needs of the patient; or requires the consideration of a number of factors in order to perform the procedure; or requires judgment to determine how to proceed from one step to the next.

iii. The administration of medications is a complex task because it requires the consideration of number of factors and the formulation of judgments according to those factors.

Merlyn M. Maillian, R.N.
Executive Director

RULE

Department of Health and Human Resources Board of Nursing

Amendment to L.A.C. 46:XLVII.3515. Faculty and
Faculty Organization

B. Qualifications

7. The educational standard set forth in L.A.C. 46:XLVII.3515.B.3. shall not apply to a nurse faculty member who holds a masters degree in nursing but not a baccalaureate in nursing and whose employment as a faculty member continued through December 31, 1985 in a Louisiana nursing program approved by the Louisiana State Board of Nursing.

8. Anyone wishing to qualify under the provisions of number 7 must submit in writing a formal application to the board no later than January 1, 1987.

Merlyn M. Maillian, R.N.
Executive Director

RULE

Department of Health and Human Resources Board of Practical Nurse Examiners

Notice is hereby given that the Louisiana State Board of Practical Nurse Examiners, under the authority vested in it by R.S. 37, Chapter II, Nurses, Part II, Practical Nurses, Section 961-979, and pursuant to the notice of intent published on April 20, 1986, took the following action relative to an amendment to the administrative rules and minimum requirements relating to the practice of practical nursing education and licensure to practice in the State of Louisiana (LAC XLVII.905A) on September 26, 1986, at its annual board meeting in New Orleans, Louisiana.

The amendment is as follows:

Chapter 9. Program Projection § 905. Staffing

A. Instructor-student ratio

One instructor shall be responsible for no more than 10 students in the clinical area.

Terry L. DeMarcay, R.N.
Executive Director

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, is adopting the following rule in the AFDC Program.

Effective January 1, 1987, AFDC will not be denied to an otherwise eligible child solely because he is legally married or emancipated so long as his parent is responsible for his care and control. If a minor parent up to age 19, even if legally married or emancipated, lives with his/her parent(s) or legal guardians, income must be deemed from the minor parent's parents or legal guardians.

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 Medical Assistance Program is adopting the following rule which became effective July 1, 1986 as a result of Emergency Rulemaking promulgated in accordance with R.S. 49:953B and published in the *Louisiana Register* Vol. 12, No. 7, page 418, dated July 20, 1986. A Notice of Intent was published in the *Louisiana Register* Vol. 12, No. 8, page 558, dated August 20, 1986.

RULE

Payment to EPSDT medical/dental contract providers shall be a negotiated fee for screening services.

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 Medical Assistance Program is adopting the following rule which became effective July 1, 1986 as a result of Emergency Rulemaking promulgated in accordance with R.S. 49:953B and published in the *Louisiana Register* Vol. 12, No. 7, page 418, dated July 20, 1986. A Notice of Intent was published in the *Louisiana Register* Vol. 12, No. 8, page 558, dated August 20, 1986.

RULE

Effective for cost reporting periods beginning on or after July 1, 1986, the Medical Assistance Program shall amend its reimbursement methodology for inpatient hospital services to provide that the target rate percentage established by the Health Care Financing Administration (HCFA) as an adjustment factor to the cost per discharge limitation and the per diem limitation for certain special care units (NICU/PICU/Burn/Transplant) shall not be applied. Limitations remain the same as that for

fiscal years beginning July 1, 1985 or after for cost per discharge rates and fiscal years beginning October 1, 1985 or after for per diem limitations for specified special care units (NICU/PICU /Burn/Transplant).

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 Medical Assistance Program is adopting the following rule which became effective July 1, 1986 as a result of Emergency Rulemaking promulgated in accordance with R.S. 49:953B and published in the *Louisiana Register* Vol. 12, No. 7, page 418, dated July 20, 1986. A Notice of Intent was published in the *Louisiana Register* Vol. 12, No. 8, page 559, dated August 20, 1986.

RULE

The Inflation Adjustment Factor for the various base rate components of the SNF, ICF/I, and ICF/II reimbursement methodology shall be set at zero for the Fiscal Year beginning July 1, 1986 and ending June 30, 1987.

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 Medical Assistance Program is adopting the following rule which became effective July 1, 1986 as a result of Emergency Rulemaking promulgated in accordance with R.S. 49:953B and published in the *Louisiana Register* Vol. 12, No. 7, page 417, dated July 20, 1986. A notice of intent was published in the *Louisiana Register* Vol. 12, No. 8, page 560, dated August 20, 1986.

Effective July 1, 1986, the Medical Assistance Program shall amend policy in the Non-Emergency Medical Transportation Program to require that:

1) transportation providers must notify the parish office of Family Security of the location of their base and sub-offices at the time of certification and when any changes take place relating to the location of their base or sub-offices; and

2) the transportation provider must notify the state and parish office of Family Security if he decides to charge mileage from the pick-up point of the recipient in a specified service area in lieu of opening up a sub-office.

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 Medical Assistance Program is adopting the following rule which became effective July 1, 1986 as a result of Emergency Rulemaking promulgated in accordance with R.S. 49:953B and published in the *Louisiana Register* Vol. 12, No. 7, page 415, dated July 20, 1986. A Notice of Intent was published in the *Louisiana Register* Vol. 12, No. 8, page 563, dated August 20, 1986.

RULE

Effective July 1, 1986, the dispensing fee for pharmacies participating in Medicaid shall be \$3.30 per prescription. The dispensing fee shall be utilized by the agency in its determination of the lesser of Estimated Acquisition Cost plus a dispensing fee or the pharmacy's usual and customary charge.

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 Medical Assistance Program is adopting the following rule which became effective July 1, 1986 as a result of Emergency Rulemaking promulgated in accordance with R.S. 49:953B and published in the *Louisiana Register* Vol. 12, No. 7, page 417, dated July 20, 1986. A notice of intent was published in the *Louisiana Register* Vol. 12, No. 8, page 561, dated August 20, 1986.

Effective for laboratory services provided on or after July 1, 1986 the Medical Assistance Program shall amend its reimbursement methodologies for reimbursement of clinical laboratory services provided by physicians, independent laboratories or outpatient hospital departments to pay the lower of: 1) billed charges; 2) state maximum fee for service; or 3) Medicare maximum fee for service.

Those services not subject to the Medicare fee schedule shall continue to be reimbursed to physicians and independent laboratories, based on reasonable charges or established state maximums; and to outpatient hospital departments based on 72 percent of reasonable charges subject to adjustment to cost at year end settlement.

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 Medical Assistance Program is adopting the following rule which became effective July 1, 1986 as a result of Emergency Rulemaking promulgated in accordance with R.S. 49:953B and published in the *Louisiana Register* Vol. 12, No. 7,

page 416, dated July 20, 1986. A Notice of Intent was published in the *Louisiana Register* Vol. 12, No. 8, page 561, dated August 20, 1986.

Medicaid providers enrolled to participate in the Medical Assistance Program shall not refuse to provide services to any Medicaid recipient because of a third party's potential liability for payment of the service.

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 Medical Assistance Program is adopting the following rule which became effective July 1, 1986 as a result of Emergency Rulemaking promulgated in accordance with R.S. 49:953B and published in the *Louisiana Register* Vol. 12, No. 7, page 417, dated July 20, 1986. A notice of intent was published in the *Louisiana Register* Vol. 12, No. 8, page 562, dated August 20, 1986.

Effective July 1, 1986, Non-Emergency Medical Transportation shall be provided by the least expensive means available, determined by the agency, to be suitable to meet the recipient's needs. In cases where the agency determines more than one least expensive source is available and suitable to meet the recipient's needs, freedom of choice shall be allowed. When freedom of choice is not exercised by recipients in such cases, the agency shall assign providers by rotation.

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 Medical Assistance Program is adopting the following rule which became effective July 1, 1986 as a result of Emergency Rulemaking promulgated in accordance with R.S. 49:953B and published in the *Louisiana Register* Vol. 12, No. 7, page 417, dated July 20, 1986. A notice of intent was published in the *Louisiana Register* Vol. 12, No. 8, page 563, dated August 20, 1986.

Effective July 1, 1986, the Medical Assistance Program shall amend its policy in the Non-Emergency Transportation Program to require that providers shall notify the state office of Family Security of their rates which shall remain in effect for an entire calendar quarter. To change the rates the provider must petition the Office of Family Security for approval prior to the first day of the month before the end of the calendar quarter.

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

RULE

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 has amended the part of the Section 1122 Policies and Guidelines which lists criteria for expedited review. The affected criterion was published as a rule on January 20, 1986 and is contained in LAC 48:I. 12503.

The amendment changes Number 9 (p.7) in the list of expedited review criteria to read:

"A site change which is not substantial (i.e. adjacent to the originally proposed site, with the same zoning and within the same parish); or which is a result of expropriation, zoning change or other governmental action restricting the development of all or part of the original site and is in the same service area."

Page seven of the Section 1122 Policies and Guidelines now reads as follows:

An applicant proposing such an expenditure may submit a written request to DPPE for an "elect not to review." DPPE will review the information in the request, request additional information if necessary, and determine the appropriateness of the request. If DPPE elects not to review the proposal, the applicant and DHHS will be notified. If DPPE determines that a review will be conducted, the applicant will be notified and provided with the appropriate application forms.

Expedited Review

The DPPE may elect to conduct an expedited review of a proposed capital expenditure which is subject to review under Section 1122. In order to be considered for an expedited review, the project (1) must not be a discrete part of a larger capital expenditure or phased project, (2) must be related to a Section 1122 approved facility, service, or equipment, and (3) must meet one of the following criteria:

1. Replacement or modification of equipment with an expenditure in excess of \$600,000.
2. Sale of an existing facility with no change in beds or service.
3. Lease (or discontinuance of a lease) of an approved existing facility with no change in beds or services.
4. Renovation of an existing facility which costs between \$600,000 and \$1,000,000 and which does not result in a change in existing beds or services.
5. A cost overrun on an initially approved project, not to exceed 25 percent of the originally approved cost.
6. Addition of non-medical equipment or purchase of land.
7. Addition of a new service in an existing facility which will not exceed \$600,000.
8. Incorporation, reorganization, merger, consolidation, majority stock sale or transfer, or other changes in the person owning a health care facility with Section 1122 approval.
9. "A site change which is not substantial (i.e. adjacent to the originally proposed site, with the same zoning and within the same parish); or which is a result of expropriation, zoning change or other governmental action restricting the development of all or part of the original site and is in the same service area."

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

RULE

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, hereby adopts the following rule pursuant to R.S. 40:33 and R.S. 40:49, 40:54, 40:55 and 40:56 and pertaining to preparation of birth certificates, death certificates, burial permits and marriage license/certificates.

The certificate forms referenced above and completion thereof delineated hereinbelow are formally adopted. Only those forms prescribed and printed by the State Registrar shall be used for reporting births, deaths, marriages and issuing burial transit permits. Forms shall be typewritten in black type or printed in permanent black ink. If errors are made in preparation, a new document shall be prepared; "white outs", erasures or other alterations shall not be permitted. Only those documents completed and executed properly shall be acceptable for registration and/or processing.

I. CERTIFICATE OF LIVE BIRTH PREPARATION

SECTION—This Child

Item 1A. Last Name

Enter the surname of the child as required by LSA - R.S. 40:34. Identifications, e.g., Jr. II, III, etc., shall appear immediately following and as a part of the surname.

Item 1B. First Name

Enter the first name of the child.

Item 1C. Second Name

Enter the second name of the child.

Item 2A. Date of Birth

Enter the month, day and year of birth utilizing the following monthly abbreviations: Jan., Feb., Mar., Apr., Aug., Sept., Oct., Nov., and Dec. Enter the complete spelling for the months of May, June and July.

A birth occurring on January 1, 1986, shall appear as Jan. 1, 1986.

Item 2B. Hour of Birth

Enter the hour of birth indicating A.M. or P.M. If the institution is on 24 hour or military time, the hour of birth may be so expressed.

Item 3. Sex

Enter male or female. In instances where sex is not readily determined, enter the sex of the child based upon the predominant indicator or hold the certificate until a determination is made.

Item 4. This Birth

Check the appropriate block.

Item 5. If Twin or Triplet, was Child Born

Check the appropriate block, if applicable. If not applicable, leave blank.

SECTION—Place of Birth

Item 6A. Place of Birth (City, Town or Location)

Enter the full name of the city, town or location where the birth occurred, regardless of size.

Item 6B. Parish of Birth

Enter the name of the parish in full.

Item 6C. Name of Hospital or Institution

If the birth occurred in a hospital or institution, enter the name of the facility.

If the birth did not occur in a hospital or institution, enter the street address or location where the birth occurred.

Item 6D. Is Place of Birth Inside City Limits?

Check the appropriate block.

SECTION—Usual Residence of Mother

Item 7A. Usual Residence of Mother (City, Town or Location)

Enter the city, town or location where the mother usually

resides. Include the zip code.

Item 7B. Parish

Enter the full name of the parish.

Item 7C. State

Enter the full name of the state.

Item 7D. Street Address

Enter the street address, rural route, location or other applicable designation.

Item 7E. Is Residence Inside City Limits?

Check the appropriate block.

SECTION—Father of Child

The name of the father shall refer to the husband of the mother only, if the mother is married or divorced or widowed less than 300 days at the birth of the child.

If the mother is unmarried, neither a father's name nor any other information pertaining to the father shall appear in this section.

Item 8A., 8B., 8C. Father's Name

Enter last, first and second name of the father of the child.

Item 8D. City and State of Birth

Enter city and state of birth of the father of the child. If the father was not born in the United States, enter country of birth.

Item 8E. Age

Enter age of father's last birthday.

SECTION—Mother of Child

Items 9A., 9B. and 9C. Mother's Name

Enter the mother's surname before marriage, if married, or birth surname, first name and second name.

Item 9D. City and State of Birth

Enter the city and state of birth of the mother of the child. If the mother was not born in the United States, enter the country of birth.

Item 9E. Age

Enter the age of the mother in years.

SECTION—Informant's Certification

Item 10. Signature of Parent or Other Informant

Enter the signature of the mother or father (if a father's name appears in Items 8A., 8B. and 8C.) and check "parent." A person, other than the mother or husband of the mother, whose signature appears in this area shall check "other." The informant shall limit his signature to the space provided.

Item 11. Date of Signature

Enter in numerals the month, day and year of the signature in Item 10.

Item 12A. Address of Parent or Other Informant

Enter the street address, rural route or otherwise indicate the residence of the person whose signature appears in Item 10.

Item 12B. Relation to child

Enter the relationship of the person whose signature appears in Item 10 to the person whose name appears in Item 1A., 1B. and 1C. If the person is not a relative, enter "none."

SECTION—Attendant's Certification

Item 13. Signature and Address of Attendant

Enter the signature of the person attending this birth in permanent black ink. Do not print or utilize a facsimile signature or stamp. The attendant shall limit his signature to the space provided.

For births occurring in institutions, the administrator of the institution or his designee may sign if the attendant is not available.

For births occurring outside institutions, the midwife or other person managing the birth shall complete this item.

Check the appropriate block to the right of signature and address.

Item 14. Date of Signature

Enter the date of the signature appearing in Item 13.

SECTION—Registrar's Certification

(To be completed only by the State Registrar or his designee.)

Item 15. Date Accepted by Local Registrar

Enter the date accepted by the Local Registrar expressing the month as set forth in Item 2A., example: Mar. 1, 1986.

Item 16. Signature of Local Registrar

Enter the signature of the local registrar. If another employee signs for the local registrar, that person shall write the Registrar's name per his/her initials.

Item 17. Date Filed by State Registrar

Enter the date filed in the Vital Records Registry expressing the date as set forth in Item 2A.

SECTION—Confidential Information for Medical and Health Use Only

Item 18A. Race of Mother

Enter race as provided by the informant, e.g., White, Black, American Indian (indicate tribe if known). For non-white groups other than Black or American Indian, enter the national origin, e.g., Chinese, Japanese, Puerto Rican, etc. Generic designations of Oriental, Polynesian, European, etc., are not acceptable.

Item 18B. Race of Father

If a father's name appears in Items 8A., 8B. and 8C., enter race as provided by the informant, e.g., White, Black, American Indian (indicate tribe if known). For non-white groups other than Black or American Indian, enter the national origin, e.g., Japanese, Puerto Rican, etc. Generic designations of Oriental, Polynesian, European, etc., are not acceptable.

Item 19. Birth Weight

Enter the birth weight in grams or pounds and ounces, specify.

Item 20. If Delivered at Home

Complete this item only if the birth occurred at home; specify whether the home delivery was intentional.

Item 21. Is Mother Married

Indicate the marital status of the mother at the time of the child's birth by entering "yes" or "no." If the mother had not been legally divorced or widowed at the time of this child's birth, enter "yes."

If divorced or widowed, enter "no" in this space and the date of the divorce or death of the spouse in the left hand margin.

Item 22A. Live Births (Now Living)

Excluding this child, enter the number of children born to this mother who are now living, or enter "none."

Item 22B. Live Births (Now Dead)

Excluding this child, enter the number or "none."

Item 22C. Date of Last Live Birth

Enter the date of the last live birth, if applicable.

Item 22D. Other Terminations (Before 20 Weeks)

If applicable, enter the number or check "none."

Item 22E. Other Terminations (After 20 Weeks)

If applicable, enter the number or check "none."

Item 22F. Date of Last Other Termination

Enter the date, if applicable, or enter "none."

Items 23. and 24. Education-Mother, -Father

Enter only one number for each item indicating the highest grade completed at elementary or college level. If a parent's education attainment exceeded 1 year of graduate work, enter "5+."

Item 25A. Date Normal Menses Began

Enter the month, day and year.

Item 25B. Month of Pregnancy Prenatal Care Began

Enter the month in full. If the patient did not receive prenatal care, enter "none."

Item 25C. Prenatal Visits

Enter the total number of prenatal visits if applicable, or enter "none."

Items 25D. and 25E. APGAR Score

If tests were conducted, enter the scores at one and five minutes or enter "none."

Items 26. through 29.

Under each of these items, provide a description or enter "none."

Item 30.

Complete this item only if labor was managed at more than one location.

II. CERTIFICATE OF DEATH PREPARATION

SECTION—Personal Data of Deceased

Item 1A. Last Name

Enter the surname of the deceased. Identifications, e.g., Jr. II, III, etc., shall appear immediately following and as a part of the surname. The surname of a married woman may be either her maiden name or that of her husband.

Item 1B. First Name

Enter the first name of the deceased.

Item 1C. Second Name

Enter the second name of the deceased. If the name is not known or cannot be determined, enter "unknown".

Item 2A. Date of Death

Enter the month, day and year using the following abbreviations: Jan., Feb., Mar., Apr., Aug., Sept., Oct., Nov., and Dec. Enter the complete spelling for the months of May, June and July.

Item 2B. Hour of Death

Enter the hour of death indicating A.M. or P.M. If the institution operates on 24 hour or military time, the hour of death may be so expressed.

Item 3. Sex

Enter male or female.

Item 4. Color or Race

Enter race as provided by informant, e.g., White, Black, American Indian (indicate tribe if known). For non-white groups other than black or American Indian, enter the national origin, e.g., Chinese, Japanese, Puerto Rican, etc. Generic designations of Oriental, Polynesian, European, etc., are not acceptable.

Item 5. Marital Status

Check the appropriate blank.

Item 6. Surviving Spouse

If the decedent was legally married at death, enter the name (maiden name in the case of a widow) of the survivor. If the deceased was single at death, enter "none."

Item 7. Date of Birth of Deceased

Enter the month, day and year per instructions for Item 2A. If the birthday is not known, enter "unknown" in full. If the birth date represents an approximation, enter birth date as "Approx." then date, example - "Approx. Mar. 12, 1935."

Item 8. Age of Deceased

Enter the age of the deceased in years, months and days. If the exact information is not known, enter an approximation of age. If the deceased was under 24 hours old, enter hours and minutes. Place dashes (-) in blocks that are not applicable.

Item 9A. Birthplace

Enter the city and state in full. If the deceased was born outside of the United States, enter the name of country in full.

Item 9B. Citizen of What Country

If the deceased was a citizen of the United States, enter "U.S.A." Enter the name of the country in full if deceased was not a citizen of the United States. If citizenship is not known, enter "unknown."

Item 10A. Usual Occupation

Notwithstanding the decedent's occupation at the time of death or that the deceased was retired, enter the type of occupation performed during the longest period of his/her working life. If

the deceased had never been employed, enter "never employed." Enter "unknown" if the information is not available.

If the deceased was under 14 years of age, a dash (-) should be entered.

Item 10B. Kind of Business or Industry

Enter as specifically as possible the kind of business or industry in which the deceased was employed. Do not enter the name of the company.

Avoid unclear designations, e.g., "factory" or "mill." Instead enter "paint factory" or "saw mill."

Item 10C. Ever in U.S. Armed Forces?

Check the appropriate block.

Item 11. Social Security Number

Enter the Social Security Number; if it is not known, enter "unknown."

SECTION—Place of Death

Item 12A. City, Town, or Location of Death

Enter the full name of city, town or location where death occurred, regardless of size.

Item 12B. Parish of Death

Enter the name of the parish in full.

Item 12C. Name of Hospital or Institution

If death occurred in a hospital or institution, enter the name of the facility. If death did not occur in a hospital or institution, enter the street address or otherwise enter location.

Item 12D. Death in Hospital

Complete this item only if death occurred in a hospital; check the appropriate block.

Item 12E. Is Place of Death Inside City Limits?

Check "yes" or "no" as appropriate.

SECTION—Usual Residence of Deceased

Item 13A. City, Town or Location

Enter the city, town or location of usual residence.

Item 13B. Parish

Enter the name of the parish of usual residence.

Item 13C. State

Enter the name of the state in full.

Item 13D. Street Address

Enter the street address of the urban community or location, if rural.

Item 13E. Is Residence Inside City Limits?

Check "yes" or "no" as appropriate.

SECTION—Parents

Item 14A. Father's Name

The name of the father shall refer to the husband of the mother of the deceased, unless the biological father had formally acknowledged or legitimated the deceased prior to his/her death. Enter the last, first and second name of the father; if not known, enter "unknown."

Item 14B. Father's Place of Birth

If the father was born in the United States, enter the city and state. If born outside the United States, enter the name of that country in full.

If the father's place of birth is not known, enter "unknown."

Item 15A. Mother's Maiden Name

Enter the last, first and second name of the mother. If the name is not known, enter "unknown."

Item 15B. Mother's Place of Birth

If the mother was born in the United States, enter the city and state. If born outside the United States, enter the name of that country in full.

SECTION—Informant's Certification

Item 16A. Signature and Address of Informant

The signature and address of the person providing information contained in Items 1A through 15B should appear in this

space. If the informant is unable to write, his "X" and two witnesses are required. The informant shall limit his signature to the space provided.

In the event information is taken from institutional records, the entry shall read "Hospital (or name of institution) Records" and be signed by the custodian of those records.

Another person may sign the informant's name with permission as follows: John Doe/initials of the third party.

Item 16B. Date of Signature

Enter the date of signature in Item 16A.

SECTION—Cause of Death

THIS SECTION IS TO BE COMPLETED ONLY BY THE ATTENDING PHYSICIAN OR CORONER CERTIFYING IN ITEM 21A.

Item 17 (Part I). Death Was Caused By:

(A) Immediate cause

Enter the disease or condition which caused death.

(B) and (C) Due to or as a consequence of:

Enter on these lines in appropriate sequence those causes, if any, in existence prior to death which may have given rise to the cause entered in (A).

If (B) and (C) do not apply, enter "none" or leave blank.

For each cause appearing on lines (A), (B) or (C) use as accurate terminology as is possible. Approximate intervals between onset of the cause and death.

Item 17 (Part II). Other Significant Conditions

Enter any other conditions unrelated to those appearing in Part I that contributed unfavorable to the fatal outcome.

Example: A complication of pregnancy might be reported in Part I. But, if pregnancy was without complication and within 3 months of the date of death, it should be reported in Part II.

Item 18A. Autopsy

Check "yes" or "no" as appropriate.

Item 18B. If yes -

Complete this item only if yes is checked in Item 18A.

SECTION—Death Due to External Violence

Item 19A.

Complete this section only for deaths due to other than natural causes.

Item 19B. Describe How Injury Occurred

Enter the nature and description of the injury if injury appears in Part I or II of Item 17.

Item 19C. Time of Injury

Enter the time and date of injury, if applicable.

Item 19D. Injury Occurred

If applicable, indicate whether the injury occurred on or off the job.

Item 19E. Place of Injury

Specify where the injury occurred, if applicable.

Item 19F.

If appropriate, enter the street address or location, city and state where the injury occurred.

SECTION—Physician's Certification

Item 20. Certification (Attendance)

Enter dates of medical attendance of the deceased.

Item 21A. Signature and Address of Physician

The person legally responsible, physician or coroner, shall personally sign in this space in permanent black ink indicating professional status, i.e., M.D. or Coroner. The physician or coroner shall limit his signature to the space provided. Enter the address of the signatory.

NOTE: This section shall only be completed by the attending physician or coroner (including assistants) certifying death. No one else may sign for him and facsimiles or stamps shall not be acceptable.

If accident, suicide or homicide is checked, the signature shall be that of the coroner or his assistant in the parish where death due to external violence occurred.

Item 21B. Date

Enter date Item 21A was completed.

SECTION—Funeral Director: Certification

Immediately below the word "CERTIFICATION" enter the funeral director's facility license number. This is in addition to the license number to appear in Item 23B. If a person other than a funeral director is managing the body of the deceased, enter "not applicable" in this space.

Item 22A.

Enter the manner of disposal and the date thereof.

Item 22B. Name and Location

Enter the official name and address or location, including city or location and state of the cemetery or crematory where final disposition is to be made.

Item 23A. Signature and Address of Funeral Director

The person authorized to act in the name of the funeral director, or other person managing the body shall sign in black, permanent ink and include the business address.

Item 23B. License Number

Enter the Embalmer's license number. If the body is not embalmed, enter "not applicable."

SECTION—Burial Transit Permit Number

Item 24. Burial Transit Permit Number

The number of the burial-transit permit issued is entered here by the person issuing the permit at the time of issuance.

Note that permits are to be issued *only* upon presentation of a properly completed death certificate. However, if a funeral director presents a death certificate completed to the limits of his ability and resources and for reasons beyond his control he is unable to present an entirely completed death certificate, a permit shall be issued. The permit is issued with the provision and understanding that the funeral director will present a completed document as soon as humanly possible. In the event that the funeral director abuses his privilege, the privilege is to be withdrawn.

Item 25. Parish of Issue

Enter the parish name in full where the permit was issued.

Item 26. Date of Issue

Enter the date the permit was issued.

Item 27. Signature of Local Registrar

Enter the name of the Local Registrar of the parish where the certificate is filed. The signature shall be in permanent black ink.

III. CERTIFICATE OF MARRIAGE PREPARATION

The marriage license/certificate shall be prepared in duplicate for those issued in Orleans Parish (PHS 5-A) and in triplicate for those issued in other parishes (PHS-5). At the point of license issue, the original and souvenir copy shall be provided to the bride and groom. Upon completion of the certificate, distribution instructions appearing on the lower right are to be followed.

At least one of the applicants shall be a resident of the parish in which the license is purchased.

Side I

SECTION—Groom

This section as well as all information pertaining to the bride and groom shall be prepared on the basis of the applicants' birth certificate and/or statements.

Item 1A. Last Name of Groom

Enter the last name of the groom.

Item 1B. First Name

Enter the first name of the groom.

Item 1C. Second Name

Enter the second name of the groom.

Item 2. Usual Residence

Enter the street address, rural route and city and state.

Item 3. Is Residence Inside City Limits?

Check the appropriate block.

Item 4. Parish

Enter the parish of residence.

Item 5. State

Enter the state of residence.

Item 6. Race or Color

Enter the race or color as it appears on the applicant's birth certificate. In cases wherein race does not appear on the birth certificate or a waiver was presented as permitted by R.S. 9:242, the statement of the applicant shall be accepted.

Item 7. Date of Birth

Enter the date of birth as it appears on the applicant's birth certificate or as it is provided by the applicant if a waiver pursuant to R.S. 9:242 is presented. Enter the applicant's age in years.

Item 8. State of Birth

Enter the information as shown on the birth certificate. If birth occurred outside the United States, enter the name of the country.

Item 9. Father-Name

The name of the father shall be the husband of the mother of the groom, otherwise, a father's name shall not be entered. If a father's name is to be entered, complete this item as it appears on the applicant's birth certificate or accept the statement of the applicant.

Item 10. State of Birth

If a father's name is entered in Item 9, enter the state of birth, or if outside the United States, the name of the country of birth.

Item 11. Mother-Maiden Name

Enter the maiden name of mother.

Item 12. State of Birth

Enter the state of birth, or if outside of the U.S.A., the name of the country of birth.

SECTION—Bride

This section shall be completed per instructions outlined in the previous section.

SECTION—Place of Issue of Certificate

Item 25. Parish

Enter the parish of issue.

Item 26. City or Town

Enter the city or town of issue.

Item 27. Date of Issue

Enter the month, day and year of issuance in numerals.

SECTION—Marriage Certification

Item 28 shall be completed by the officiant certifying that he/she officiated at the marriage ceremony of the bride and groom whose names appear on the license. The officiant shall ensure that all the essential signatures are affixed before the officiant signs in Item 34.

Item 29. Signature of Witness

The signature of one of the witnesses shall appear in this item.

Item 30. Signature of Groom

The signature of the groom shall appear in this item.

Item 31. Signature of Witness

The signature of one of the witnesses shall appear in this item.

Item 32. Signature of Bride

The signature of the bride shall appear in this item.

Item 33. Signature of Witness

This item shall be left blank; see Act 817, 1984 Regular Session.

Item 34. Signature and Title of Officiant

Enter the signature of the person completing the certification in Item 28 and indicate his/her title.

Item 35. Local Recording Officer's Signature

Enter the signature of the parish recording officer authorized to issue the license. Stamps or facsimilies are permissible.

Item 36. Title

Enter the title of the person whose signature appears in Item 35.

SECTION—Confidential Information Groom and Bride

Enter the following information on the groom and bride:

1. Number of this marriage
2. If previously married—If the applicant was previously married, the applicant shall provide a certified copy of a judgment of divorce or a certified copy of a death certificate, whichever is applicable.
3. Date—If the applicant was previously married, enter the date the marriage was dissolved.
4. Education—Circle the highest grade completed.
5. If the bride had been married before, enter the full name of the previous husband.

Side II

Applicant's Affidavit

This section shall be completed by the licensing official and signed by the applicant and the licensing official or his designee.

Officiant's Authorization

This section shall be completed and signed by the licensing official or his designee.

IV. BURIAL TRANSIT PERMIT PREPARATION

Burial transit permits shall be issued as required by LSA - R.S. 40:52, 40:53 and prepared as set forth in Chapter XXVI of the Sanitary Code, State of Louisiana.

The burial transit permit shall be issued only on forms provided by the State Registrar of Vital Records and shall consist of three sections: the first section shall be prepared by the State Registrar or his designee to whom the certificate of death is presented, and shall be prepared as follows.

Name of Deceased

Enter the name of the deceased as it appears on the certificate of death. In the event of a stillbirth (fetal death), enter "still-birth of" and the mother's name.

Sex

Enter the sex of the deceased as it appears on the certificate of death.

Color

Enter the racial identity of the deceased as it appears on the certificate of death.

Age

Enter the age of the deceased as it appears on the certificate of death.

Place of Death

Enter the city, town or location of death as it appears on the certificate of death.

Parish

Enter the parish of death as it appears on the certificate of death.

Ward - Omit.

Date of Death

Enter the date of death as it appears on the certificate of death.

Issued To

Enter the name of the funeral director or person acting as such and the business address of that person.

Issued By

The signature of the local registrar, parish and date of issue are to be entered.

The second section of the permit shall be completed and signed by the funeral director or other person designated as custodian of the body, and shall contain a statement as to the method of embalming or preparation for final disposition and the date

thereof.

The third section shall be filled out and signed by the sexton or person in charge of burial or other disposition, and shall contain a statement as to the method of final disposal, date and name and location of the cemetery or crematory and the lot number if burial is in a cemetery.

The burial transit permit shall be prepared in duplicate with the carbon retained by the local registrar. The sexton or person in charge of the final disposal of the body or remains shall return the original burial transit permit to the parish of burial within 10 days. The burial transit permits shall be retained by the local registrar for a period of not less than three years at the end of which time they shall be shipped to the Vital Records Registry.

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

RULE

**Department of Health and Human Resources
Senior Citizens Trust Fund Board**

The Louisiana Senior Citizens Trust Fund Board has adopted the following rule to establish the bylaws under which the board will function:

**LOUISIANA SENIOR CITIZENS TRUST FUND BOARD
BYLAWS**

The Louisiana Senior Citizens Trust Fund Board is established in accordance with Act 847 of the 1984 Legislature.

The purpose of the Louisiana Senior Citizens Trust Fund Board is to determine the eligibility of programs to receive funding to be used solely for legal, medical and social programs designed to prevent the physical abuse and gross neglect of Louisiana residents who are 60 years of age and older. The fund consists of monies appropriated or otherwise made available by the legislature for that purpose, funds received from donations of income tax refunds pursuant to R.S. 47:120:42 and funds received from any other source.

POWERS AND DUTIES

The board, with review and approval of the Joint Legislative Health and Welfare Subcommittee on Oversight, shall:

- Establish rules and regulations for its own procedures.
- Promulgate guidelines and deadlines for the submission of grant applications.
- Appoint review panels for the purpose of evaluating grant applications and making recommendations to the Board specifying priorities for funding programs.
- Recommend to the Joint Legislative Committee on the Budget, for its review and approval, the programs which the board has determined to be eligible and appropriate to receive funding.

MEMBERSHIP

Section 1. The board shall be composed of nine members as follows:

- Three members who are 60 years of age or older representing the general public, appointed by the governor.
- One member appointed from a list of three persons, all of whom have experience in dealing with the problem of adult

abuse and neglect, nominated by the Louisiana Association of Councils on Aging, appointed by the Governor.

- One member appointed from a list of three persons, all of whom have experience in dealing with the problem of adult abuse and neglect, nominated by the Louisiana State Medical Society, appointed by the governor.

- One member who shall be a member of the House of Representatives, appointed by the Speaker of the House.

- One member who shall be a member of the Senate to be appointed by the Senate.

- The secretary of the Department of Health and Human Resources, or his or her designee, shall serve ex-officio as full voting member.

- The executive director of the Office of Elderly Affairs, or his or her designee, shall serve ex-officio as full voting member.

Each appointment by the governor shall be submitted to the Senate for confirmation beginning April, 1986 and again every two years after the initial confirmation.

Section 2. Members shall serve without compensation but shall be reimbursed for travel expenses incurred in attendance at meetings of the Board and other expenses incurred in the performance of their duties as members of the board. Expenses shall be reimbursed at rates established for state employees and defined in the travel regulations.

Section 3. A majority of the members shall constitute a quorum for the transaction of all business.

OFFICERS

The board shall elect from among its members a chairman, vice-chairman, and secretary/treasurer.

Section 1. Chairman's duties shall include:

- Preside at all regular and special meetings of the Board.
- Establish agenda for meetings.

Vice-Chairman's duties shall include:

- All duties of the chairman in the event of the absence or inability of the chairman to serve.
- Other duties as the chairman may assign them.

Secretary/Treasurer's duties shall include:

- Keep complete and accurate records of all meetings and actions taken by the board.
- Keep full and accurate financial records and make periodic reports to the board.
- Prepare required reports for the board to be submitted to the Joint Legislative Committee on the Budget.

Section 2. Membership on the board is the single qualification to hold office except that ex-officio members or their designees may not hold the office of chairman or vice-chairman.

Section 3. The tenure of all officers shall be two years with the provision that any officer may succeed himself in Office.

Myrtle Pickering
Chairman

RULE

Department of Natural Resources Office of Conservation

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950, et. seq.) and R.S. 30:6(A), the Office of Conservation has adopted the rules and regulations set

forth below for procedures applicable to certain hearings, which rules are effective October 20, 1986.

Rules of Procedure for Conducting Hearings Before the Commissioner of Conservation of the State of Louisiana

* * *

Rule 2A-Applicability to Adjudicatory Hearings

Notwithstanding the provisions of Rule 2 to the contrary, Rules 3 through 18 of these rules of procedure shall not apply to adjudicatory hearings which are conducted pursuant to the rules of procedure for adjudicatory hearings held by the Louisiana Office of Conservation, effective October 20, 1986.

* * *

Rules of Procedure for Adjudicatory Hearings held by the Louisiana Office of Conservation

1. Purpose and Scope

(a) These Rules of Procedure for Adjudicatory Hearings held by the Louisiana Office of Conservation ("Rules") prescribe the procedures to be used in adjudicatory hearings held by the assistant secretary of the Office of Conservation, or his designee, under the Administrative Procedure Act, for the purpose of enforcing the provisions of R.S. 30:1 et seq. and the regulations adopted thereunder, or when the assistant secretary elects to hold an adjudicatory hearing upon any matter. These rules shall not apply to any hearings for the granting of licenses or permits, unless required by law, or for oil or gas production units (unitization hearings), or for the enforcement of R.S. 30:501, et seq., R.S. 33:4521, et seq. and R.S. 40:1892, et seq. and the regulations promulgated under those particular statutes.

(b) When used in these rules, the term "assistant secretary" shall mean the assistant secretary of the Office of Conservation or a designated hearing officer authorized by R.S. 30:6B, and the term "section" shall mean a section of these rules.

2. Service

(a) Except as herein provided, any order, notice, or other documents required to be served under these rules shall be served personally or by registered or certified mail. The assistant secretary may elect to make personal service pursuant to the provisions of R.S. 30:D(6).

(b) Service upon a person's duly authorized representative, officer or agent constitutes service upon that person.

(c) Service by registered or certified mail is complete upon mailing. An official U.S. Postal Service receipt from the registered or certified mailing constitutes prima facie evidence of service.

3. Subpoenas

(a) The assistant secretary may sign and issue subpoenas either on his own initiative or, upon request and adequate showing by any party requesting a subpoena that the information sought is relevant to some question lawfully before the assistant secretary.

(b) A subpoena may require the attendance of a witness for the purpose of giving testimony, or the production of documents or other tangible evidence in the possession or under the control of the person served, or both.

(c) Service of a subpoena upon the person named therein shall be made by delivering a copy of the subpoena to such person. Delivery of a copy of a subpoena may be made by handing it to the person, leaving them at his office with persons in charge thereof, leaving them at his dwelling place or usual place of abode with some person of suitable age and discretion then residing therein, or by any method whereby actual notice is given to him, or service made pursuant to Section 2.

(d) When the person to be served is not a natural person, delivery or a copy of the subpoena may be effected by handing

them to a designated agent or representative for service, or to any officer, director, or agent in charge of any office of the person.

(e) The provisions of R.S. 30:8 shall otherwise govern subpoenas, provided that nothing in these rules shall be construed to prevent the use of R.S. 30:8 for other than the enforcement hearings or investigations provided for herein.

4. Investigations

The assistant secretary may investigate any alleged past or future violations of the statutes or regulations which might necessitate the holding of an adjudicatory hearing under these rules. In addition to his other powers and remedies, the assistant secretary may conduct a fact-finding investigation of the matter and may issue subpoenas under these rules and R.S. 30:8 and require sworn testimony in response to his inquiries.

5. Hearings: Form, Commencement

Hearings held under these rules may be initiated by request, or order or by using one of the forms provided in Section 6. Hearings shall be preceded by notice, which shall be served upon the alleged violator or party (hereinafter "the respondent") at least 10 days prior to the commencement of the hearing and shall include the information specified in R.S. 49:955B.

6. Rule to Show Cause, Notice with Proposed Penalty

(a) Upon a determination that a violation of the statutes and regulations has likely occurred, the assistant secretary may institute enforcement proceedings by serving a rule to show cause upon the respondent. The rule to show cause shall set forth the violations reasonably believed to exist and shall advise the respondent that he must show cause for reasons why the enforcement remedies or sanctions specified in the rule to show cause should not be ordered. The enforcement remedies or sanctions may be set forth in general or specific terms.

(b) The assistant secretary may elect to propose an enforcement remedy or sanction in advance of a hearing, including a specific penalty, suspension or revocation or a permit, or other appropriate action. In this event he may issue a notice or order with a proposed penalty. In addition to the information required by R.S. 49:955B, the notice or order shall set forth the proposed enforcement remedy and/or penalties the assistant secretary intends to seek and, if the assistant secretary so elects, options for resolving the matter without the necessity of an adjudicatory hearing. Such options may include requirements for specific remedial actions, penalty payments, compliance schedules or orders, and waiver of the hearing.

7. Waiver of Hearing

The respondent may, at any time after receipt of notice of an adjudication or during the hearing, submit a written waiver of its right to a hearing and request that the matter be informally resolved by the assistant secretary.

8. Default

(a) The assistant secretary may declare any party in default who, without good cause shown:

(1) Fails to file briefs or memoranda or exchange information and evidence as may be required by the assistant secretary or these rules;

(2) Fails to appear at or participate in any prehearing conference;

(3) Fails to appear at or to participate in any adjudicatory hearing.

(b) If a party is found to be in default, the assistant secretary may limit the party's participation in the hearing or evidence sought to be introduced, dismiss the proceedings, continue the hearing at a later date, proceed with the hearing and render a decision, or order appropriate action based on the evidence submitted at the hearing.

9. Prehearing Conferences; Discovery; Orders

(a) Prior to an adjudication, the assistant secretary may order such prehearing conferences as he feels may be necessary to rule on motions or objections, to require the exchanging of evidence, or for any other purpose set forth in this section or deemed necessary to facilitate the hearing. All parties to the proceedings shall be given notice of any such prehearing conference. Any party who fails to attend or participate in such conference may be found to be in default under Section 8.

(b) At least three days prior to commencement of the adjudication, all parties shall mutually exchange and deliver copies of exhibits, documentary evidence and offerings, list of proposed witnesses together with a statement of the substance of facts and opinions to which each witness will testify, and educational and work experience resumé for any expert witness who will testify, and copies of any written report prepared by any witness for use at the hearing. The parties, by mutual agreement, or the assistant secretary, on a case by case basis, may waive compliance with all or any portion of this requirement.

(c) Further discovery will not be required except as authorized by R.S. 49:956(6) nor shall subpoenas be issued for public records within the Department or Office of Conservation which are available under the Public Records Law (La. R.S. 44:1, et seq.). The parties may agree upon, or the assistant secretary may order, site inspections, further exchanges of information, discovery, or simplification of issues, at any time prior to or during the hearing.

(d) In order to simplify the issues and expedite the hearing, the assistant secretary may determine, at a prehearing conference or otherwise, what material or relevant facts and issues exist without substantial controversy, and which should be deemed stipulated or proven, and what material facts and issues actually, and in good faith, are controverted. The assistant secretary may, prior to the hearing, issue an order which recites the action taken at any conference, and the agreements made by the parties as to any of the matters considered, and/or which limits the issues for hearings to those which actually, and in good faith, are controverted, and the manner in which they will be heard. Such order shall control the subsequent course of the proceedings, unless modified during the hearings, to prevent manifest injustice.

10. Evidence; Order of Hearing

(a) All evidence which is not timely and fully disclosed at any prehearing conference, or which is not mutually exchanged as required by Section 9(b) shall be excluded from consideration in the adjudication, unless compliance with Section 9(b) has been waived, or good cause is shown for failure to make timely and full disclosure. Good cause shall exist when the party seeking to introduce the evidence shows that it could not have reasonably made the information available within the time required, or that it could not have reasonably anticipated the relevance or materiality of the information sought to be introduced. The assistant secretary may allow additional time or a continuance for the parties to review new evidence for which the requisite good cause is shown, prior to its attempted introduction.

(b) Evidence that is material and relevant to an issue or inquiry is admissible, and should be admitted, unless objected to on grounds set forth herein. The introduction of evidence may be limited or barred upon objections of any party, or by the assistant secretary upon his own motion. Adjudications are not bound by the formal rules of evidence prescribed for civil actions, and in this connection the following rules apply:

(1) Hearsay evidence may be admitted if it corroborates competent evidence that has already been introduced. The assistant secretary will determine how much weight, if any, to give such evidence. Evidence concerning the reliability and probative value of any introduced hearsay evidence may also be intro-

duced.

(2) Unduly repetitious evidence, whether testimonial or documentary, shall be excluded when such exclusion will not materially prejudice the rights of a party.

(3) The rules of privilege recognized under state law or the constitution shall apply.

(4) The assistant secretary may allow oral testimony to be given on direct examination by narration rather than through question and answer. The assistant secretary may allow or require any oral testimony to be submitted in written form.

(5) The records of the Office of Conservation, which it desires to use at the hearing, may be introduced pursuant to R.S. 49:965(2).

(6) Evidentiary offers or proffers may be made of evidence which has been ruled inadmissible. The assistant secretary may require that any party seeking to make multiple proffers, or a lengthy proffer, do so at a convenient point in the hearing, and may recess the hearing for that purpose. Objections to questions or evidence may be stated on the record during any proffer, although not subject to ruling by the assistant secretary.

(7) Any witness shall be subject to cross examination by the assistant secretary or any member of his staff. Except for questions from the assistant secretary or inquiries into bias and prejudice, cross examination shall be limited to testimony and evidence regarding a witness which is in the record, or which the witness presented in his direct examination or testimony. Cross examination shall also be limited to such inquiries as may be required for a full and true disclosure of the facts. Re-direct examination shall be limited to matters brought out on cross examination.

(c) Any party may make an opening statement. The Office of Conservation shall present its case and evidence first, followed by that of the respondent. Witnesses shall testify, under oath, through direct examination, followed by cross examination, and then redirect examination. The order of examination may not be altered, nor any portion of the examination deferred, without the consent of the party who called the witness on direct, nor may any witness be called out of order, unless the rights of another party would be materially prejudiced. Upon completion of the respondent's case, the Office of Conservation may present rebuttal testimony and evidence concerning matters brought out by respondent in his case. The assistant secretary, with the consent of the parties and under conditions prescribed by him, may allow the receipt of sworn or unsworn public comments which are relevant to the issues of the hearing.

11. Hearing Conduct and Decorum

At any hearing or meeting the assistant secretary shall have the authority to regulate the course of the proceedings and the conduct of all persons present, including the right to have any person, for misconduct or refusing to obey orders, removed from the hearing, banned from further participation or introduction of evidence, or dismissed as a party or subjected to such other sanctions or restrictions he deems appropriate. The assistant secretary may, at any time, continue the meeting or hearing to another time and/or location and/or terminate the meeting or hearing to preserve order and decorum.

12. Continuances

The assistant secretary may, at any time during the proceedings, order one or more continuances for a period not to exceed 60 days. Continuances may be granted upon the initiative of the assistant secretary or upon the motion of any party, and no additional notice shall be required to reconvene the hearing at the expiration of any continuances.

13. Record; Transcripts

(a) The record in a hearing or prehearing conference shall consist of the information specified by R.S. 49:955E. The assist-

ant secretary may order the record to remain open for receipt of any evidence which was introduced, but not physically submitted into the record during the proceedings.

(b) The adjudicatory proceedings shall be recorded and a copy of the tape made available to the public. A verbatim transcript shall not be accomplished unless requested by the assistant secretary or a party, at its cost, or in the event of an appeal. Upon notice of appeal, the assistant secretary shall order the recording transcribed and the transcription shall be included in the record for appeal.

14. Ex Parte Communications

The prohibition against ex parte consultations and communications set forth in R.S. 49:960A, shall apply upon the giving of notice pursuant to Section 5. Written communications by a party shall be permitted, if, prior to mailing or delivery of the writing, a copy of the same is mailed or delivered to the opposing party or his counsel of record. Any party or its agent or representative who engages in prohibited ex parte communications shall be subject to the sanctions for misconduct set forth in Section 11, or such other sanctions or penalties as the assistant secretary deems proper.

Hebert W. Thompson
Assistant Secretary

RULE

Department of Revenue and Taxation Excise Taxes Section

Regulations for the administration and enforcement of the Special Fuels Taxes (Part V of Chapter 7 of Title 47 of the Louisiana Revised Statutes of 1950).

Article 47:801. Definitions

Retail Outlet - means and includes every person or dealer who sells special fuels at retail and delivers such fuel into the fuel supply tanks of motor vehicles or into a storage tank or drum with a capacity of less than 1000 gallons when such tank has been transported to the facility by the purchaser. Retail outlet shall also mean and include pumps which have a rate of flow of 40 gallons per minute or less, regardless of whether the pump is located on the property of a bulk plant, service station, or truck stop. For the purpose of administering this part, the terms service station, truck stop, garage, and retail dealer shall have the same meaning as retail outlet.

Wholesaler - means any person or supplier who sells or delivers special fuels to a retail dealer in this state for resale, or sales or deliveries to a user when the fuel is delivered by the supplier into bulk storage tanks located on the user's property or property leased by him. Sales made by a wholesaler or supplier from a pump which has a rate of flow of 40 gallons per minute or less shall be considered retail sales.

Article 47:803. Collection and payment of tax

The tax levied by R.S. 47:802(A) shall be collected and/or paid by suppliers or wholesalers on all special fuels sold or delivered by them when sold to a dealer, service station, garage, truck stop, or retail outlet. A supplier or wholesaler may be exempted from collecting and/or paying the tax on sales or deliveries to retail outlets that have tax-free storage used to fuel off-highway vehicles or drums; however, before such deliveries or sales can be made, the following conditions must be met:

(1) the retail outlet shall have a storage tank no larger than 3000 gallons;

(2) the tank must be separate from the tax-paid storage tank;

(3) all fuel pumped from the tax-free storage tank shall be metered and the meter shall have a totalizer;

(4) the pump shall have a rate of flow no faster than 15 gallons per minute;

(5) the pump shall be in a location separate and away from any tax-paid pumps; tax-paid and tax-free pumps shall not be located on the same service isle;

(6) the pump shall be marked "not for highway use" in letters of not less than two and one-half inches high; and

(7) all tax-free sales shall be recorded with the following information:

- a.) Name and address of purchaser
- b.) Number of gallons sold
- c.) Date of sale
- d.) How the fuel will be used
- e.) Total cost of fuel sold

If the wholesaler makes any tax free sales or deliveries to retail outlets not meeting the above requirements, then the wholesaler shall be held liable for all taxes, penalty, and interest that are due.

Article 47:806. Records required; invoices; false or inadequate records a violation

A. Every retail outlet shall be required to secure a license before commencing to sell tax-paid or tax-free special fuels. The retailer shall make a written request to the secretary of the Department of Revenue and Taxation for the license. Before the license can be approved, a representative of the Department of Revenue and Taxation shall determine, by physical inspection, that the applicant meets all requirements.

B. Special fuels sold and/or delivered into the fuel supply tank of a motor vehicle shall be from the tax-paid tank. When such deliveries are made, the required record shall be a serially numbered invoice issued in not less than duplicate counterparts on which shall be mechanically printed or stamped with a rubber stamp the name and address of the retail dealer making such delivery. The invoice shall provide space for the name and address of the purchaser, the date of delivery, the number of gallons, the kind of special fuels delivered, the state highway license number of the motor vehicle, and the total mileage of the motor vehicle into which delivered, such mileage to be evidenced by odometer or hub-meter reading, or in the case of interstate passenger buses registered with the Interstate Commerce Commission, by such documentation acceptable by the secretary. The invoice shall reflect that the tax has been paid or accounted for on each product delivered. One counterpart of the invoice shall be kept by the retail dealer making such delivery as a part of his record, for the period of time as provided for in Article VII, Part I, Section 16, of the Louisiana Constitution. Another counterpart shall be delivered to the operator of the motor vehicle and carried in the compartment of the motor vehicle for inspection by the secretary or his representatives until the fuel it covers has been consumed. Special fuels sold or delivered by a retail outlet for off-highway use may be from a tax-free tank. When such deliveries are made, the required record shall be a ledger showing the name and address of the purchaser, the date of delivery, number of gallons sold, total cost of fuel sold, and how or where the fuel will be used. This record shall be kept for the period of time as provided for in Article VII, Part I, Section 16, of the Louisiana Constitution and it shall be made available to the secretary or his representative upon request.

C. In addition to the required invoices and ledgers, all retail outlets licensed for special fuels shall be required to take an inventory of the tax-paid and tax-free special fuels on hand at the end of each month, along with a reading of each pump

totalizer. This shall be made part of the permanent records and shall be kept for the period of time as provided for in Article VII, Part I, Section 16, of the Louisiana Constitution, and it shall be made available to the secretary or his representative upon request.

D. Any violation of these record-keeping provisions shall be cause for revocation of the license issued hereunder. In addition, any retail outlet pumping tax-free fuel into the fuel supply tank of a motor vehicle, or not keeping the required records, shall pay the tax on all the fuel placed in his tax-free storage tank within that prescribed period.

Shirley McNamara
Secretary

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

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 revenues collections of the state or any local governmental units. These rules are the first comprehensive codification of existing departmental policies for administration of this tax.

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

Mark C. Drennen
Legislative Fiscal Officer

RULE

**Department of State
Office of the Secretary**

In accordance with the provisions of the Administrative Procedure Act and House Bill No. 1487 of 1986 amending R.S. 49:222, the Department of State has established the following schedule for fees to be charged for various filings and services by the Department of State:

ITEM	COST
Administrative Services:	
Xerox copies, per page	\$.15
Certificate of Service of Process	6.00
Agent for Service of Process, business opportunity	10.00
Microfilm Copies of Service of Process, per page	1.00
Municipal Bonds, Certificates Issued	5.00
Proces Verbaux, Certificates	7.00

ITEM	COST
Proces Verbaux, per page	5.00
Miscellaneous Certificates	5.00
Service of Process	20.00
Corporations, Trademarks, Partnerships:	
Certificates	10.00
Certified Copies, amended	20.00
Copies, amended	20.00
Powers of Attorney	20.00
Recordation of Trademarks	50.00
Name Reservations	15.00
Trade Name Reservations	15.00
Resignation of Agent	20.00
Annual Reports, Domestic and Foreign	25.00
Domestic Corporation, filing fees	60.00
Domestic Non-Profit, filing fees	60.00
Foreign Corporation, filing fees	100.00
Commissions:	
Notaries, new	25.00
Notary Bond renewals	10.00

James H. "Jim" Brown
Secretary of State

RULE

Department of Transportation and Development Marine Operations

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that, effective October 8, 1986, the Department of Transportation and Development/Marine Operations (DOTD/Marine Operations) intend to impose and adopt the following schedule of tolls for vehicles and pedestrians on the following ferry crossings on the indicated rivers that are owned, operated, and maintained by DOTD/Marine Operations:

White Castle/Carville	- Mississippi River
Edgard/Reserve	- Mississippi River
Plaquemine/Sunshine	- Mississippi River
New Roads/St. Francisville	- Mississippi River
Angola	- Mississippi River
Duty/Enterprise	- Ouachita River
Melville	- Atchafalaya River
Cameron/Ship Channel	- Calcasieu River and Inter-coastal
Cameron/Monkey Island	- Calcasieu River

Each vehicle, its owner or operator, and all occupants of such vehicle shall be jointly and solidarily liable for payment of the prescribed toll. Each ferry passenger not crossing in a vehicle shall be liable for payment of the prescribed toll.

The funds thus generated will be applied to the construction, improvements, repairs, maintenance, and operations of those ferry facilities and properties. All such toll schedules are imposed pursuant to R.S. 48:25.

FERRY TOLL CLASSIFICATION - RATE SCHEDULE

		Toll
A	Per Crossing Per Pedestrian Each Way	\$ 0.25
B	Per Crossing Per Axle for Every Vehicle Each Way	\$ 1.00

Robert G. Graves
Secretary

RULE

Department of Transportation and Development Office of Highways and The Mississippi River Bridge Authority Within the Department of Transportation and Development

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that The Mississippi River Bridge Authority Within the Department of Transportation and Development ("MRBA") and the Department of Transportation and Development ("DOTD") imposes and adopts the following schedule of tolls on the Greater New Orleans Bridge No. 1 ("GNO No. 1") and on the Greater New Orleans Bridge No. 2 ("GNO No. 2") and on the ferry crossings operated by MRBA in the Greater New Orleans area. Tolls will be effective October 8, 1986, and the funds generated will be applied to the constructions, improvements, repairs, maintenance, and operations of MRBA facilities and properties; and will be applied to the payment of the principal of and interest upon the bonds; and will be applied to financing obligations of MRBA, DOTD, and the state of Louisiana for the financing and construction of GNO No. 1 and GNO No. 2 across the Mississippi River; and will be applied to fulfill the terms and provisions of any agreements made with the purchasers and holders of any of those obligations or any contractual rights pursuant thereto.

All such toll schedules are imposed pursuant to R.S. 48:1093, especially Sections (7) and (15), and the Executive Reorganization Act, R.S. 36:1 et seq., and related laws and contractual agreements set forth as follows.

Legal Authority Requiring Secretary to Impose Tolls

Louisiana Acts 7 and 8 of 1952. Act 7 is carried forward by La. R.S. 1093 (15); Louisiana Constitution of 1921, Article 6, Section 22(g) carried forward by Act 14, Section 16 and/or Article 7, Section 14(D) of the Louisiana Constitution of 1974;

The Bond Indenture and Deed of Trust by and between MRBA and the National Bank of Commerce in New Orleans, Louisiana, dated as of November 1, 1954, with outstanding bonds totaling \$19,392,000; the Official Statement regarding \$65,000,000 Bridge Revenue Bonds (secured in part by funds from Louisiana State Highway Fund No. 2) dated October 5, 1954 and especially Appendix C thereof, being a contract of August 9, 1954 between MRBA and the Louisiana Highway Department pursuant to Act 8 of 1952;

United States Constitution Article 1, Section 10, Clause 1; R.S. 48:1 et seq., especially Section 1-55; La. R.S. 48:1091 et seq.;

The Executive Reorganization Act, R.S. 36:1 et seq. and especially Section 509, E, (2) thereof transferring MRBA to DOTD in accordance with Part III of Chapter 22, being Section 901 et seq., and Section 905 thereof imposing duties on the secretary of DOTD not to impair the contractual obligations of MRBA, which include the duty upon the secretary of DOTD to impose tolls upon GNO No. 1 under the above referred to laws, Bond Indenture, contractual agreements, and laws of Louisiana if there has not been provided to MRBA funds to meet its Bond Indenture requirements pursuant to the May 15, 1964 agreement by and between the Department of Highways and MRBA which inure to the bondholders of the Bond Indenture of November 1, 1954 providing for the suspension of the collection of tolls for usage of GNO No. 1 as long as funds were provided for Bond Indenture requirements and all contractual and legislative supplements thereto;

Act 402 of 1976, as amended, especially by Act 522 of 1984;

The Agreement for the new Mississippi River Bridge at New Orleans, Louisiana - GNO No. 2 - by and between MRBA-/LADOTD, DOTD, City of New Orleans, Parish of Jefferson, approved by Governor Edwin W. Edwards and dated 29 April 1978; and Act 17 of 1986.

Part 1 - Tolls on Bridges

Tolls will be collected in accordance with the following schedule from vehicular traffic crossing the bridge facility from the westbank of the Mississippi River (Algiers Side) to the eastbank of the Mississippi River (New Orleans Side) in that direction only. Tolls will not be collected from traffic crossing the bridge facility from the eastbank to the westbank of the river.

Tolls initially will, on October 8, 1986, be collected from eastbank bound traffic on GNO No. 1; when eastbank bound traffic is transferred to GNO No. 2 (now under construction), collections of tolls on GNO No. 1 will cease and collection of tolls on GNO No. 2 will begin.

The tolls are to be payable in cash or through the use of commutation or other tickets of privileges for service based upon frequency or volume, and shall be collectible at the toll collection facilities located on the westbank of the Mississippi River at the entranceway to the bridge structures. Each vehicle, its owner or operator, and all occupants of such vehicle shall be jointly and solidarily liable for the payment of the toll in order to cross the bridge(s).

The Mississippi River Bridge Authority
 Bridge Toll Classification - Rate Schedule
 Collectible at Toll Booths
 From Traffic Going from the Westbank Side
 to the Eastbank Side of the Mississippi River

Class Description of Vehicle	Axles	Toll
1 Auto-Taxi-Van-RV-MC-Pickup	2	\$ 1.00
2 Auto-Van-RV	3	1.50
2 Auto-Van-RV + 1 Extra Axle	4	2.00
2 Auto-Van-RV + 2 Extra Axle	5	2.50
3 Truck - Single Unit	2	1.00
4 Truck - Single Unit or Combination	3	1.50
5 Truck - Single Unit or Combination	4	2.00
6 Truck - Combination	4	2.50
6 Truck - Combination + 1 Extra Axle	6	3.00
6 Truck - Combination + 2 Extra Axles	7	3.50
6 Truck - Combination + 3 Extra Axles	8	4.00
6 Truck - Combination + 4 Extra Axles	9	4.50
6 Truck - Combination + 5 Extra Axles	10	5.00
6 Truck - Combination + 6 Extra Axles	11	5.50
6 Truck - Combination + 7 Extra Axles	12	6.00
7 Bus - Private and Commercial	2	1.00
7 Bus - Private and Commercial + 1 Extra Axle	3	1.50
8 Bus - Mass Transit	2	0.00
8 Bus - Mass Transit + 1 Extra Axle	3	0.00
8 Bus - Mass Transit + 2 Extra Axles	4	0.00
10 Commute Ticket - Class 1 Vehicle Only	2	0.70
11 Sale of Commute Book - 30 Tickets Per Book	-	21.00
*Public Vehicle	-	0.00

The commutation or other tickets of privileges for service based upon frequency of volume are applicable to Class I vehicles and will be obtainable in advance from MRBA at a cost of \$0.70 for each such ticket which shall be used as a credit for full payment of and instead of the \$1 cash toll for Class I vehicles.

Part 2 - Tolls on Ferries

Tolls will be collected on ferry vehicular and pedestrian traffic beginning October 8, 1986.

Each vehicle, its owner or operator, and all occupants of

such vehicle shall be jointly and solidarily liable for payment of the prescribed toll. Each ferry passenger not crossing in a vehicle shall be liable for payment of the prescribed toll.

Tolls will be collected in accordance with the following schedule from vehicles using the ferries owned, operated, and maintained by the MRBA to cross the Mississippi River from the westbank of the river to the eastbank of the river, as hereinafter set forth. Tolls will not be collected from vehicles crossing the Mississippi River from the eastbank to the westbank.

FERRY TOLL CLASSIFICATION - RATE SCHEDULE
 VEHICLES

Collectible at Toll Booths

Only From Traffic Going from the Westbank Side
 to the Eastbank Side of the Mississippi River

Class Description of Vehicle	Axles	Toll
1 Auto-Taxi-Van-RV-MC-Pickup	2	\$ 1.00
2 Auto-Van-RV	3	1.50
2 Auto-Van-RV + 1 Extra Axle	4	2.00
2 Auto-Van-RV + 2 Extra Axle	5	2.50
3 Truck - Single Unit	2	1.00
4 Truck - Single Unit or Combination	3	1.50
5 Truck - Single Unit or Combination	4	2.00
7 Bus - Private and Commercial	2	1.00
7 Bus - Private and Commercial + 1 Extra Axle	3	1.50
8 Bus - Mass Transit	2	0.00
10 Commute Ticket - Class 1 Vehicle Only	2	0.70
11 Sale of Commute Book - 30 Tickets Per Book	-	21.00
*Public Vehicle	-	0.00

Tolls will be collected in accordance with the following schedule from pedestrians using the ferries owned, operated, and maintained by the MRBA to cross the Mississippi River from the westbank of the river to the eastbank of the river, and from the eastbank of the river to the westbank of the river.

FERRY TOLL CLASSIFICATION - RATE SCHEDULE
 PEDESTRIANS

Charged Both Directions

Class	Description of Pedestrian	Toll
A	Per Crossing Per Pedestrian Each Way	\$0.25
B	Per Crossing Per Pedestrian - Elderly, Handicapped, and Persons Displaying a Medicare Card During Non-Peak Hours, Payable Only by Advance Purchase of Tokens From MRBA	\$0.10
C	Round Trip per Bicycle	\$0.50

*There is set forth in the above rate schedules the following category: "Public Vehicle \$0.00," that shall be further described hereinafter.

The Indenture and Deed of Trust of The Mississippi River Bridge Authority dated as of November 1, 1954, for which there are still outstanding approximately \$19 million, provides, in Section 4.17 thereof: "...that no free use of the Bridge or of any ferry will be permitted except to officials or employees of the Authority in the discharge of their official duties and except to public police, fire and ambulance vehicles."

That provision was the subject of the above contract with the bondholders and is therefore protected under the contract clause of the United States Constitution, Article I, Section 10.

In order to serve the public interest, to not unduly delay all public users of the bridge waiting to cross the bridge at peaks, and to carry out the above contractual covenant with the bondholders and do so in as harmonious a fashion with existing state laws of this subject as possible, the following definitions of those public vehicles which will be charged a zero toll are as follows:

(1) All emergency vehicles performing a public service that permits them, under existing laws and regulations, to display emergency vehicle lights in order to carry out police, fire and ambulance functions in accordance with the laws relative thereto, when such lights are in actual use. (This shall also apply to emergency vehicles privately owned but entitled to such public emergency usage.)

(2) All transit buses engaged in the mass transportation of the general public clearly identifiable and marked as mass transit buses. (MRBA receives UMTA funds for its operations and for parts of its transit lanes.) This item is limited to buses, not passenger vehicles.

(3) All easily identified and clearly marked school buses. (This shall include publicly-owned school buses, school buses carrying public students under contract, parochial school buses, and private school buses funded in a fashion that allows them to publicly display "school bus" thereon or identified in a like fashion.)

(4) In accordance with R.S. 29:27, persons of the organized militia of the state in uniform or on an order for duty engaged in or returning from any parade, drill, or meeting, or called to, engaging in, or returning from any active state duty ordered by the governor.

Records will be kept at the toll booths of the above. No one will be allowed passage in other public vehicles, except as stated in Section 4.17 of the Bond Indenture above quoted. (MRBA personnel must meet the toll unless they are in a publicly-marked vehicle identifying it to be one of the Authority in accordance with the terms of the Bond Indenture.) Those public police, fire and ambulance vehicles permitted to be used by members of the public police and fire departments, which are clearly marked, though the person is not on duty, do not meet the official duty requirement unless it is a part of the official duties of that person's employment that he is allowed to use such vehicle because of his being on call through radio or other communication devices for immediate duty. That will be considered "official duty" commensurate with the law and policies applicable to that public police, fire and/or ambulance entity.

Robert G. Graves
Secretary

RULE

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

In accordance with the notice of intent published in the July, 1986 *Louisiana Register*, the Board of Registration for Professional Engineers and Land Surveyors hereby adopts the following additions, deletions, and revisions to Louisiana Administrative Code 46:LXI (previously 19-3):

§ 1515. Re-Examination (previously 19-3:9.8).

A. A person who fails an examination for the first time is eligible to apply to retake the examination.

B. A person who has failed an examination on two occasions, regardless of the elapsed time between exams, will be eligible to apply to retake the examination six months after his last failure. Upon application he is expected to present evidence that he has made a serious effort to increase his knowledge of the subject matter covered by the examination.

C. A person who has failed an examination three times or more than three times will be eligible to apply to retake the examination 18 months after his last failure. Upon application he must present evidence that he has made a serious effort to increase his knowledge of the subject matter covered by the examination. Before the applicant is given approval to retake the examination he must appear before the board or a committee of the board for an interview and oral examination.

§ 1701. Seal Rules (previously 10.4.2)

D. . . .

1. . . .

2. [Adds the following sentence to end of paragraph to define the word "reports"]

Reports are defined as to include, but not limited to, geotechnical investigations, material testing and related reports.

By order of the Louisiana State Board of Registration for Professional Engineers and Land Surveyors.

Paul L. Landry, P. E.
Executive Secretary

RULE

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

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended its rules to require that all persons who elect to continue accident and health coverage with the State Employees Group Benefits Program pursuant to the provisions of Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), P.L. 99-272 be required to pay 102 percent of the applicable premium rate of the class of coverage sought to be continued as follows:

Class of Coverage	Employee Share	Total
Single Party-Employee Only		
Without Medicare	\$ 80.62	\$ 80.62
With Medicare	\$ 42.06	\$ 42.06
Two Party-Employee & One Dependent		
Without Medicare	\$139.86	\$139.86
One With Medicare	\$ 99.86	\$ 99.86
Two With Medicare	\$ 92.20	\$ 92.20
Family-Employee & Two or More Dependents		
Without Medicare	\$185.54	\$185.54
One With Medicare	\$139.68	\$139.68
Two With Medicare	\$129.28	\$129.28

Those persons continuing coverage pursuant to COBRA in an approved health maintenance organization (HMO) will also be required to pay 102% of that organization's current premium rates.

Dr. James D. McElveen
Executive Director

Notices of Intent

NOTICE OF INTENT

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

Pursuant to R.S. 49:950 et seq., R.S. 3:3651 et seq. and Section 1324 of the Food Security Act of 1985 (P.L. 99-198, as amended), the commissioner of Agriculture and Forestry is hereby giving notice of his intent to adopt rules and regulations, as authorized by R.S. 3:3654(B), for the establishment and operation of a central registry for security devices that encumber agriculture commodities and the filing of financial statements that deal with farm products. The proposed rules and regulations shall: (1) establish regulations concerning the administration of the program and a system for registering of buyers of farm products, commission merchants and selling agents; (2) establish fee schedules concerning filings, registrations and cancellations of documents filed with either central registry of financing statements; and (3) establish regulations concerning the distribution of information filed with the commissioner.

Any person desiring to make comments, file written statements or obtain written information concerning this notice of intent should contact Richard Allen, Assistant Commissioner, Office of Management and Finance, Department of Agriculture and Forestry, Box 44182, Capitol Station, Baton Rouge, LA 70804 or by calling (504) 292-3200. A public hearing will be held on October 30, 1986 at 9 am at the Department of Agriculture and Forestry, 12055 Airline Highway, Baton Rouge, LA. All interested persons will be afforded an opportunity to submit views at the public hearing or by writing to Richard Allen by October 30, 1986.

Bob Odom
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Central Registry

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is anticipated that the cost to the Department of Agriculture and Forestry for the implementation and operation of the central registry is \$150,000.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rules and regulations will establish fee schedules for filing, registration and cancellation of documents filed with either the central registry or financing statements. The anticipated revenues to be collected through this fee structure for the Department of Agriculture and Forestry is approximately \$150,000.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

- This program provides protection for purchasers of farm products. It permits a secured lender to enforce liens against a purchaser of farm products even if the purchaser does not know that the sale of the products violates the lender's security interest in the products, provides a method for discovering the existence of the security interest, and helps to ensure that the seller uses the sales proceeds to repay the lender.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rules and regulations will not have any effect on competition and employment.

Richard Allen
Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

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:III.2115 "Specific Duties and Responsibilities," Part G, relative to approval of stall applications and applicants:

Title 35

§ 2115. Specific Duties and Responsibilities

G. The stewards shall review and approve stall application forms. They shall also advise the association of undesirable persons, if any, among owners and trainers applying for stalls and provide the association with information pertaining to such undesirable persons.

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 or LINC 621-5870 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 Monday, October 6, 1986 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall
Chairman

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: LAC 35:III.2115 "Specific Duties and Responsibilities," Part G

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs to the Commission.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collected by the Commission.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This amendment will benefit horsemen/stall applicants by protecting them from improper provisions contained in the application forms.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no effects on competition or employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to repeal rule LAC 35:III.2903 "Use of Appliance to Start" relative to approval of use of appliances on horses by the stewards:

Title 35

§2903. Use of Appliance to Start

No appliance of any kind shall be used on a horse except at the written request of the owner or trainer, subject to approval of the stewards.

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 or LINC 621-5870 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 Monday, October 6, 1986 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 35:III.2903
"Use of Appliance to Start"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs to the Commission.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collected by the Commission.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This amendment will benefit horsemen by eliminating an unnecessary requirement of approval.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There are no effects on competition and employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Real Estate Commission**

Notice is hereby given that the Louisiana Real Estate Commission will consider amendments to the following rules and regulations of the commission: LAC 46:LXVII, 2711, 2769. Escrow Accounts to increase the amount of personal funds remaining in the escrow account from \$100 to \$500; LAC 46:LXVII, 2801. Disbursement of Escrow Deposits, to provide a means by which disputed escrow deposits may be disbursed by order of the commission; and LAC 46:LXVII, 6529, to provide reasons for disciplinary action against certified real estate instructors as a result of violation of the law and rules of the commission.

Copies of the proposed rules will be available for public inspection between the hours of 8 a.m. and 4:30 p.m. on any working day at the office of the Louisiana Real Estate Commission, 9071 Interline Avenue, Baton Rouge, LA. 70808, and may be obtained by writing Bert Coles Bernard, Public Information Rep., Louisiana Real Estate Commission, Box 14785, Baton Rouge, LA. 70808. Interested parties may direct inquiries and present their views in writing to the commission.

Anna Kathryn Williams
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Disbursement of Escrow Deposits**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no cost to the state agency in implementing the program. Staff investigators will process claims in accordance with established case handling procedures.
No savings to the state agency will result.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenues.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There will be no costs to any of the directly affected persons. The consumer parties to real estate transactions involving a disputed escrow deposit may derive economic benefit by not having to incur court costs or attorney fees to recover their deposit.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
None

Anna Kathryn Williams
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no impact on state or local revenues.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on collection of revenues for state or local government.

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

There is no additional cost to brokers by adoption of this rule. The benefit to the brokers is that they are given the option of increasing the amount of personal funds to cover expenses.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

None

Anna Kathryn Williams
Executive Director

Mark C. Drennan
Legislative Fiscal Officer

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

**Rule Title: Causes for suspension, revocation of
instructor certification**

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

There is no savings to the state or local government by passage of this rule.

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

There is no impact on state or local revenues from this rule.

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

There is no way to estimate costs. Individuals who would be found in violation of the rules could be subject to disciplinary action by the commission. Benefit would be to the public in passage of rules to ensure compliance with the law and rules on the part of the certified instructors.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no effect on competition and employment. All instructors being certified by the commission would be bound by law to comply with rules.

Anna Kathryn Williams
Executive Director

Mark C. Drennan
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Culture, Recreation and Tourism
Office of State Parks**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Office of State Parks intends to revise the following rules which were published in L. R. 12:2 (February 20, 1986). These rule changes will have no economic impact or benefit and will not affect revenues collected by this office.

Louisiana Administrative Code
Title 25
Cultural Resources
Part IV: Office of State Parks

Chapter 3. §307. J. (Amended)

Commercial boats (defined as any craft capable of carrying five or more persons for hire, any craft having a water displacement of five tons or more, whatever the length, or any craft

from which commercial activities are conducted involving shrimping, crabbing, fishing, etc.) are prohibited from using any state park facility without the written consent of the assistant secretary. Loading or unloading of materials, boarding of persons, operating power equipment and non-emergency repair work are prohibited.

§ 311. C. (Amended)

Overnight camping, except during the period November 1 through February 28, and group camp, lodge and cabin use are limited to a 14 day period within 30 days. No campsite may be vacated for longer than a 24-hour continuous period under any permit agreement.

§ 311. I. (Amended)

In no case may a campsite be reserved by payment or other means prior to actual physical occupancy by the permittee, except at those areas where campsite reservations are available.

§ 311. V. (Amended)

No one occupying an overnight facility, except camping during the period November 1 through February 28, will be allowed to re-register for the use of that facility for a period of more than 14 days within a 30-day period.

§ 331. F. (Amended)

Refunds of day use fees are not granted when a visitor, by his own choosing, leaves the park as a result of inclement weather.

Chapter 5.

§ 503. A. 3. (New)

During the winter season (October 1 through March 31) a self-service fee system may be used to collect user fees on areas normally served by an entrance control station. During these times all reservation guests or others requiring registration shall sign in at the office during the normal business hours or with a ranger placed in the entrance station at hours when the office is not operated.

§ 503. I. 1. (Amended)

Any meeting room or enclosed facility of a park used to accommodate meetings and functions of private groups, clubs and other organizations is available at a rate of \$10. per hour for day use during the period between 9:30 a.m. and 3:30 p.m. All use after 3:30 p.m. until normal closing hours of the park is charged at a rate of \$15. per hour. Kitchen facilities may be used if available.

§ 503. I. 2. (Amended)

All use after regular closing hours requires prior approval from the park manager and is available at a flat rate of \$50 plus \$25. per hour.

§ 503. J. 2. (Amended)

A special "Veteran Entrance Permit" allows any disabled U. S. veteran and any person(s) accompanying him in a single, private, non-commercial vehicle exemption from the entrance fees only at those sites which collect such fees through a vehicle permit. Where individual fees are charged only those properly recognized disabled U. S. veterans are exempt. Applications for a veteran permit may be made to the Louisiana Department of Veterans' Affairs Service Office serving the parish in which the applicant resides. After certification of eligibility has been established by the Department of Veterans' Affairs, the Assistant Secretary of the Office of State Parks will issue a permit directly to the applicant.

§ 505. A. 1. (part) (Amended)

Reservations for campsites are accepted only at Fontainebleau State Park and Lake Bistineau State Park. For further information regarding campsite reservation policies and procedures, contact the individual parks.

§ 505. A. 4. (New)

To stimulate visitor use during the off season the two-week restriction on stays at campsites is waived from November 1 through February 28. During this period overnight camping is allowed on consecutive days on an unlimited basis.

§ 505. G. 5. a. (Amended)

Overnight reservations may be made for cabins, lodges, group camps, rally campgrounds and camping (where available).

§ 505. G. 5. d. (Amended)

For cabins, lodges, group camps, rally campgrounds and camping (where available) the minimum reservation period for a weekend is from 4 p.m. Friday through 4 p.m. Sunday. Minimum camping reservations for a holiday weekend during the summer season must be made for a minimum three-day period.

§ 505. G. 5. f. (New)

Special Discount: Overnight facilities including cabins, lodges, group camps and rally campgrounds have reduced rates for the entire week during the period November 1 through February 28. The discount during this period is one night's free use of the facility for each overnight rate paid in full (two overnight uses for one overnight fee). The paid night(s) and free night(s) use of a facility must be taken consecutively.

§ 505. G. 6. d. (Amended)

An advance deposit equal to the appropriate day-use rate is required to reserve assembly rooms, group camps, group shelters or rally campgrounds. This deposit will be applied to the first day's use.

§ 701. A. (Amended)

Audubon State Commemorative Area (Box 546, St. Francisville, LA 70775, 504-635-3739) is located in West Feliciana Parish, near St. Francisville on LA 965. The 100 acre woodland setting is the site of Oakley Plantation House, built in 1799, where artist-naturalist John James Audubon created many of his famous bird paintings. Oakley has been restored as a museum containing Audubon memorabilia. Formal gardens accent the exterior of the house. The house is included on the National Register of Historic Places.

Chapter 9.

§ 901. H. (Amended)

Basis for Assistance. L&WCF assistance is provided on a 50/50 matching basis to individual projects which are submitted through the State Liaison Officer to the National Park Service for approval. Project costs shall be determined in accord with OMB Circular A-102 and A-87, the L&WCF Grants Manual and all claims shall be subject to verification by federal audit conducted in accordance with OMB Circular A-128.

§ 915. C. 1. (Amended)

Projects for the development of facilities on leased land are not eligible except for land leased from the federal government for 25 years or more and except as noted as follows. Leases from one public agency to another that include provisions which adequately safeguard the perpetual use requirement contained in the statute may be eligible for fund assistance. Such safeguards may include joint sponsorship of the proposed project or other agreement whereby the lessor would assume compliance responsibility for the fund-assisted area in the event of default by the lessee or expiration of the lease.

§ 915. C. 2. (Amended)

A copy of sponsor's deed to the land must accompany each project application where the sponsor already owns the land, along with a copy of title opinion, where available, and a letter of just compensation if purchased after January 2, 1972.

§ 915. D. (Amended)

Breakdown of estimated project costs. Note: (1) No contingency costs allowed. (2) Add \$200. for NPS permanent

plaque; another \$150. for temporary sign if project is over \$500,000. (3) Bottom line is 6.6 percent of total costs to cover state administrative charges. (4) At least 60 percent of the construction costs must be for construction of recreation elements, and no more than 40 percent may be expended on support facilities such as roads, parking, restrooms, to name a few.

§ 915. E. 6. (Amended)

Site or boundary map - for development projects must be dated and included in the application. It must clearly delineate that area to be included under the conversion provisions of Section 6(f) (3) of the Fund Act and Manual, part 685, by showing a starting point located at intersection of nearest identified roads, and including the dimensions of each side of the site boundary. If site is not located at street intersection, measure from nearest intersection to nearest corner of site for point of beginning. It must identify known outstanding rights and interests held by others which exist within the project area.

§ 919. C. 9. z. (Amended)

Office of Management and Finance and Budget Circulars A-102 and A-128. Provides uniform administrative requirements for grants-in-aid to state and local governments (see chapter 675).

Interested parties may submit written comments on the proposed rules through November 15, 1986, to Dr. Gerald Guidro, Assistant Secretary, Office of State Parks, Drawer 1111, Baton Rouge, LA 70821.

Noelle LeBlanc
Secretary

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

Rule Title: General Rule Changes

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no estimated implementation costs or savings to state or local governmental units because impact of these rules can be handled by existing staff.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There could be an effect on revenue collections of state governmental units by the Office of State Parks because of the following rule changes, namely the two week restriction on stays at campsites is waived from Nov. 1 - Feb. 28, a special discount for use of overnight facilities is established from Nov. 1 - Feb. 28, the deletion of the flat daily rate (and the retention of hourly rates) for assembly rooms, and the addition of the self-service fee system that may be used to collect user fees on areas normally served by an entrance control station. These procedural changes are proposed to stimulate more visitation and/or generate more overnight use. This could result in more revenues being collected by the state parks system; however, there are no statistics on which to base an evaluation and it is impossible to determine the fiscal impact of these rule changes.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The estimated costs and/or economic benefits that are anticipated by these proposed rules will be minimal, if any, because the rules primarily address the policies and procedures regarding the operation of state parks.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY-

MENT (Summary)

No effect on competition and employment is anticipated as a result of adopting these rules.

Noelle LeBlanc
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Culture, Recreation and Tourism Office of State Parks

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Office of State Parks intends to revise the following rules and regulations which will have an economic impact or benefit. The revisions and changes herein refer to rules published in L.R. 12:2 (February 20, 1986).

Title 25

Cultural Resources

Part IV: Office of State Parks

Chapter 5. §503. H. 1. (Amended)

Group rental shelters are available at Chemin-A-Haut SP, Chicot SP, Cypremort Point SP, Fairview-Riverside SP, Fontainebleau SP and Lake Bistineau SP for a daily rental fee of \$30. Such shelters, when rented, are reserved exclusively for the use of the group or individual who is permitted for such use.

§503. K. 1. (Amended)

Annual Day-Use Permits allow a single, private non-commercial vehicle and its occupants entry to all state parks and are available at a cost of \$30 per year. The permit, to be permanently affixed to the vehicle, may be obtained by application and payment to the Office of State Parks, Drawer 1111, Baton Rouge, LA 70821. Permit applications are available at all state park areas. The permit is valid for a period of one year beginning January 1 and ending December 31.

§505. A. 1 (Part) (Amended)

Improved campsites rent for \$9 per night. Unimproved campsites rent for \$7 per night.

Interested parties may submit written comments on the proposed rules through November 15, 1986, to Dr. Gerald Guidroz, Assistant Secretary, Office of State Parks, Drawer 1111, Baton Rouge, LA 70821.

Noelle LeBlanc
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: State Parks Fee Changes

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

There should be no additional implementation cost to the Office of State Parks to collect increased revenues as a result of these fee changes. Existing staff should be able to handle the associated workload. There will be no impact on local government units as a result of adopting these fee changes.

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

The Office of State Parks projects that because of the effective dates regarding the proposed fee changes, the revenue for fiscal year 1986-87 will increase by \$110,512. Thereafter, the annualized increase is estimated to be \$227,324. There will be no impact on local governmental units.

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

There is an overall additional cost to use the state parks' facilities, as per the itemized increases.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is anticipated.

Noelle LeBlanc
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Alternative Schools/Programs - Bulletin 741

In accordance with R.S. 49:950 et. seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the proposed revised standards for alternative schools/programs. (Complete text of revisions may be seen in the office of the State Board and Office of the *State Register*.)

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., December 8, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James Meza, Jr., Ed.D.
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Alternative Schools/Programs Bulletin 741

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. This is a revision of an existing policy and was rewritten to provide technical clarification.

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.

Joseph F. Kyle
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Bulletin 741
(Add New Standard)

In accordance with R.S. 49:950 et. seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following draft changes proposed by the State Department of Education to Bulletin 741 relative to a new standard to be inserted between 2.037.08 and 2.037.09 to read:

"Secondary teachers shall teach no more than two subjects during a class period."

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., December 8, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James Meza, Jr., Ed.D.
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Amend Bulletin 741

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

There are no estimated implementation costs or savings to state governmental units. Monitoring 25 percent of LEAs in 1985-86 demonstrated that revised scheduling with no additional costs corrected those instances where more than two physical education classes were being taught at the same time.

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.

Joseph F. Kyle
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendments to Bulletin 741
Standards 2.087.02 and 2.087.03

In accordance with R.S. 49:950 et. seq., The Administrative Procedure Act, notice is hereby given that the board of Elementary and Secondary Education approved the following draft of changes proposed by the State Department of Education to Bulletin 741:

Standard 2.087.02 - reword to read:

"Each teacher of a state-required subject shall teach the skills and competencies found in each state curriculum guide."

Add a new standard between 2.087.02 and 2.087.03 to read:

"Planning by teachers shall reflect the use of the state curriculum guides."

Standard 2.087.03 - reword to read:

"Student performance standards established by the state shall be included in appropriate courses and levels."

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., December 8, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James Meza, Jr., Ed.D.
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Amend Bulletin 741

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.

Joseph F. Kyle
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Office of the Governor Division of Administration Office of Risk Management

In accordance with R.S. 13:5114, notice is hereby given that the Division of Administration, Office of Risk Management, intends to propose the following changes in LAC 37:I. Chapter 3 relative to rules for the procurement of structured settlements:

Chapter 3. Structured Settlement Services

§301. Qualifying Criteria for Acceptable Structured Settlement Firms

- A...
- 1...
- 2...
- 3...
- 4...

5. It shall provide the following information:

- a. A copy of Louisiana agents/brokers license.
- b. Proof of coverage of \$1,000,000 for errors and omissions.

sions.

- 1. Name of carrier
- 2. Dates of coverage
- c. A copy of the firm's audited financial statement. (If the firm is a division of a larger corporation, a copy of the corporate financial statement will satisfy this requirement).

Firms shall be responsible for the immediate notification to the Office of Risk Management if the license referred to in 5.a. expires or is terminated and if the policy referred to in 5.b. expires or is terminated. Additionally, the firm shall notify the Office of Risk Management within 30 days of change of carrier for the policy referred to in 5.b.

6. It shall be otherwise qualified to do business in the state of Louisiana generally and shall have promptly paid all taxes due to the state of Louisiana as provided by law.

§307. Selection of Structured Settlement firm for structured Settlement Services

A. Because the Code of Professional Responsibility for lawyers requires that they represent their respective clients with full competence and shall exercise their independent judgment in such representation and because structured settlement services are primarily in the nature of consulting negotiation services, the attorney actually representing a using agency in a particular legal action or claim shall request from the Office of Risk Management the designation of a firm from among those firms currently on the list of qualified structured settlement firms maintained by the Office of Risk Management, a structured settlement firm to render structured settlement services in such particular legal action and claim, when the circumstances indicate that a structured payment plan may be an appropriate way of resolving the particular legal action or claim and the services of a structured settlement firm are necessary or highly desirable from the attorney's point-of-view to assist in such resolution of the action or claim. Copies of any contracts or agreements with the structured settlement firm shall be maintained on file in the Office of Risk Management.

B...

§309. Qualifying Plan Offerors and Providers

A...

B. All annuities to be used in structured payment plans shall be purchased from plan offerors or providers which are insurance companies qualified to do business in Louisiana and which have, from the most recently issued best insurance reports, a rating of "A+" with a classification of "VI" or higher.

- C...
- D...
- E...
- F...

Interested persons may present their views on the proposed action, in writing until December 1, 1986, at the following address: Darrell Hunt, Executive Assistant Commissioner, Box 94095, Baton Rouge, LA 70804-9095. He is the person responsible for responding to inquiries about the proposed action.

Stephanie L. Alexander
Commissioner of Administration

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Structured Settlement Services

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

There will be no additional implementation costs as a result of adopting this policy.

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

To the extent that insurance companies with Best's Insurance Reports classifications between "VI" and "XII" will become eligible to provide structured settlements, and to the extent such structured settlements are provided to the State it seems reasonable that such agents/brokers and insurance companies will provide the settlement services at a profit.

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

There are no estimated costs and/or economic benefits to directly affect persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed changes will have no effect on employment. It is anticipated that an increased number of insurance companies qualifying to offer structured settlements will result in a more cost effective selection of structured settlement plans and options.

Allen Doescher
Assistant Commissioner

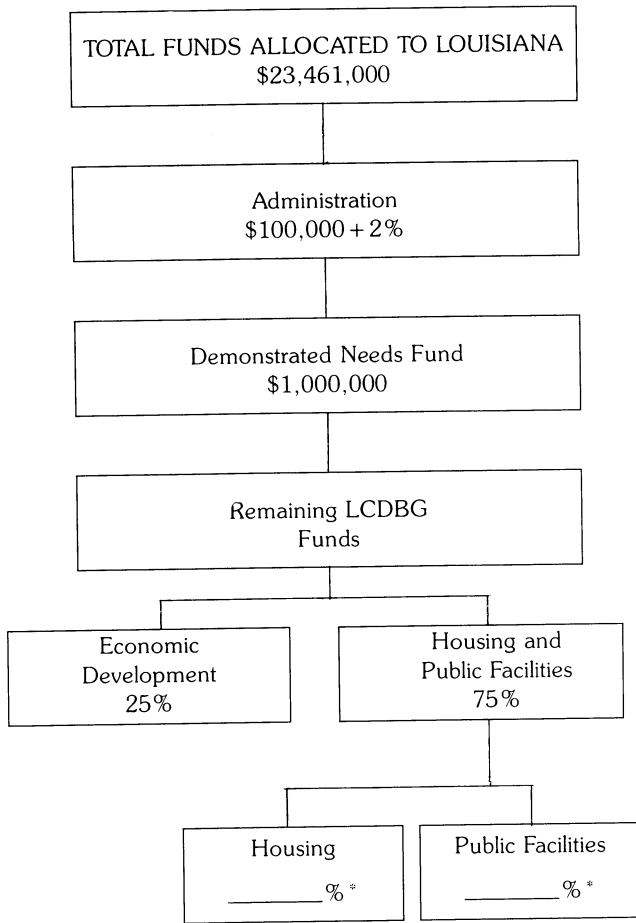
Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Division of Administration Office of State Planning

The Division of Administration will be amending the FY 1986 LCDBG Final Statement. The purpose of the amendment is to reflect an increase of \$4,000,000 in the FY 1986 LCDBG Program allocation from \$19,461,000 to \$23,461,000. The increase in federal funds is a result of enactment of the Urgent Supplemental Appropriations Act of 1986. Figure 1 of Section II. E. is revised as follows:

FIGURE I



*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.

Interested persons may comment on the proposed amendment in writing through December 1, 1986, at the following address: J. W. Vaughn, Assistant Commissioner, Division of Administration, Box 94095, Baton Rouge, Louisiana 70804.

Stephanie Alexander
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: FY 1986 LCDBG Final Statement**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Of the \$4,000,000, up to two percent (\$80,000) may be utilized by the state for administrative costs. This will require a state match of \$80,000 which will be allocated in the Division's budget.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

- There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

These funds will be awarded in accordance with the selection criteria established in the FY 1986 LCDBG Final Statement. The program is designed to serve low to moderate income persons in local communities; the proposed rule will have no impact on those persons.

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

The proposed rule will not create any changed effect on competition and employment.

Sally Clausen
Deputy Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Division of Administration
State Purchasing**

In accordance with the provisions of R.S. 39:1561 and Administrative Procedure Act, R.S. 49:950, the Division of Administration, State Purchasing is hereby giving notice of its intention to adopt the following Vendor Subscription Fees.

An annual subscription of \$50/\$25 (\$25 for certified minority vendors) will be charged vendors to become eligible to bid to the state of Louisiana. The fee covers the fiscal year period July through June and will not be prorated. Any fee paid where there is less than three months prior to the expiration of current fiscal year will be carried over and given full year credit.

This fee entitles the vendor to be on the Bid List for one fiscal year, automatically receive all State Purchasing bid solicitations in selected commodity categories, receive a "How to do Business with the State of Louisiana" book and includes registration fees for vendor seminars.

Comments on the proposed rule should be forwarded in writing to Hugh M. Carleton, C.P.P.O., C.P.M. Director of State Purchasing, Box 94095, Baton Rouge, LA. 70804-9095. Comments will be accepted until the close of business at 5 p.m. on November 1, 1986.

Stephanie Alexander
Commissioner

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation costs to any state or local governments. Existing staff will assume additional workload.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed vendor subscription fee will generate an estimated \$305,250 annually. The funds will be used to furnish vendors a "How to do Business with the State Of Loui-

siana" guide, fund vendor seminar registration and defray partial cost of the purchasing functions.

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

Currently there are 11,000 vendors on the bid list with State Purchasing. Projecting that 51 percent of the vendors are paying \$50 and 9 percent paying \$25 vendor subscription fee and remain bidders to the state, funds will be generated in the amount of \$305,250 annually. Should the percentage decrease or increase, the annual total will be adjusted accordingly.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

None.

Hugh M. Carleton
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Office of the Governor
Governor's Office for Minority Business Enterprise**

Effective December 20, 1986, in accordance with the provisions of the Administrative Procedure Act, R. S. 49:950 et seq., the Office of the Governor, Office of Minority Business Enterprise proposes to amend LAC 19:111.1517 and LAC 19:111.1701 and the forms for use in the certification of minority status and recertification of minority-owned businesses.

Add Subsection D to §1517 as follows:

Chapter 15. Designation and Setting Aside of Procurement Activities for Minority-Owned Business Participation

§ 1517. Designation of a Minority Set-Aside Bid

D. In the event there are not three or more certified minority vendors in a specific category, but the Office of Minority Business Enterprise certifies that there are not three such minority-owned businesses in Louisiana that are certified, nor are there three such minority-owned businesses which could be certified in the state of Louisiana, then the bid may be designated as a set-aside for the exclusive participation of certified minority-owned business as long as one certified minority vendor exists in the category being bid. The bid(s) received must conform with §1701. D. relative to not exceeding 15 percent of what could have been obtained via open-market competition.

Amend § 1701 A. and D. as follows:

Chapter 17. Criteria for Procurement of Goods and Services

§ 1701. Criteria for Procurement of Goods and Services.

A. Bid Specifications for Chapter 17 goods and services: When the award of the contract for the purchase of goods and/or services has been set aside for minority-owned business participation, and at the time Invitations to Bid are released there are not at least three certified minority-owned businesses available to bid on the contract or class of contracts or class of contracts involved, or the contract has not been set-aside in accordance with §1517 D of these rules and regulations, the award shall be made on the basis of open competitive bidding under the Louisiana Procurement Code.

D. In all cases, the state agency or education institution actually making the award, either under open competitive bidding or under the set-aside provisions of this Title, may reject all bids if it is determined based upon reasons provided in writing that such action is in the best interest of the state. One reason, but not the only reason, for rejection of all bids when the contract has been set-aside under the set-aside provisions of this Title, shall be if prices obtained exceeded more than 15 percent of what could have been obtained via open-market competition.

Affidavit of Minority Status

STATE OF LOUISIANA:

PARISH OF _____:

BEFORE ME, the undersigned authority, personally came and appeared _____, who stated, under oath, that s/he is a citizen or lawful permanent resident of the United States and is of minority heritage as defined at La. R.S. 39:1952(12).

AFFIANT

SWORN TO AND SUBSCRIBED before me this ____ day of ____, 19 ____, at _____, Louisiana.

NOTARY

Affidavit of Recertification

STATE OF LOUISIANA:

PARISH OF _____:

BEFORE ME, the undersigned authority, personally came and appeared _____, who stated, under oath, that s/he is owner of a certified minority-owned business as provided at Chapter 19 of Subtitle III, of Title 39 of the Louisiana Revised Statutes as of the ____ day of _____, 19 ____, and that s/he appears herein for the purposes of attesting to the fact that all information contained in the original certification is still true and correct and that s/he remains the owner of the minority-owned business _____,

Name of Business

as appears in the files of the Office for Minority Business Enterprise.

AFFIANT

SWORN TO AND SUBSCRIBED before me this ____ day of ____, 19 ____, at _____, Louisiana.

NOTARY

Interested persons may submit written comments on the proposed amendments to Clovier Torry, Governor's Office for Minority Business Enterprise, Box 94095, Baton Rouge, LA 70804-9095.

Maxine Cormier
Director

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

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

Changes consist of new forms for certification and recertification (form #'s) and therefore have no fiscal impact. Any fiscal impact due to designation of set-asides for minority-owned businesses is not possible to compute due to the relativity of circumstances.

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

There will be no effect on revenue collections due to these rule changes.

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

The proposed changes serve to detail and clarify procedures within an existing framework of authority; therefore, there would be no costs to directly affect persons or non-governmental groups. Benefits due to eligibility for set-aside contracts are not possible to compute at the present time.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed changes would increase the opportunity of minority vendors to participate in the bidding process.

Maxine Cormier
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Office of the Governor
Governor's Special Commission
on Education Services**

Education Majors Program

In accordance with Act 583 of the Regular Session of 1986, the Governor's Special Commission on Education Services is proposing the following rules for adoption for the Education Majors Program. The program provides scholarships to eligible applicants who desire to obtain teaching degrees from Louisiana colleges and agree to teach in Louisiana schools upon graduation. These guidelines include procedures for eligibility and application (including a \$2.50 fee) and a promissory agreement specifying the recipient's obligation for repayment of the scholarship in the event he/she defaults on its conditions.

**GOVERNOR'S SPECIAL COMMISSION
ON EDUCATION SERVICES
EDUCATION MAJORS PROGRAM**

PROMISSORY NOTE

I, _____, hereinafter called the maker, promise to pay the Governor's Special Commission on Education Services, herein after referred to as GSCES, the sum of such amounts as may from time to time be advanced to me and endorsed in the schedule of advances below, together with all attorney's fees, other costs and charges necessary for the collection of any amount not paid when due.

SCHEDULE OF ADVANCES

	AMOUNT	DATE	SIGNATURE OF MAKER
1.	\$		
2.	\$		
3.	\$		
4.	\$		
5.	\$		
6.	\$		
7.	\$		
8.	\$		

The Maker further understands and agrees, and it is understood between the parties that:

I. Repayment of principal and interest thereon, shall be made over a period commencing six (6) months after the maker ceases to attend an institution of higher education, or a comparable institution outside the United States approved for this purpose, without first obtaining a Bachelor of Education degree and ending within the amount of time the maker has received monies under this program. Interest of fourteen (14) per centum per annum shall accrue from the beginning of such repayment period. Prepayment of principal together with interest thereon, shall be made in equal, quarterly, bi-monthly or monthly installments, as determined by GSCES.

II. The note is subject to the following conditions:

(1). CANCELLATION

The obligation to repay this funds, evidence by this note shall be cancelled:

- a). Upon submissions to GSCES of documentation of makers death.
- b). Upon the acceptance by GSCES of the statement of a physician verifying the total and permanent disability of the maker.
- c). If the maker undertakes service as a full time teacher in a public or other non-profit institution of learning approved by GSCES for this purpose, for each complete year of such service, the amount of this note shall be reduced at the rate of twenty (20) per centum of the total principal amount of the loan plus interest thereon. Once there has been a default on this note, the maker is not entitled to have this loan cancelled under this subsection unless authorized by GSCES..

(2). DEFERMENT

GSCES may defer makers duty to repay principal under the terms of this note if proof acceptable to GSCES is submitted by maker to evidence either of the conditions set forth below. Interest will continue to accrue during the deferment period.

- a). Inability on part of the maker to find full-time employment in the United States despite conscientious efforts to seek such employment. In no event shall a deferment under this section exceed one (1) year.
- b). Temporary total disability of maker as established by a sworn statement of a qualified physician, or temporary total disability of makers spouse, if so established, that maker is unable to secure employment because of the need to care for his/her spouse. In no event shall a deferment under this section exceed three (3) years.

(3). PREPAYMENT

The maker at his option and without penalty may prepay all or any part of the principal, plus the accrued interest thereon, at any time.

(4). ACCELERATION

In the event of a failure to meet a scheduled repayment of any of the installments due on this note, the entire indebtedness, including interest due and accrued thereon shall, at the option of GSCES, become immediately due and payable.

(5). LATE CHARGES

In the event the maker is delinquent in making a scheduled payment when due, a late charge of Five (\$5.00) Dollars or five (5) percent of the payment, (whichever is less) will be charged to the makers account. A payment is considered late when it is not received ten (10) days after its due date.

(6). VENUE

This contract is made in Baton Rouge, Louisiana and in the event legal proceedings are necessary to collect on this note, suit may be filed in East Baton Rouge Parish.

(7). MISCELLANEOUS

- a). The terms of this note shall be interpreted in accordance with the laws of the State of Louisiana.
- b). Maker agrees to advise GSCES promptly in writing of any change in name, address, or deferment status.

Signature _____ Date _____, 19 ____

Permanent Address _____

Co-Maker _____ Date _____, 19 ____

Permanent Address _____

CAVEAT: GSCES may require a co-maker on this promissory note. If a co-maker is required by GSCES, the obligation to pay the note shall be a primary obligation of the co-maker.

STATE OF LOUISIANA
GOVERNOR'S SPECIAL COMMISSION
ON EDUCATION SERVICES
SCHOLARSHIP/GRANT DIVISION
POST OFFICE BOX 44127
BATON ROUGE, LOUISIANA 70804
TELEPHONE 504-342-9435

**APPLICATION PROCEDURE
FOR EDUCATION MAJORS PROGRAM**

EACH RECIPIENT MUST FILE FOR FUNDS WITH THE DIRECTOR, SCHOLARSHIP/GRANT DIVISION, GOVERNOR'S SPECIAL COMMISSION ON EDUCATION SERVICES. APPLICATION MUST BE COMPLETE AND ON FILE IN THE SCHOLARSHIP DIVISION OFFICE BY DECEMBER 31, 1986. PLEASE READ THE GUIDELINES GOVERNING THE PAYMENT OF FUNDS PERTAINING TO RETAINING THE SCHOLARSHIP. SHOULD YOUR STATUS AS A RECIPIENT BE IN DOUBT, YOU SHOULD CONTACT THE DIRECTOR, SCHOLARSHIP/GRANT DIVISION, GOVERNOR'S SPECIAL COMMISSION ON EDUCATION SERVICES, IMMEDIATELY.

1. Complete application form.
2. Return the application to the Scholarship/Grant Division at the above address along with a copy of a seven-semester high school transcript, a college transcript when appropriate, a copy of ACT and/or SAT scores, an application processing fee of \$2.50 (please send a check or money order), and a statement of extra-curricular activities (number of years as a member of each and number of years as an officer of each) with signature of principal indicating all information is correct.
3. The Scholarship/Grant Division will review the application and scholastic records.
4. The Commission will determine the recipients, who will be notified by letter. Recipients for fall semester/quarter should receive notice before registration.
5. Deadline for applying for spring semester/quarter scholarships is December 31.
6. Fall funds are sent to the university for registration in the amount of \$1,000, spring funds are sent to the university in the amount of \$1,000 on receipt of Grade Reports and after Grade Reports from the previous semester/quarter have been processed.
7. The university will disburse the funds to the recipient.
8. Deadline for claiming spring funds is March 1. Any funds not claimed by these dates will be returned to the Scholarship/Grant Division.

YOU ARE ADVISED TO READ CAREFULLY AND RETAIN
THIS COPY FOR FUTURE REFERENCE.
EDUCATION MAJORS PROGRAM

The following requirements must be met:

1. Resident status - Applicant must be a resident of Louisiana for one year and a graduate of a Louisiana public or an approved private high school.
2. University selection - Must be a public or independent college or university in the State of Louisiana with a college of education.
3. Personal Qualifications - Applicant must demonstrate the ability to read and understand this information; desires to become a teacher, and has been accepted to enroll in a public or independent college or university in Louisiana.
4. Scholastic requirements - Must have minimum ACT score of 22 or minimum ACT score of 20 and minimum grade point average of 3.0 on a 4.0 scale or a minimum college grade point average of 3.0 on a 4.0 scale.

- 94 - 100 = A
- 87 - 93 = B
- 80 - 86 = C
- 70 - 79 = D

To retain the scholarship, a recipient must earn a 3.0 or better cumulative grade point average in a college of education curriculum. The recipient must be enrolled as a full-time student carrying AND EARNING 12 or more hours at a semester university or eight or more hours at a quarter university. PASS/FAIL, CLEP, and REMEDIAL courses do not meet this requirement and will be considered.

5. Intent to enroll at a university other than that stated on the application must be stated in writing to the Scholarship/Grant Division by the appropriate deadline. Failure to do so will result in permanent cancellation of the scholarship.
6. Only through approval by the Commission may a recipient fail to enroll for or drop from a regular school session (excluding summer sessions) and maintain the scholarship. The Commission must ascertain that there is justifiable reason or hardship before granting this approval.
7. The recipient may receive other financial aid provided by state funds.
8. Scholarship funds will be disbursed to a recipient over a period of time not to exceed four years unless approved by the Commission.
9. In the event state-appropriated funds are insufficient for full funding of this program, the Commission will determine distribution of available funds.

Interested persons may comment on the proposed rules to Mona H. Durham, Scholarship/Grant Division, Governor's Special Commission on Education Services, Box 44127, Baton Rouge, LA 70804, telephone (504) 342-9435.

Mona H. Durham
Director

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

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

Act 17 of 1986 appropriated \$540,000 for this program in 1986-87. Approximately one-half of that amount (\$270,000) would be expended during the remainder of 1986-87. Assuming full implementation, as planned, expenditures for fiscal year 1987-88 would be \$802,818 and for 1988-89, \$1,327,851.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Self-generated funds of \$25,000 per year will accrue to the Commission from the \$2.50 application fee. One-half of that amount (\$12,500) would be collected during the remainder of the 1986-87 fiscal year.

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

Applicants for the scholarship will each bear the cost of the \$2.50 application fee. Co-makers on each recipient's promissory note may bear the burden of repayment if the recipient defaults on the conditions of the scholarship. Recipients will receive scholarships of \$2,000 per year with a maximum of \$8,000 per recipient.

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

The purpose of the program is to encourage the graduation and employment of a greater number of teachers within Louisiana.

Mona H. Durham
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Office of the Governor
Governor's Special Commission on Education Services**

Rockefeller Scholarship Program

In accordance with R.S. 49:950 et seq., the Governor's Special Commission on Education Services proposes the following rules regarding aid in financing administrative costs associated with its scholarship program through self-generated revenues. In addition, the promissory note will more clearly specify the obligations of the recipient as to repayment in the event he/she defaults on the conditions of the scholarship. The requirement of a co-maker on the note will make repayment of defaulted scholarships more likely.

**GOVERNOR'S SPECIAL COMMISSION
ON EDUCATION SERVICES
ROCKEFELLER SCHOLARSHIP PROGRAM**

PROMISSORY NOTE

I, _____, hereinafter called the maker, promise to pay the Governor's Special Commission on Education Services, herein after referred to as GSCES, the sum of such amounts as may from time to time be advanced to me and endorsed in the schedule of advances below, together with all attorney's fees, other costs and charges necessary for the collection of any amount not paid when due.

SCHEDULE OF ADVANCES

	AMOUNT	DATE	SIGNATURE OF MAKER
1	\$		
2	\$		
3	\$		
4	\$		
5	\$		
6	\$		
7	\$		
8	\$		

The Maker further understands and agrees, and it is understood between the parties that:

1. Repayment of principal and interest thereon, shall be made over a period commencing six (6) months after the maker ceases to attend an institution of higher education, or a comparable institution outside the United States approved for this purpose, without first obtaining a degree in Wildlife, Forestry, Fisheries, or Marine Science, and ending within the amount of time the maker has received monies under this program. Interest of fourteen (14) per centum per annum shall accrue from the beginning of such repayment period. Prepayment of principal together with interest thereon,

shall be made in equal (or, if the maker so requests, in graduated installments determined in accordance with such schedule which may be approved by GSCES), quarterly, bi-monthly or monthly installments, as determined by GSCES.

II. The note is subject to the following conditions:

(1). CANCELLATION

The obligation to repay this funds, evidence by this note shall be cancelled:

- a). Upon submissions to GSCES of documentation of makers death.
- b). Upon the acceptance by GSCES of the statement of a physician verifying the total and permanent disability of the maker.
- c). Upon obtaining a degree at an approved institution of higher education in the field of Wildlife, Forestry, Fisheries, or Marine Science.

(2). DEFERMENT

GSCES may defer makers duty to repay principal under the terms of this note if proof exceptable to GSCES is submitted by maker to evidence either of the conditions set forth below. Interest will continue to accrue during the deferment period.

- a). Inability on part of the maker to find full-time employment in the United States despite conscientious efforts to seek such employment. In no event shall a deferment under this section exceed one (1) year.
- b). Temporary total disability of maker as established by a sworn statement of a qualified physician, or temporary total disability of makers spouse, if so established, that maker is unable to secure employment because of the need to care for his/her spouse. In no event shall a deferment under this section exceed three (3) years.

(3). PREPAYMENT

The maker at his option and without penalty may prepay all or any part of the principal, plus the accrued interest thereon, at any time.

(4). ACCELERATION

In the event of a failure to meet a scheduled repayment of any of the installments due on this note, the entire indebtedness, including interest due and accrued thereon shall, at the option of GSCES, become immediately due and payable.

(5). LATE CHARGES

In the event the maker is delinquent in making a scheduled payment when due, a late charge of Five (\$5.00) Dollars or five (5) percent of the payment, (whichever is less) will be charged to the makers account. A payment is considered late when it is not received ten (10) days after its due date.

(6). VENUE

This contract is made in Baton Rouge, Louisiana and in the event legal proceedings are necessary to collect on this note, suit may be filed in East Baton Rouge Parish.

(7). MISCELLANEOUS

- a). The terms of this note shall be interpreted in accordanc with the laws of the State of Louisiana.
- b). Maker agrees to advise GSCES promptly in writing of any change in name, address, or deferment status.

SIGNATURE _____ DATE _____, 19 ____

PERMANENT ADDRESS _____

CO-MAKER _____ DATE _____, 19 ____

PERMANENT ADDRESS _____

CAVEAT: GSCES may require a co-maker on this promissory note. If a co-maker is required by GSCES, the obligation to pay the note shall be a primary obligation of the co-maker.

Interested persons may comment on the proposed rules to Mona H. Durham, Scholarship/Grant Division, Governor's Special Commission on Education Services, Box 44127, Baton Rouge, LA 70804, telephone (504) 342-9435.

Mona H. Durham
Director

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation costs to agency are negligible.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Self-generated funds of approximately \$250 per year will be collected through the application fee. To the extent the promissory note requirement aids in default collection, the Commission may experience an increase in default repayments.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Students who apply for this scholarship will bear the cost of the application fee. The co-maker requirement may shift some of the burden of default repayment onto these co-makers rather than the scholarship recipient.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Mona H. Durham
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Chiropractic Examiners**

Pursuant to R.S. 49:950, et seq., the Louisiana State Board of Chiropractic Examiners intends to adopt, amend, and repeal rules relative to procedures for disciplinary actions and inquiries, renewal fees for x-ray assistants and chiropractors, and the general practice of chiropractic. Inquiries may be made and the proposed rules may be viewed in their entirety at the office of Dr. John Masse', D.C. at 1200 Enterprise Boulevard, Lake Charles, LA 70601.

Interested persons may present their views at a public hearing on October 23, 1986, at 10 a.m., State Library, Main Auditorium, 760 Riverside Mall, Baton Rouge, LA 70804.

J.E. Stephenson, D.C.
Board Chairman

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation costs (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 estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

J. E. Stephenson, D.C.
Board Chairman

Mark C. Drennan
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Dentistry**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq. and the Dental Practice Act, R.S. 37:760(8), notice is hereby given that the Louisiana State Board of Dentistry intends to adopt the following rules:

1. LAC Part XXXIII, Chapter 3. Dentists, § 301 (Listing as Dental Specialist) - Revise to delete any references to R.S. 37:775(14) and (15).

2. LAC Part XXXIII, Chapter 3. Dentists, § 302 (Re-use of toothbrush in a dental office is prohibited) Adds new provision providing that if dentist furnishes patient with a toothbrush in treatment process, it must be disposed of immediately and cannot be re-used.

3. LAC Part XXXIII, Chapter 3. Dentists, § 303 (Maintenance of records on prescriptions pursuant to R.S. 37:1204) - Adds new provision providing that if dentist supplies patient with necessary drugs and medicines for patient's use, then dentist shall be required to label medications and maintain prescription files on all such drugs, chemicals, or medications sold and/or dispensed to patient excepting bona fide samples dispensed at no cost.

4. LAC Part XXXIII, Chapter 8. Provisions pertaining to Informal Disposition of Complaints, § 801 (Informal Disposition of Complaints) Adds new provision providing for informal disposition of complaints to the extent it affects administrative procedures of the State Board of Dentistry.

5. LAC Part XXXIII, Chapter 9. Provisions pertaining to formal administrative procedures in accordance with R.S. 49:950 et seq. insofar as they are applicable.

Interested persons may submit written comments on the proposed changes within 10 days of the date of publication to the Louisiana State Board of Dentistry, Suite 2240, 1515 Poydras Street, New Orleans, Louisiana 70112, Attention: Secretary-Treasurer. A public hearing shall be conducted by a committee of the State Board on the proposed rules on October 30, 1986 at 5 o'clock p.m. at the offices of the State Board and any interested person may appear and participate in accordance with R.S. 49:953(2)(a).

Russell R. DiMarco, D.D.S.
Secretary-Treasurer

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

**Rule Title: Provisions for Informal Disposition
of Complaints**

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

There will be no effect on implementation costs (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)

The rule will be written and included in the booklet containing the Dental Practice Act and the other rules and regulations adopted by the board.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Russell DiMarco, D.D.S.
Secretary-Treasurer

Mark C. Drennan
Legislative Fiscal Officer

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

**Rule Title: Maintenance of records on prescriptions
pursuant to R.S. 37:1204**

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

There will be no effect on implementation costs (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)

The rule will be written and included in the booklet containing the Dental Practice Act and the other rules and regulations adopted by the board.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Russell DiMarco, D.D.S.
Secretary-Treasurer

Mark C. Drennan
Legislative Fiscal Officer

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

**Rule Title: Re-use of toothbrush in
dental office prohibited**

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

There will be no estimated implementation costs (savings) to state or local governmental units.

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

There will be no estimated effect on revenue collections of state or local governmental units.

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

The rule will be written and included in the booklet containing the Dental Practice Act and the other rules and regulations adopted by the board.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no estimated effect of competition and employment.

Russell DiMarco, D.D.S.
Secretary-Treasurer

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Listing as Dental Specialist**

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

There will be no estimated implementation costs (savings) to state or local governmental units.

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

There will be no estimated effect on revenue collections of state or local governmental units.

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

The rule will be written and included in the booklet containing the Dental Practice Act and other rules and regulations adopted by the board.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no estimated effect on competition and employment.

Russell DiMarco, D.D.S.
Secretary - Treasurer

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Provisions for Formal Administrative
Procedures-Adjudication**

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

There will be no effect on implementation costs (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)

The rule will be written and included in the booklet containing the Dental Practice Act and other rules and regulations adopted by the Board.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Russell DiMarco, D.D.S.
Secretary - Treasurer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Examiners of Psychologists**

To Repeal LAC 46:LXIII.1501 through 1543 and to replace those sections with the following:

PART LXIII. PSYCHOLOGISTS

**CHAPTER 15. Rules For Disciplinary Action
Subchapter A. Applicability; Processing Complaints
§1501. Applicability**

A. These rules shall be applicable to any action of the Louisiana State Board of Examiners of Psychologists (board) to withhold, deny, revoke or suspend any psychologist license on any of the grounds set forth in R.S. 37:2360 or under any other applicable law, regulation or rule.

B. These rules shall not be applicable to the licensure of psychologists pursuant to R.S. 37:2356, unless licensure is denied on one of the grounds set forth in R.S. 37:2360.

C. Unless otherwise provided by law, the board may delegate its authority and responsibility under these rules to a committee of one or more board members, to a hearing officer, or to other persons.

§1503. Complaints

A. A complaint is defined as the receipt of any information by the board indicating that there may be grounds for disciplinary action against a psychologist under the provisions of R.S. 37:2360 or other applicable law, regulation or rule.

B. Complaints may be initiated by the board, by any licensed psychologist or by any other person.

C. Upon receipt of information of a possible violation, the board may initiate and take such action as it deems appropriate.

D. Upon receipt of complaints from other persons, the board will forward its complaint form. Ordinarily, the board will not take additional action until the form is satisfactorily completed.

1. Except under unusual circumstances, the board will take no action on anonymous complaints.

2. If the information furnished in the written complaint form is not sufficient, the board may request additional information before further consideration of the complaint.

E. All complaints received shall be assigned a sequentially ordered complaint code which shall be utilized in all official references.

F. The board shall determine whether the complaint warrants further investigation.

§1505. Investigation

A. If the board determines that a complaint warrants further investigation, the board shall notify the licensee or applicant against whom the complaint has been made (hereinafter referred to as "respondent"). The notice to the respondent shall include the following:

1. notice that a complaint has been filed;

2. a short and plain statement of the nature of the complaint;

3. a reference to the particular sections of the statutes, rules or ethical standards which may be involved;

4. copies of the applicable laws, rules and regulations of the board, and

5. A request for cooperation in obtaining a full understanding of the circumstances.

B. The respondent shall provide the board, within 30 days, a written statement giving the respondent's view of the circumstances which are the subject of the complaint.

C. The board may conduct such other investigation as it deems appropriate.

D. During the investigation phase, the board may communicate with the complainant and with the respondent in an effort to seek a resolution of the complaint satisfactory to the board without the necessity of a formal hearing.

Subchapter B. Conduct of Formal Hearing

§1511. Formal Hearing

A. If, after completion of its investigation, the board determines that the circumstances may warrant the withholding, denial, revocation or suspension of a psychologist's license, the board shall initiate a formal hearing.

B. The formal hearing shall be conducted in accordance with the adjudication procedures set forth in the Louisiana Administrative Procedure Act (R.S. 49:950 et seq.).

C. Upon completion of the adjudication hearing procedures set forth in the Louisiana Administrative Procedure Act, the board shall take such action as it deems appropriate on the record of the proceeding. Disciplinary action under R.S. 37:2350 requires the affirmative vote of at least four of the members of the board.

D. The form of the decision and order, application for rehearing and judicial review shall be governed by the provisions of the Louisiana Administrative Procedure Act.

E. The board shall have the authority at anytime to determine that a formal hearing should be initiated immediately on any complaint. The complaint and investigation procedures set forth above shall not create any due process rights for a respondent who shall be entitled only to the due process provided under the Louisiana Administrative Procedure Act.

§1513. Impaired Psychologist Procedure

A. At any time during the investigation and hearing process, the board, at its sole discretion, shall have the authority to offer the respondent the opportunity to participate in the impaired psychologist procedure.

B. If the board determines that a respondent should be offered the opportunity to participate in the impaired psychologist procedure, the board shall give written notice to the respondent of the following two options:

1. The respondent may acknowledge "impairment" in a form provided by the board, and submit to evaluation and treatment as set forth below, or

2. The respondent may reject the opportunity to participate in the impaired psychologist procedure, and the board will continue to process the complaint in accordance with the procedures set forth above.

C. If the respondent elects to participate in the impaired psychologist procedure, disciplinary action against the respondent shall be suspended so long as respondent cooperates fully in his/her evaluation and treatment as set forth below.

D. The impaired psychologist procedure shall include the following:

1. The respondent shall acknowledge his/her "impairment" on a form provided by the board, and the respondent shall agree to submit to an evaluation.

2. The respondent may be required to provide the board with proof that he/she has arranged appropriate referrals of patients or that he/she is receiving supervision from another psychologist who is aware of the impairment.

3. The respondent shall submit to an evaluation by an appropriate professional selected by the board. Unless waived by the board and the respondent, the evaluator shall not be either an associate of or a professional in direct competition with the respondent, and the evaluator will not treat the respondent if

the evaluation yields positive findings. The respondent must agree to pay the evaluator for the evaluation.

4. The evaluator will be requested to render an opinion within 24 hours of the evaluation regarding whether the respondent appears to be impaired by some condition which may benefit from intervention. Such impairment is defined to include only the Axis I and/or Axis III diagnosis of the current Diagnostic and Statistical Manual of Mental Disorders. (Presently that manual is the Third Edition and will hereinafter be referred to as DSM III). As subsequent Diagnostic and Statistical Manuals are anticipated, Axis I diagnoses are operationally defined as "Clinical Syndromes, Conditions Not Attributable to a Mental Disorder That Are a Focus of Attention or Treatment, and Additional Codes,"* and Axis III diagnoses are operationally defined as "Physical Disorders and Conditions"* (*American Psychiatric Association; Desk Reference to the Diagnostic Criteria from Diagnostic and Statistical Manual of Mental Disorders, Third Edition, Washington, D.C., APA, 1982, pg. 5).

5. If the above respondent is found not to be impaired as defined above, the impaired psychologist procedure is terminated, and the board may renew disciplinary action.

6. If the respondent is found to be impaired as defined above, the respondent shall have the option of undergoing treatment provided by a qualified professional. The treatment plan must be approved by the board, and may include the protections set forth in Subpart 2 above. The treatment plan and protections may be revised from time to time as permitted or required by the progress of the respondent. Treatment will be at the expense of the respondent.

7. If the respondent rejects the recommendation for treatment or fails to cooperate fully with a treatment plan and other protections approved by the board (including any revisions thereof), disciplinary action may be renewed.

8. Upon successful completion of the treatment plan, based upon such reasonable evaluation as the board may require and upon determination that the respondent has the status and ability to function professionally without supervision, the disciplinary action based upon the former complaint shall be terminated, and no further action shall be taken with respect to that complaint.

Interested persons may comment on the proposed notice of intent in writing until November 20, 1986, at the following address: Norman J. Bregman, Ph.D., Chair, Board of Examiners of Psychologists, Box 14782, Baton Rouge, LA 70898.

Norman J. Bregman, Ph.D.
Chairman

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Rules for Disciplinary Action

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

There is no estimated implementation costs (savings) to state or local governmental units.

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

There is no estimated effect on revenue collections of state or local governmental units.

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

There is no estimated costs and/or economic benefits to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Norman J. Bregman, Ph.D.
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Practical Nurse Examiners**

Notice is hereby given that the Louisiana State Board of Practical Nurse Examiners, under the authority vested by R.S. Title 37, Chapter II, Nurses, Part II, Practical Nurses, Section 961-979, plans to amend LAC 46:XLVII. Chapter 3, the administrative rules and minimum requirements relating to practical nursing education and licensure to practice in the state of Louisiana at its regular meeting on January 23, 1987.

The complete text of the proposed rule appears in the Emergency Rule Section of this issue of the *Louisiana Register*.

Interested persons may direct inquiries to the Louisiana State Board of Practical Nurse Examiners, Tidewater Place, 1440 Canal Street, Suite 2010, New Orleans, LA., 70112, (504) 568-6480. Written comments will be received through December 31, 1986.

Terry L. DeMarcay
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Practical Nursing Education
and Licensure to Practice in Louisiana**

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

No measurable costs (savings) to State or Local Governmental Units

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

Unable to estimate at this time. Revenue would only be in keeping with the Louisiana Administrative Procedure Act, R.S. 49:954, G,(5): No subpoena shall be issued until the party who wishes to subpoena the witness first deposits the agency a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671 and also R.S. 37:978 as amended in 1986.

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

See II.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Terry L. DeMarcay
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Department of Health and Human Resources
Office of Family Security**

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

Funding was appropriated by the Louisiana State Legislature effective July 1, 1986 to provide Case Management Services to ventilator assisted individuals. The Medical Assistance Program has developed program policy and payment standards which will allow federal financial participation in the funding of Case Management Services under Title XIX of the Social Security Act. Such funding will become available upon implementation of Case Management Services which are provided in accordance with Title XIX requirements. Without federal financial participation the cost for these services must be financed entirely by the State of Louisiana.

Under this rule, Case Management Services will be provided to ventilator assisted individuals subject to Title XIX limitations necessary to receive federal financial participation. Provision of such services will allow recipients to receive life sustaining treatment outside the hospital setting. This rule will provide the necessary framework and services needed to move patients to less restrictive environments and improve the quality of life without increasing state expenditures for Medicaid services.

The Office of Family Security has declared an Emergency Rule in the Medical Assistance Program to allow federal funding of Case Management Services under Title XIX (Medicaid) effective September 1, 1986. Emergency Rulemaking was promulgated in accordance with LA R.S. 49:953 B and published in the *Louisiana Register*, Vol. 12, No. 9, Dated September 20, 1986.

**PROPOSED RULE
OPTIONAL TARGETED CASE MANAGEMENT SERVICES**

Case Management is defined as Individualized Planning, and Service Coordination. Individualized planning shall include: case finding; intake; eligibility determination for case management services; interdisciplinary assessment process [which disciplines and services best address the recipient's needs]; integrating spoken and written information; managing and resolving conflict; developing placement resources; establishing rapport with the individual and family including personal contact; and supportive counseling. Service coordination shall include: translating clinical findings into services; determining which services and connections are needed; learning generic and specialized settings in the community; negotiating with service providers; observing and monitoring recipient progress and the services provided; communicating with providers and recipients including training ordered by the ID Team; linking recipients to services that meet their needs; and being aware of resources (Food Stamps, SSI, Medicaid, etc.).

This service will be reimbursed when provided to ventilator assisted individuals subject to the limitations specified below.

1. The following conditions must be met for services to be reimbursed:

A. A recipient of services must be age 21 or younger at the time that service is provided.

B. A recipient of services must be "ventilator assisted":

(1) Requires a mechanical medical aid for a period greater than three months because of chronic respiratory failure or insufficiency and

(2) Requires the use of a mechanical medical aid to augment respiratory function for all or part of each day.

C. A recipient may receive services on an inpatient or outpatient basis.

D. Providers of case management services under this provision will not be reimbursed for specific services provided to individuals in institutional settings when those services are included in the per diem rate for the institution.

E. The maximum number of units of service to be reimbursed by the state for each ventilator assisted individual in a calendar month is 292.

2. Standards for Participation

The provider of case management services must:

A. Enter into a contractual agreement with the Office of Family Security;

B. Be under the aegis of a major hospital;

C. Have two or more documented years providing case management services to ventilator assisted individuals;

3. Standards for Payment

In order to be reimbursed by the state, the provider of case management services must:

A. Insure that the services are provided by either a masters degreed Social Worker licensed to practice in the State or a Registered Nurse who is licensed to practice in the State;

B. Insure that services are provided according to an individualized plan of care;

C. Insure that only one individual who is an employee of the case management agency is assigned as the primary case manager for each client;

D. Insure that the one case manager for each client under this provision visits the client on site in his place of residence at least once per month for the first three months of service and in each alternate service setting at least once per month for the first three months of service; such visits shall occur at least quarterly thereafter.

E. Insure that the individual assigned as the case manager has at least weekly contact with the client or his/her legal representative and that these contacts are documented in progress notes;

F. Insure that the case manager assigned to serve the client as well as any other employee of the case management provider providing services keep sufficient records to document the services being provided under this provision;

G. Abide by the provisions of the Provider Agreement entered into with the state;

H. Insure that appropriate physician consultation is available to each case manager at all times;

I. Insure that the maximum case load for a case manager does not exceed 25 cases;

J. Insure that each recipient has freedom of choice with regard to providers of any service.

4. General Provisions

A. Providers of case management services will be reimbursed on a unit of service basis. A unit of service retrospective rate will be established for each provider which is based on the cost of providing case management services.

B. Reimbursement will be based on allowable cost not to exceed \$4.40 per unit of service.

C. Rates for these services will be set by the DHHR Audit Section in accordance with the guidelines prescribed by HIM-15, the rate setting guide for Louisiana, and the requirements of State licensure standards for case management providers.

D. A unit of service will be defined for each provider as 15 minutes.

E. Providers of case management services will be required by the state to maintain time sheets which are completed by their case managers to document the units of service they have provided. These time sheets, which must contain the dates and times of service provision, will be submitted to the State as an attachment to each claim for payment for the services encom-

passed by the time sheet.

F. The maximum number of units of service to be reimbursed by the state for each ventilator assisted individual in a calendar month is 292.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge La 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on November 5, 1986 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge La, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: MAP/Case Management Services**

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

Case management services for ventilator assisted individuals will result in state expenditures of \$110,486 in FY 86-87; \$142,491 in FY 87-88; and \$141,858 in FY 88-89. Expenditures for case management services were included in the agency's appropriation for FY 86-87.

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

Federal matching revenues for provision of case management services for ventilator assisted individuals under Title XIX will increase state revenues by \$207,733 in FY 86-87; \$273,784 in FY 87-88; and \$272,567 in FY 88-89.

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

The value of services provided to eligible recipients under Title XIX is projected to be \$318,219 in FY 86-87; \$416,275 in FY 87-88; and \$414,425 in FY 88-89.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment resulting from this proposed rule.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Effective December 20, 1986, the Department of Health and Human Resources proposes to put into effect the rules of

operation for the Louisiana Department of Health and Human Resources, Louisiana Commission for the Deaf.

Act 629 of the 1980 Regular Session of the General Assembly authorizes the Department of Health and Human Resources to adopt these rules.

A copy of said rules of operation are available for review in the Office of the Assistant Secretary, Office of Human Development.

Interested persons may submit written comments on the proposed rule within 15 days of the date of publication at the following address: Wayne C. Heap, Assistant Secretary, Office of Human Development, Box 44367, Baton Rouge, LA 70804.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Rules of Operation of the
Louisiana Commission for the Deaf**

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

No effect is anticipated because the Division of Rehabilitation Services, Louisiana Commission for the Deaf expects to serve the same number of clients as present.

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

No effect is anticipated because the Division of Rehabilitation Services, Louisiana Commission for the Deaf expects to serve the same number of clients as present.

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

No effect is anticipated.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect is anticipated.

Wayne C. Heap
Assistant Secretary

Mark C. Drennan
Legislative Fiscal Officer

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 changes to the policies and guidelines for Section 1122 capital expenditure reviews to be effective December 20, 1986. The proposed changes will be made to the Rule published in Volume 11, Number 4 of the *Louisiana Register*, and to LAC 48:12503. It will:

A) add two criteria to the "Criteria for Expedited Review" (p.8) which will read as follows:

13. Sale or transfer of 25 to 50 percent of the ownership of an entity owning a Section 1122 approval.

14. Other proposals for expedited review may be submitted for consideration. Such proposals may be granted for expedited review if no useful public purpose would be served by a full review.

B) Within the section on "Expenditures and Changes Subject to Review," on page six, the second paragraph will be deleted and a new subsection added.

Page six will now read as follows:

A relocation of a previously approved and licensed facility within the same service area is subject to full review without a reevaluation of need. Other criteria will be reevaluated.

A lease of an approved, unconstructed facility is prohibited for Section 1122 purposes. Upon construction of the facility, the proposed lease shall be subject to review.

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

Public Law 98-369 provides that the valuation of an asset after a change of ownership shall be the lesser of the allowable acquisition cost of such asset to the first owner of record on or after June 1, 1984, or the acquisition cost of such asset to the new owner. This will affect the establishment of an appropriate allowance for depreciation and interest in capital indebtedness and (if applicable) a return on equity capital with respect to an asset of a health care facility which has undergone a change of ownership.

Sales, Transfers, and Other Transactions Which May Result in Changes in Ownership of Section 1122 Approvals, or Section 1122 Approved Facilities

A proposal to sell a Section 1122 approved facility is subject to review.

A proposal to sell or transfer less than 25 percent of the ownership of the legal entity owning a Section 1122 approval is not reviewable under Section 1122, but shall be reported promptly to the Division of Policy, Planning and Evaluation.

A proposal to sell or transfer 25 percent to 50 percent of the stock in a corporation owning a Section 1122 approval is subject to review.

A proposal to sell or transfer 25 percent to 50 percent of the ownership interest in a partnership (or other legal entity) owning a Section 1122 approval is subject to review.

A proposal to sell or transfer a majority (over 50 percent) interest in a corporation whose only or major asset is a Section 1122 approval shall be considered a sale of the Section 1122 approval, which is prohibited and invalidates the Section 1122 approval. Such majority transfers are also precluded for other legal entities owning a Section 1122 approval (partnerships, individuals, etc.).

Alternatives To Full Review Process

Under the following circumstances, DPPE may elect not to conduct a full review.

Election Not to Review

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

1. Renovations to meet Life Safety Codes.

2. Capital expenditures for emergency situations.

C) In the section on "Procedures for Requests for Adjustment to Long Term Care Resource Goals" (p.16), the first paragraph will be revised to require seven copies of the application rather than 10, as is currently required.

Interested persons may submit written comments on the proposed change until November 15, 1986 at the following ad-

dress: 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 Expedited Review Changes

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No implementation costs or savings are anticipated.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No impact on revenue collections is anticipated.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
No costs or benefits are anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No effect on competition or employment is anticipated.

Sandra L. Robinson, M.D., M.P.H. Mark C. Drennan
Secretary and State Health Officer 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, proposes to adopt the following rule pursuant to R.S. 40:33 and R.S. 40:38.1 and pertaining to issuance of certified copies of birth certificates by clerks of District Courts.

Proposed Rule

Certified copies of birth certificates referenced above shall refer only to those copies certified by the state registrar as set forth in R.S. 40:33 et seq. To protect the integrity of vital records and ensure their proper use, birth certificates shall be issued by clerks of district courts in accordance with provisions set forth hereinunder:

1. All record searches and certifications shall be accomplished by vital records personnel.
2. All requests for certified certificates transmitted by clerks of court shall include fees as prescribed by R.S. 40:40 and proof of entitlement as prescribed by R.S. 40:41C.
3. Services to clerks of court shall be limited to sale of certified copies of birth certificates. Only the certification provided by the state registrar shall appear on any document, in turn, sold by the clerks of court.
4. Copies of documents released to clerks of court for sale shall not be filed, recopied or maintained by clerks of court for reissue or resale at a later date.
5. Requests and fees will be accepted from couriers of the clerks of court for pick up by said couriers within 24 hours. This stipulation is predicated upon requests submitted in reasonable quantities that can be handled without compromising other mandated services. The state registrar may consider other processes mutually agreed upon with clerks of court which do not violate

R.S. 40:33 et seq.

6. Clerks of court shall submit on their stationery a signed agreement indemnifying the state, the department and its employees harmless from any liability arising out of authorized or unauthorized access to vital records.

Interested persons may submit written comments on the proposed rule to Daneta Daniel Bardsley, Ed.D., Office of Preventive and Public Health Services, Box 60630, New Orleans, LA 70160, phone (504) 568-5052.

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

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

**Rule Title: Birth certificate copies
issued by clerks of court**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs to be considered.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This rule will not affect revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There are no estimated costs and/or economic benefits to directly affect persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated impact on competition and employment.

Daneta Daniel Bardsley
Assistant Secretary

Mark C. Drennan
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 base engineering consultation fee as contained in the regulations for the Fluoridation Program found in the *Louisiana Register*, Vol. II, No. 12, page 1158, I.B. (December 20, 1985).

The current consultation fee will be changed as follows:

I. Health Activities:

B. Health will provide funds for the payment for the services of a consulting engineer for the design and supervision of the installation of the fluoridating system, a fee of \$3,000 or 12 percent of the contract (excluding chemical costs) whichever is greater will be allowed.

Interested persons may submit comments on the proposed changes at the following address: Daneta Daniel Bardsley, 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: Fluoridation Program**

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

The cost to the state of funding for engineering services to design smaller community water fluoridation system will increase by \$5,000 in 1986-87 and \$8,000 in subsequent years. The state pays all fluoridation costs of participating communities through the Preventive Block Grant which is 100 percent Federal Funds. There is no additional cost to local governments.

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

There is no effect on revenue collection of state or local governments.

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

Consulting engineers or engineering firms designing a fluoridation system for a smaller public water supply will receive an additional \$1,000 for their services.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Increasing the minimum payment for designing smaller fluoridation systems will make it a more desirable project to consulting engineers.

Sandra L. Robinson, M.D., M.P.H. Mark C. Drennan
Secretary and State Health Officer 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 somatic cell count standard for Grade A Raw Milk for Pasteurization as prescribed by §7:091 Sanitary Code, state of Louisiana.

The current standard will be changed as follows: 7:091 Grade A Raw Milk for Pasteurization Somatic Cell Count Individual Producer Milk: Not to exceed 1,000,000 per ml.

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

Dr. Daneta Daniel Bardsley
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Sanitary Code Chapter 7 Amendments**

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)

This rule will not affect revenue collections.

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

The rule will have no cost or economic benefit to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated impact on competition or employment.

Daneta Daniel Bardsley
Assistant Secretary

Mark C. Drennan
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of the Secretary, proposes to adopt the following rule in accordance with R.S. 17:2354.4 enacted by Act 416 (The Anatomical Gift Act) of the 1986 Legislative Session. (LAC 48:XI. Chapter 25) The proposed regulations will establish standards related to the procurement of anatomical gifts needed for transplant, therapy, research and educational purposes.

§2501. Definitions

For purposes of these regulations, the terms contained herein are defined as follows:

A. *Designated representative.* The designated representative is an individual appointed by the hospital administrator to discharge the responsibility of making the request for consent to an anatomical gift.

B. *Suitable candidate.* A suitable candidate for an organ donation is one who is certified by the attending physician, at or immediately before the time of death to be suitable for any organ or tissue donation based on acceptable medical standards, and who has been released by the coroner in those instances required by law. As a general guideline, the physician or hospital designated representative should contact the appropriate organ or tissue procurement agency to confirm the acceptability of the candidate. A suitable candidate for an organ donation is one who is identified as an acceptable donor of organs, and who is determined by a physician or physicians to have sustained irreversible cessation of all functions of the brain, including the brain stem. As a general guideline, candidates who exhibit any of the following characteristics may be assumed to be unacceptable for organ donation:

- Over seventy years of age.*
- Dead on arrival**
- Prolonged cardiac arrest (longer than 20 minutes without a good return of pulse and blood pressure)
- Active transmissible disease
- Septicemia

C. *Death,* as used in these regulations, has the same meaning as R.S. 911: A person will be considered dead if in the announced opinion of a physician, duly licensed in the state of Louisiana based on ordinary standards of approved medical

practice, the person has experienced an irreversible cessation of spontaneous respiratory and circulatory functions. In the event that artificial means of support preclude a determination that these functions have ceased, a person will be considered dead if in the announced opinion of a physician, duly licensed in the state of Louisiana based upon ordinary standards of approved medical practice, the person has experienced an irreversible total cessation of brain function. Death will have occurred at the time when the relevant functions ceased. In any case when organs are to be used in a transplant, then an additional physician, duly licensed in the state of Louisiana and not a member of the transplant team, must make the pronouncement of death.

* The hospital should contact the organ procurement agency if it requires assistance in determining the "suitability" of a donor.

** D.O.A. Donors may be acceptable for cornea/tissue donations. Individual tissue banks will provide guidelines for suitability.

D. *Administrator* means the chief operating officer of the hospital.

E. *Hospital* means any institution, place, building or agency, public or private, whether for profit or not, devoted primarily to the maintenance and operation of facilities for ten or more individuals for the diagnosis, treatment, or care of persons admitted for overnight stay or longer who are suffering from illness, injury, infirmity, or deformity or other physical condition for which obstetrical, medical, or surgical services would be available and appropriate. The term hospital does not include the following:

- a) Physicians' offices or clinics where patients are not regularly kept as bed patients for 24 hours or more;
- b) Nursing homes as defined by and regulated under the provisions of R.S. 40:2009.1 through R.S. 40:2009.12;
- c) Persons, schools, institutions, or organizations engaged in the care and treatment of mentally retarded children and which are required to be licensed by the provisions of R.S. 28:562 through R.S. 28:566.

F. *Organ Procurement Agency (OPA)* means an organization which is designated by the HCFA under the end stage renal disease facility regulations to perform or coordinate the performance of the following services:

- procurement, preservation or transportation of donated kidneys; maintenance of systems to locate prospective recipients of provided organs.

The OPA may also perform these services for extrarenal vital organs.

G. *Tissue bank* as used under this part, refers to any organization which retrieves or banks bone, skin, dura mater or any other human tissue, including eyes and corneas.

H. *Curator* - a person authorized by law or appointed by a court of competent jurisdiction to administer the affairs of an interdicted adult in accordance with the provisions of Title IX, Book I of the Louisiana Civil Code.

I. *Tutor* - a person authorized by law or appointed by a court of competent jurisdiction to administer the affairs of or act as guardian for a minor in accordance with the provisions of Chapter 1, Title VIII, Book I of the Louisiana Civil Code.

J. Department of Health and Human Resources (DHHR) is the Louisiana Department of Health and Human Resources.

K. The Department of Health and Human Services (DHHS) is the federal Department of Health and Human Services.

L. HCFA is the Health Care Financing Administration of DHHS.

§2503. Designated Representative

The designated representative is the individual appointed by the hospital administrator to discharge the responsibility of making the request for consent to an anatomical gift. The designated representative must be a professional who has completed an approved training program. Staff appropriate to serve as designated representatives include physicians, nurses, transplant coordinators, professional administrative staff, case managers, social workers, discharge planners, clergy, organ procurement agency staff, or designated representatives employed by other hospitals and engaged through written cooperative agreements.

§2505. Training Program

A. Designated representatives must complete a training program approved by DHHR. Such programs shall be provided by organ procurement agencies under the auspices of DHHR until such time as a Unified Organ Procurement Agency for the state of Louisiana is formed. At that time, the Unified Organ Procurement Agency will have responsibility for providing the DHHR approved training to potential designated representatives, and update or refresher courses as necessary.

B. The content of the training program shall address, at a minimum:

1. the current nature and structure of the program in Louisiana;
2. the nature of consent and the legal requirements for informed consent;
3. relevant state and federal legislation;
4. medical issues in organ and tissue donation;
5. identification of "suitable candidates";
6. procedures for notification and involvement of the organ procurement agency or tissue bank;
7. documentation of consent and completion of the certificate of request;
8. social, cultural and emotional considerations of dealing with bereaved families, social, cultural, ethical and religious factors affecting attitudes toward organ donation;
9. procedures for declaring death, collecting and preserving organs and tissues; the explanation of these procedures to the decedent's family;
10. obtaining coroner's consent;
11. obtaining consent from the family.

§2507. Retrieval Agencies

A. Organ procurement agencies and tissue banks in Louisiana shall apply to DHHR to be placed on the list of agencies authorized to receive donations under this Section. Such agencies shall be operated on a non-profit basis.

B. An organ procurement agency must be designated by the HCFA under the end stage renal disease facility regulations to perform or coordinate the performance of the following services: - procurement, preservation or transportation of donated kidneys; maintenance of systems to locate prospective recipients of provided organs.

C. Organ procurement agencies may also participate in the procurement, preservation or transportation of extra-renal organs, and other usable body tissue. Organ procurement agencies shall be associated with transplant centers that are members of the United Network for Organ Sharing (UNOS) and the South-Eastern Organ Procurement Foundation (SEOPF).

D. A tissue bank is a program which engages in the procurement, preservation or transportation of bone, skin, eyes, dura mater or any other usable body tissue.

§2509. Procedures for Obtaining Consent

A. When a death occurs in a hospital to a person deter-

mined to be a suitable candidate for organ or tissue donation, the hospital administrator or designated representative shall request of the appropriate person(s) identified in Subsection E of this section to consent to the donation of any part of the decedent's body as an anatomical gift.

B. The hospital must request consent for the donation when a suitable candidate is identified, except when it has reason to believe such donation would be contrary to the decedent's intentions or religious beliefs, or to the intentions or beliefs of the persons described in Subsection E.

C. When a suitable candidate is identified and the hospital

1) elects not to pursue consent because of circumstances identified in B (above), or

2) the family does not give consent, the designated representative shall complete the certificate identified in Subsection H and forward a copy to the OPA.

D. The hospital or its designated representative must make reasonable efforts to locate the next of kin identified in Subsection E and to request consent. "Reasonable efforts" shall include, in priority order:

- face to face contact,
- telephone contact,

- any other effort suitable to logistical and medical considerations. "Reasonableness" shall also be determined within the timeframes, relevant to the retrieval and transportation of the organ(s) or tissues to be donated. When the designated representative has exhausted all reasonable efforts within the timeframes available for the useful retrieval of the anatomical gifts, and has not obtained consent, he shall complete the certificate identified in Subsection H. The hospital shall forward a copy of the certificate to the organ procurement agency. The completed certificate for any anatomical gift request shall be included in the decedent's medical records.

E. Persons qualified to give consent, are, in priority order:

- 1) the spouse, if one survives, if not,
- 2) an adult son or daughter,
- 3) either parent,
- 4) an adult brother or sister,
- 5) the curator or tutor of the person of the decedent at the time of death,

6) any other person authorized or under obligation to dispose of the body of the decedent.

Consent or refusal need be obtained only from the person in the highest priority class available, after best efforts have been made to contact persons in a higher priority class. If there is more than one person in a class available, then consent to the donation must be made by all members of that class currently available.

The hospital or designated representative shall document the consent through signature on the consent certificate, through telephone confirmation taped, transcribed or other documentation as appropriate.

F. Upon approval of the donation as identified in Subsections A and E (above), the hospital administrator or designated representative shall notify an appropriate organ procurement agency or tissue bank from the list of agencies authorized to receive donations under this Section and shall cooperate in the procurement of the anatomical gift.

G. Pursuant to Subsections A, C, D, and E, above, the hospital or designated representative shall complete the certificate of request form prepared by DHHR. When the hospital or designated representative obtains, or exhausts attempts to obtain consent, a copy of the certificate shall be forwarded to the organ procurement agency within three working days. The certificate

shall be attached to the decedent's medical record.

H. The certificate of request form shall include, at a minimum, the following elements:

- 1) the name of the patient;
- 2) the date and time of death;
- 3) the cause (diagnoses) of death;
- 4) the name and affiliation of the person(s) making the request;

5) a statement indicating that the request was made;

6) an indication of what organs/tissues were requested;

7) an indication of for which request consent was granted or denied.,

8) the name of the person granting or refusing the request, and his relationship to the decedent;

9) the name of the OPA notified;

10) an indication of which organs and tissues were procured;

11) the signature of an appropriate witness.

I. Organ procurement agencies, or the statewide Unified Organ Procurement Agency, upon formation of such agency, shall report annually to DHHR on the status of the organ procurement and transplant program. This report shall be due by March 31 of each year.

§2511. Coordination Between Hospitals and Procurement Agencies

A. When a suitable candidate for an organ donation has been identified, the hospital shall engage the services of an appropriate organ procurement agency, and that organ procurement agency shall engage an appropriate tissue bank, if necessary, to coordinate retrieval activities. When the candidate is suitable for donation of tissues only, the hospital will notify the tissue bank directly and proceed with retrieval activities.

B. The organ procurement agency shall have a written letter of agreement with each hospital in its service area by July 1, 1987.

The letter of agreement shall identify, at a minimum, the following:

- criteria for identification of "suitable candidates",

- procedures for engagement of the services of the organ procurement agency,

- procedures for identification of costs and charges of retrieval-related expenses, and

- timeframes for the effectiveness of the agreement and update(s) of the agreement.

C. Tissue banks shall develop written letters of agreement with the hospitals in their service area by July 1, 1987. The letter of agreement shall identify, at a minimum:

- criteria for identification of "suitable candidates",

- procedures for engagement of the services of the agency,

- procedures for identification of costs and charges of retrieval-related expenses, and procedures for billing for those expenses, and

- timeframes for the effectiveness of the agreement and update(s) of the agreement.

D. Organ procurement agencies and the tissue banks in their service areas shall develop written letters of agreement by July 1, 1987. These letters of agreement shall identify, at a minimum:

- criteria for identification of "suitable candidates",

- procedures for engagement of the services of the agency,

- procedures for identification of costs and charges of retrieval-related expenses, and procedures for billing for those expenses, and

- timeframes for the effectiveness of the agreement and update(s) of the agreement.

§2513. Authorized List

Organ procurement agencies, tissue banks, and other retrieval organizations in Louisiana shall apply to DHHR by January 1, 1987 to be placed on a list of agencies authorized to receive donations under this Section. Such agencies shall provide proof of their non-profit status at the time of application. Organ procurement agencies shall be affiliated with transplant centers that are members of the United Network for Organ Sharing (UNOS) and the South-Eastern Organ Procurement Foundation (SEOPF). Tissue banks shall adopt standards for excision, preparation, storage and distribution that meet those provided by the American Association of Tissue Banks, the South-Eastern Organ Procurement Foundation, or any other nationally recognized standard of practice. A statement identifying the adherence to such standards shall be provided at the time of application. Eye banks shall adopt medical standards promulgated by the Eye Bank Association of America or any other nationally recognized standard of practice. A statement of adherence to such standards shall be provided at the time of the application.

Interested persons may submit written comments to James Bardsley, Ph.D., DHHR Executive Management Consultant, Box 3776, Baton Rouge, LA 70821. He is the person responsible for responding to comments on the proposed rule.

A public hearing on the proposed rule will be held on November 6, 1986 in the State Library Auditorium at 760 Riverside North, Baton Rouge, LA beginning at 9:30 a. m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing at said hearing.

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Required Request for Anatomical Gifts

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

The Louisiana Department of Health and Human Resources will expend between \$500 and \$1000 annually for printing of the certificate of consent.

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

There is no effect on state or local revenue collections as a result of this Act.

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

There is no estimable effect relating to costs or economic benefits.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Sandra L. Robinson, M.D., M.P.H. Mark C. Drennan
Secretary and Staff Health Officer Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources, Office of the Secretary, Civil Rights Bureau proposes to amend the following rule: "Equal Delivery of Services and Discrimination in Service Provision." The proposed rule is in accordance with the Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000 et seq.) Title 45 of the Code of Federal Regulations, Part 80, Section 504 of the Rehabilitation Act of 1973 and in accordance with those provisions of federal and state laws which prohibit discrimination in the delivery of services funded through DHHR Block Grants (P.L. 97-35 and R.S. 49:673).

Services And/Or Benefits Complaint Policy And Procedures Policy Statement on Equal Delivery of Services

The Department of Health and Human Resources (DHHR) reaffirms its policy for the equal delivery of services and will administer all programs and conduct its business, either directly or indirectly or through contractual or other arrangements in accordance with Title VI of the Civil Rights Act of 1964. (42 U.S.C. 2000 et seq.), Title 45 of the Code of Federal Regulations, Part 80, as amended through July 5, 1973, Section 504 of the Rehabilitation Act of 1973 as amended (29 U.S.C. 706) and in accordance with those provisions of federal and state law which prohibit discrimination in the delivery of services funded through Block Grants (P.L. 97-35 and R.S. 49:673), and the Agency's Statement of Compliance.

No person shall, on the ground of race, color, national origin, or handicap be excluded from participation in; be denied the benefits of, or be subjected to discrimination under any program or activity conducted in this agency. The Department of Health and Human Resources will take appropriate action to insure that the above will be implemented at all levels of administration.

The secretary, Department of Health and Human Resources, has overall responsibility for the policy and program development under Title VI of the 1964 Civil Rights Act and Section 504 of the Rehabilitation Act of 1973. Responsibility for the coordination and implementation has been placed with the director of the Civil Rights Bureau.

Any person who believes that he or she, or any specific class of persons, has been subjected to discrimination covered by Title VI or Section 504 of the Rehabilitation Act of 1973, as amended, may without fear of reprisal or coercion, file a written complaint with the director, Civil Rights Bureau at 200 Riverside Mall, Suite 118, Baton Rouge, LA 70821, or the Dallas Regional Office for Civil Rights, 1200 Main Tower, Dallas, TX 75202.

It is the policy of the Department of Health and Human Resources to resolve all complaints alleging discrimination based on age, race, color, sex, handicap, religion, national origin and/or political belief in the provision of any agency services. Any person who believes that he or she or any specific class of persons have been subjected to discrimination in any agency program, may personally or by a representative file a written complaint. The identity of the complainants will be kept confidential except to the extent necessary for conducting of the investigation. Any act or acts of intimidation or retaliation against any individual making a complaint shall be prohibited.

Applicability

The policy shall apply to all DHHR offices providing financial, social or health care services. The policy shall also apply to any agency providing these services directly or indirectly or

through contractual or other arrangements in accordance with those provisions of federal and state laws which prohibit discrimination in the delivery of services. This complaint procedure carries out the regulations for: Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 and Federal Block Grants (P.L. 97-35) administered by DHHR.

Standards

1. A complaint may be filed with DHHR - Civil Rights Bureau, DHHS - Office of Civil Rights or USDA at the following addresses:

Department of Health and Human Resources, Office of the Secretary, Civil Rights Bureau, 200 Riverside Mall, Suite 118, Baton Rouge, LA 70821.

Department of Health and Human Services, Regional Office for Civil Rights, 1200 Main Tower, Suite 1900, Dallas, Texas 75202.

U. S. Department of Agriculture, Office of the Secretary, Washington, DC 20250.

Those complaints in the Food and Nutrition Service Program (FNS) (administered by the Office of Family Security), including Food Stamps, that allege discrimination but have other programmatic problems will be referred to the Appeals Section, DHHR, Office of the Secretary.

Those Civil Rights complaints received by the Appeals Section, DHHR, Office of the Secretary, will be referred to the Civil Rights Bureau.

2. The complaint must be filed no later than 180 days from the date of the alleged discriminatory act or acts.

3. The complaint must describe the type of discrimination alleged, indicate when and where such discrimination took place, and describe all pertinent facts and circumstances surrounding the alleged discrimination.

4. After determining that the complaint falls within the jurisdiction of DHHR, Office of Civil Rights, the Director of Civil Rights Bureau, DHHR, will initiate a prompt and thorough investigation of the complaint.

5. The complainant must be given a status report within 30 days of receipt of the complaint.

6. DHHR, Civil Rights Bureau, will maintain records to show the nature of the complaint; the details of the investigation, and the action taken.

7. Quarterly reports of complaints will be submitted to the secretary, DHHR.

8. All complaint records will be available for review by DHHS, USDA and other responsible federal officials.

Procedures

1. All complaints will be acknowledged within five working days of receipt of complaint.

2. The complaint investigation will include but not be limited to the following steps (a minimum of steps a, b, and d must be followed in all investigations):

a. Interviewing the complainant to get all details of the complaint;

b. Interviewing community leaders and others who would be in a position to provide further information;

c. Contacting the office of the facility complained against to secure information about the complaint incident and the overall arrangement for providing services, and

d. Obtaining copies of any appropriate documents, records or statistics which would support or rebut the complaint.

3. After the investigation, the investigator for Civil Rights Bureau will determine the validity of the complaint and advise the complainant and agency complained against in writing of the determination.

4. If it is concluded that the complaint is valid, necessary

steps must be taken by the office's assistant secretary of agency administrator to correct the discriminatory practice within a designated period of time and to prevent any recurrence of such practices.

** The Civil Rights Bureau shall submit to Food and Nutrition Service a report on each Food Stamp discrimination complaint. The report shall contain the findings of the investigation and, if appropriate, the corrective action planned or taken.

Steps 2 and 3 of the procedure will be completed within 60 days from receipt of a complaint, or within such additional time as may be allowed by the Civil Rights Bureau for good cause shown. In the written notice of the decision, the complainant shall be advised that if he/she is not satisfied with the decision, it may be appealed to DHHS, Office of Civil Rights, USDA or other appropriate federal regulatory agencies.

Interested persons may submit written comments through November 7, 1986, to the Director, Civil Rights Bureau, 200 Riverside Mall, Suite 118, Baton Rouge, LA 70821. George Clark is the person responsible for responding to inquiries regarding this proposed rule.

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Equal Delivery of Services

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

There are no anticipated costs or savings connected with the implementation of this proposed rule.

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

None is anticipated.

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

There are no anticipated costs and/or economic benefits to directly affect persons or non-governmental groups. This proposed rule may provide a system of relief to persons subjected discrimination.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

None is anticipated.

George Clark
Director

Mark C. Drennan
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Natural Resources Office of the Secretary

Under the authority of the State and Local Coastal Resources Management of 1978 R. S. 49:213.11 and in accordance with the provisions in R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend:

1. Rules and procedures for Coastal Use Permits Part IB; Part II; Part III A, B, E, G; Part IVB; Part VA, B, C, D; Part VIA, B; Part VIIA, B, C, D, E.

2. Rules and procedures for the development, approval, modification, and periodic review of Local Coastal Management Programs Part IV; Part V; Part VI; Part VII; Part IX.

3. Special Areas -B(1), C

4. Procedural Rules for the Hearing of Appeals by the Louisiana Coastal Commission (deleted)

5. Definitions —

A. *Administrator*: The administrator of the Coastal Management Division within the Louisiana Department of Natural Resources.

The purpose of these proposed amendments is to incorporate changes made in the enabling legislation to, provide further guidances to applicants for coastal use permits, and clarify the permitting procedures, especially those related to the handling of permits applications in parishes with an approved coastal management program.

All interested persons are invited to submit written comments on the proposed amendments. Comments must be submitted by October 22, 1986 to the Coastal Management Division, Department of Natural Resources, Box 44487, Baton Rouge, LA 70804.

Part I. Rules and Procedures for Coastal Use Permits

B. Permit Requirement

(2) The following shall be considered as uses of state or local concern subject to the requirement of Subsection (1) above:

p. Activities previously authorized by Corps of Engineers permits for which time extensions are being sought or which have expired.

B. Activities on lands five feet or more above sea level or within fastlands.

(2) However, if a proposed activity exempted from permitting in Subsection B(1), above, will result in discharges into coastal waters, or significantly change existing water flow into coastal waters, then the person proposing the activity shall notify the secretary or his designee and provide such information regarding the proposed activity as may be required by the secretary or his designee in deciding whether the activity is a use subject to a coastal permit.

(4) The secretary or his designee shall determine whether a coastal use permit is required for a particular activity. A coastal use permit will be required only for those elements of the activity which have direct and significant impacts on coastal waters.

(5) The secretary or his designee shall determine whether any activity subject to this section requires a coastal use permit shall be appealable pursuant to the provisions of §213.11(D) of the Act and the regulations adopted pursuant thereto. Provided, however, that in the event of an appeal by the person conducting or proposing to conduct the activity, the burden of proof shall be on the secretary or his designee. In the event of an appeal by any other person, the burden of proof shall be on the appellant.

C. Emergency Uses

(1) Coastal Use permits are not required in advance for conducting uses necessary to correct emergency situations.

(2) Prior to undertaking such emergency uses, or as soon as possible thereafter, the person carrying out the use shall notify the secretary or his designee and the local government, if the use is conducted in a parish with an approved local program, and give a brief description of the emergency use and the necessity for carrying it out without a coastal use permit.

(3) As soon as possible after the emergency situation arises, any person who has conducted an emergency use shall report on the emergency use to the approved local program or to the secretary or his designee. A determination shall be made as to whether the emergency use will continue to have direct and significant impacts on coastal waters. If so, the user shall apply

for an after-the-fact permit. The removal of any structure or works occasioned by the emergency and the restoration of the condition existing prior to the emergency use may be ordered if the permit is denied in whole or in part.

H. Blanket Exemption

(1) No use or activity shall require a coastal use permit if:

a. The use or activity was lawfully commenced or established prior to the implementation of the coastal use permit process; provided that all necessary authorizations have not expired and are still in effect; or

b. The secretary or his designee determines that it does not have a direct or significant impact on coastal waters; or

c. The secretary or his designee determines one is not required pursuant to Part VII of these rules.

A. General Requirements

Any person seeking to obtain a coastal use permit is required to file a complete application. The Coastal Management Division and approved local parish program offices will provide the application forms and instructions, including example plats and interpretive assistance, to any interested party. The staffs of the Coastal Management Division and approved local parish programs shall be available for consultation prior to submission of an application and such consultation is strongly recommended. The finished application and any necessary application fees may be submitted to either the state Coastal Management Division or the approved local parish program office. Application forms may be periodically revised to obtain all information necessary for review of the proposed project.

D. Submittal and Processing of Applications

(1) Applications for permits may be submitted to the secretary or his designee or to the local coastal permitting agent or his designee if the proposed project is located in a parish with an approved local coastal program.

(2) When an apparently complete application for a permit is received at the state level or the approved local program level, the permitting body shall immediately assign an identification number to that application, acknowledge receipt thereof, and advise the applicant of the number assigned to it.

(3) Application submittal at the parish level for parishes with approved programs.

(a) Applications will undergo review by the local CZM permitting agent or his designee to determine if the application is of state or local concern. This determination should be made within two working days of receipt.

(b) Regardless of whether it is of state or local concern, the complete application and the parish's determination must be forwarded to the secretary of the DNR for processing.

(c) If the project is deemed to be of local concern and is confirmed by the secretary or his designee, the parish will process the application according to the procedures and guidelines in the approved parish program.

(d) If the project is deemed to be of state concern and concurred by the secretary or his designee, the application will be processed by the CMD.

(e) The DNR will notify the parish of its decision concerning state or local determination within two working days.

(4) Submittal at the state level when dealing with parishes with approved local programs.

(a) Permit applications submitted to the secretary of DNR or his designee will be reviewed and a determination whether the project is of state or local concern will be made by the secretary or his designee within two days of receipt.

(b) If it is of state concern, a copy of the determination and the permit will be forwarded to the parish permitting agent for review and comment. It will then be processed by CMD/DNR.

(c) Should the permit be deemed to be of local concern, that determination and the application will be forwarded to the parish for processing according to the guidelines and procedures of the parish local program.

E. Public Notice and Consideration of Public Comment

(1) For applications of state concern, the CMD/DNR has a cooperative agreement with the COE/NOD to issue a Joint Public Notice (JPN) of permit applications for activities within the jurisdiction of both agencies. The secretary or his designee will issue the JPN.

(2) If the application is of state concern but the COE does not recognize the need for a permit, the CMD/DNR will issue public notice.

(3) For proposed uses of local concern in parishes with approved local programs, the COE/NOD will write a separate public notice to be printed and distributed by the CMD/DNR. The parish will issue a separate public notice in a manner consistent with their approved program.

(5) The notice shall contain the nature and location of the proposed coastal use.

(6) The notice shall be issued within 10 working days of receipt of an apparently complete application.

(11) The secretary or his designee shall issue monthly a list of permits issued or denied during the previous month. This list will be distributed to all persons who receive the public notices.

F. Public Hearings on Permit Applications

(3) Public hearing(s) are appropriate when there is significant public opposition to a proposed use, or there have been requests for legislators or from local governments or other local authorities, or in controversial cases involving significant economic, social, or environmental issues. The secretary or his designee or local government with an approved program has the discretion to require hearings in any particular case.

H. Decisions on Permits

(2) Recommendation by parish on uses of state concern - For permit applications of state concern, parishes with approved local programs are encouraged to make recommendations to the Secretary of DNR or his designee concerning goals, policies and objectives of the project area contained in the local program. Coastal use permit decisions must be consistent with the approved local program, and all local government comments will be given substantial consideration R. S. 49:213.11. The final decision on permit recommendations and/or conditions rests with the secretary or his designee. A copy of the executed permit will be forwarded to the parish.

Part IV. Modification, Suspension or Revocation of Permits

B. Suspensions

(c) the permittee has failed or refused to comply with any lawful order or request of the permitting body.

PART V. General Permits

A. General

(1) The secretary or his designee may, after compliance with the procedures set forth in Part III D and E, issue general permits for certain clearly described categories of uses requiring coastal use permits. After a general permit has been issued, individual uses falling within those categories will not require full individual permit processing unless the secretary or his designee determines, on a case-by-case basis, that the public interest requires full review.

B. Reporting

(1) Each person desiring to commence work on a use subject to a general permit must give notice to the secretary or his designee and receive written authorization prior to commencing work. Such authorization shall be issued within 30 days of receipt of the notice.

(2) Such notice shall include:

(b) Such descriptive material, maps and plans as may be required by the secretary or his designee for that general permit.

C. Conditions of General Permits

(1) The secretary or his designee shall prescribe such conditions for each general permit as may be appropriate.

(2) A general permit may be revoked if the secretary or his designee determines that such revocation is in the public interest and consistent with the coastal management program.

D. Local General Permits

(1) A local government with an approved local program may issue general permits for uses of local concern under its jurisdiction pursuant to the above procedures. Such general permits shall be subject to approval by the secretary or his designee. PART VI. Determination As To Whether Uses Are Of State Concern Or Local Concern.

A. Filing of Applications with a Local Government with an approved local program

(2) The determination and a brief explanation of the rationale behind the determination shall be forwarded to the secretary or his designee within two working days of receipt of the apparently complete application, pursuant to Part III D(4).

(3) The secretary or his designee shall review the decision and rationale and shall let it stand or reverse it. If the secretary or his designee reverses the local decision, notice, including a brief explanation of the rationale for the reversal shall be sent to the local government within two working days of the application from the local government.

(4) The appropriate permitting body for the use, as determined by the secretary or his designee shall thereafter be responsible for the permit review process. The secretary's or his designee's determination is binding unless and until reversed by the Courts.

b. Filing application with the secretary or his designee

(1) Within two working days of the filing of an apparently complete application with the secretary or his designee the secretary or his designee shall make a determination as to whether the use is one of state concern or local concern based on the criteria set forth in Subsection C below. Notice shall be given to affected local programs of the determination whether the use is a use of state or local concern. The secretary or his designee shall give full consideration to program comments or objections to any such determination in making future determinations.

Part VII. Determination As to Whether a Coastal Use Permit is Required.

A. Request By Applicant

(1) Any person who proposes to conduct an activity may submit a request in writing to the secretary or his designee for a formal finding as to whether the proposed activity is a use of state or local concern within the coastal zone subject to the coastal use permitting program. The person making the request shall submit with the request a complete application for a coastal use permit and shall provide such additional information requested by the secretary or his designee as may be appropriate.

B. Finding Without a Request

(1) In reviewing a permit application for which no request has been submitted, the secretary or his designee may find after full consideration of the application, likely impacts of the proposed use, comments received, and applicable rules, regulations and guidelines, that a coastal use permit is not required. If he finds that no permit is required, the secretary or his designee shall notify the applicant and give public notice. (See also Part VIII. Procedural Rules for Reconsideration of actions of the Secretary.

(2) A local government with an approved program may request that the secretary or his designee review an application

CONTENTS

I. EXECUTIVE ORDERS

EWE 86-28 — Members to be appointed to Governor's Hispanic-American Affairs Commission	653
EWE 86-29 — Directs the promotion of an awareness campaign to maintain the state's natural beauty	653
EWE 86-30 — Members to be appointed to Governor's Commission on Black on Black Crime	653

II. EMERGENCY RULES

Governor's Office:	
Division of Administration—State Purchasing—Vendor subscription fee	654
Governor's Special Commission on Education Services—Application processing fee	654
Health and Human Resources Department:	
Board of Practical Nurse Examiners—Adjudication, license suspension and revocation proceedings	654
Office of Family Security—MAP - Eyeglass Program	656
MAP - Implements Medicaid coverage of disabled widows/widowers	657
Public Safety and Corrections Department:	
Board of Pardons—LAC 22:V.101 Applications	657
Transportation and Development Department:	
Office of Public Works—Engineering service fee schedule	658

III. RULES

Commerce Department:	
Office of Commerce and Industry—Corporate Headquarters Tax Equalization Program	659
Finance Division - Enterprise Zone Program	660
Industrial Tax Equalization Program	661
Industrial Tax Exemption Program	662
Industry Assistance Program	663
Local Economic Development Support Fund	664
Louisiana Capital Companies Tax Credit Program	664
Restoration Tax Abatement Program	665
Sales and Use Tax Exemption on Energy Conservation Property	666
Education Department:	
Board of Elementary and Secondary Education—Chapter I, ECIA repayment agreements	666
Electives to the Elementary Program of studies	667
NTE Educational Administration and Supervision Test	667
School Transportation Handbook	667
Vocational-technical school fee schedule	667
Vocational-technical school sabbatical leave policy	668
Environmental Quality Department:	
Office of Air Quality and Nuclear Energy—Air Quality Division - Fee schedule	668
Nuclear Energy Division - Fee schedule	674
Office of Solid and Hazardous Waste—Hazardous Waste Division - Fee schedule	676
Solid Waste Division - Fee schedule	676
Office of Water Resources—Fee schedule	677
Governor's Office:	
Division of Administration—Property Assistance Agency - LAC 34:VII.703, Agency inventory master file interface	677
Office of Women's Services—Minimum standards for family violence programs	677
Health and Human Resources Department:	
Board of Embalmers and Funeral Directors—LAC 46:XXXVII.2303, Penalty	677
Board of Nursing—LAC 46:XLVII.3703, Delegation of nursing functions	677
LAC 46:XLVII.3515, Faculty and faculty organization	678
Board of Practical Nurse Examiners—LAC 46:XLVII.905, Staffing	678
Office of Family Security—AFDC Program - Assistance to legally married or emancipated child	678
MAP - EPSDT reimbursement	678
MAP - Hospital program rate freeze	678
MAP - ICF-I, ICF-II and SNF rate freeze	679
MAP - Non-emergency medical transportation	679
MAP - Pharmacy Program dispensing fee	679
MAP - Reimbursement for clinical laboratory services	679
MAP - Third party liability provider mandate	679
MAP - Transportation provider, choice	680
MAP - Transportation provider, rates	680
Office of Management and Finance—LAC 84:I.12503, Section 1122, Expedited review criteria	680
Office of Preventive and Public Health Services—Vital records	681
Senior Citizens Trust Fund Board	685
Natural Resources Department:	
Office of Conservation—Adjudicatory hearings	686
Revenue and Taxation Department:	
Excise Taxes Section—Fuel tax	688

This public document was published at a total cost of \$5,120.00. 1,475 copies of this public document were published in this monthly printing at a cost of \$3,630.00. The total cost of all printings of this document including reprints is \$5,120.00. This document was published by Bourque Printing, Inc., 13112 South Choctaw Drive, Baton Rouge, LA 70815, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-970. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

Secretary of State:	
Office of the Secretary—Fees	689
Transportation and Development Department:	
Marine Operations—Tolls on statewide ferries	690
Office of Highways and The Mississippi River Bridge Authority—Tolls on Greater New Orleans Bridges No. 1 and No. 2	690
Board of Registration for Professional Engineers and Land Surveyors—LAC 46: LXI.1515, Re-examination; LAC 46:LXI.1701, Seal rules	692
Treasury Department:	
Board of Trustees of the State Employees Groups Benefits Program—Consolidated Omnibus Budget Reconciliation Act (COBRA)	692

IV. NOTICES OF INTENT

Agriculture and Forestry Department:	
Office of Management and Finance—Central Registry	693
Commerce Department:	
Racing Commission—Specific duties and responsibilities	693
Use of appliance to start	694
Real Estate Commission—Disbursement of escrow deposits	694
Culture, Recreation and Tourism Department:	
Office of State Parks—Commercial boats; reservation/rates; basis for assistance; facility projects	695
Fee changes	697
Education Department:	
Board of Elementary and Secondary Education—Bulletin 741 - Alternative schools/programs	697
Bulletin 741 - Prohibits teaching more than two subjects per class period	698
Bulletin 741 - State curriculum guides	698
Governor's Office:	
Division of Administration—Office of Risk Management - Structured settlement services	699
Office of State Planning - LCDBG Final Statement, FY 1986	699
State Purchasing - Vendor subscription fee	700
Governor's Office for Minority Business Enterprise - Designation of a minority set-aside bid; Criteria for procurement of goods and services	701
Governor's Special Commission on Education Services - Education Majors Program	702
Rockefeller Scholarship Program	704
Health and Human Resources Department:	
Board of Chiropractic Examiners—Disciplinary procedures; fees; general practice	705
Board of Dentistry—Listing as dental specialist; prohibits re-use of toothbrush; prescription records maintenance; informal disposition of complaints; administrative procedures	706
Board of Examiners of Psychologists—Disciplinary procedures	707
Board of Practical Nurse Examiners—Practical nursing education and licensure to practice in Louisiana	709
Office of Family Security—MAP - Case management services	709
Office of Human Development—Louisiana Commission for the Deaf	710
Office of Management and Finance—DPPE - Section 1122 - Expedited review changes	711
Office of Preventive and Public Health Services—Birth certificate copies issued by clerks of courts	712
Fluoridation Program	712
Sanitary Code—Grade A raw milk for pasteurization	713
Office of the Secretary—Anatomical gifts	713
Equal Delivery of Services	716
Natural Resources Department:	
Office of the Secretary—Coastal Resources Management	717
Public Safety and Corrections Department:	
Board of Pardons—LAC 22:V.101 Applications	721
Liquefied Petroleum Gas Commission—Use of fuel directly from cargo tanks	723
Revenue and Taxation Department:	
Excise Taxes Section—Hazardous waste disposal tax	723
Transportation and Development Department:	
Office of Highways—Flight Operations Manual - Aircraft use fee	726
Office of Public Works - Engineering service fee	727
Treasury Department:	
Board of Trustees of the State Employees Group Benefits Program—Dependent coverage termination date	727
Election procedures	728
Eligible expenses	729
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Dredging of fill materials and/or fill sand from Louisiana waters	730

V. LOUISIANA ADMINISTRATIVE CODE UPDATE

July 1986 through September 1986 LAC Changes	730
--	-----

VI. POTPOURRI

Health and Human Resources Department:	
Office of Family Security—AFDC Program - Legally married or emancipated child	731
Natural Resources Department:	
Fishermen's Gear Compensation Fund—Claims	731

Executive Orders

EXECUTIVE ORDER EWE 86-28

WHEREAS, Executive Order EWE 85-17 created the Governor's Hispanic-American Affairs Commission in an effort to coordinate the state's efforts relative to programs to assist our 208,000 citizens of Hispanic descent; and

WHEREAS, certain changes are needed in the structure of the commission so that it can fulfill its mission properly and efficiently; and

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

SECTION 1: The Governor's Hispanic-American Affairs Commission's 21 members shall serve at the pleasure of the governor.

SECTION 2: The governor's assistant for Hispanic-American Affairs or her designee shall serve as chairman.

SECTION 3: This executive order is effective September 2, 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 15th day of September, A.D., 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 86-29

WHEREAS, the Louisiana Litter Control and Recycling Commission, the Louisiana Tourist Development Commission, the Louisiana Hotel-Motel Association, the Louisiana Restaurant Association, the Louisiana Travel Promotion Association and the Women For a Better Louisiana are working together to promote the tourism industry in our state; and

WHEREAS, the tourism industry is vital to our state's economy by virtue of the large sum of money which is spent by visitors to Louisiana annually, and

WHEREAS, litter hampers the positive image that we are trying to promote and spoils the natural beauty with which Louisiana is blessed; and

WHEREAS, the tourism and travel industries will embark on a statewide public awareness campaign to encourage our citizens to help maintain our state's appearance; and

WHEREAS, it is fitting and proper that the government of Louisiana join in this effort;

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

SECTION 1: Each agency head shall take actions necessary to ensure that each state owned vehicle under his or her jurisdiction bears a "Please Don't Litter" bumpersticker.

SECTION 2: Each local governing authority is encouraged to join the state in this endeavor.

SECTION 3: Each citizen is urged to join in this campaign to preserve our state's image.

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 15th day of September, A.D., 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 86-30

WHEREAS, Executive Order EWE 86-24 created the Governor's Commission on Black on Black Crime as urged by House Concurrent Resolution 41 of 1986; and

WHEREAS, the commission was to be composed of 18 members, an even number which could pose potential problems in relation to procedural matters; and

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

SECTION 1: The Governor's Commission on Black on Black Crime shall be composed of 19 members appointed by the governor to serve at his pleasure as follows:

- a. two members from each congressional district
- b. two members from the state at large
- c. the governor's executive assistant for minority affairs

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 19th day of September, A.D., 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

Emergency Rules

DECLARATION OF EMERGENCY

Division of Administration State Purchasing

The Division of Administration, State Purchasing, is exercising the emergency provision of the Administrative Procedure Act R.S. 49:953B to implement a rule, effective October 21, 1986 for establishment and implementation of a schedule for a vendor subscription fee, to be in effect for a period of 120 days or until new rules are adopted in accordance with the Administrative Procedure Act, whichever occurs first.

An annual subscription of \$50/25 (\$25 for certified minority vendors) will be charged vendors to become eligible to bid to the state of Louisiana. The fee covers the fiscal year period July through June and will not be prorated. Any fee paid where there is less than three months prior to expiration of current fiscal year will be carried over and given full year credit.

This fee entitles the vendor to be on the bid list for one fiscal year, automatically receive all State Purchasing bid solicitations in selected commodity categories, receive a "How to Do Business With the State of Louisiana" book and includes registration fees for vendor seminars.

This emergency rule is necessary due to (1) timely putting the rule in place for the 1986-87 fiscal year, while the notice of intent is republished with the amendment to reduce the \$50 fee to certified minority vendors to \$25; (2) current budgetary constraints for which this fee will insure availability of funds to provide vendors with the necessary services throughout the fiscal year.

Stephanie Alexander
Commissioner

DECLARATION OF EMERGENCY

Office of the Governor Governor's Special Commission on Education Services

In accordance with Administrative Procedure Act (R.S. 49:953 (B)), the Governor's Special Commission on Education Services is requesting an emergency rule for implementation of an application processing fee of \$2.50 per application for the T. H. Harris Scholarship, Rockefeller Scholarship, State Student Incentive Grant, Carl D. Perkins Scholarship, Education Majors Program, and the Governors Scholars Program. This has been deemed an emergency situation because of the economic climate of the State of Louisiana, budget reductions realized in scholarship and grant programs already implemented by GSCES, and anticipate budget reductions for the newly funded programs.

Mona H. Durham
Director

DECLARATION OF EMERGENCY

Department of Health and Human Resources Board of Practical Nurse Examiners

In accordance with the emergency provisions of the Louisiana Administrative Procedure Act (R.S. 49:953, B) and under the authority of R.S. 37:969, A. (4) and 969, B. (4), the Louisiana State Board of Practical Nurse Examiners has adopted emergency additions to its existing rules as set forth below. This emergency action was necessitated to provide for immediate confidentiality to citizens of Louisiana who report violators and also to clarify due process for violators. This action will be effective October 27, 1986.

LAC Title 46

Part XLVII. Nurses

Chapter 3. Board of Practical Nurse Examiners

§ 307. Rules and adjudication and license suspension and revocation proceedings

A. All adjudication proceedings (as defined in Louisiana Revised Statutes, Title 49, Section 951) and license suspension and/or license revocation or probation proceedings conducted by the board shall be in accordance with the Administrative Procedure Act, Louisiana Revised Statutes, Title 49, Section 955 et seq.

B. All proceedings calling for the suspension, revocation, or probation of a license shall begin with the receipt by the board of allegation(s) pertaining to the violation(s) by a licensee of any provisions of R.S. 37:961 through 37:979.

C. Communications received by the board expressing such allegation(s) shall be privileged, confidential, and shall not be revealed to any person except when such document(s) are offered for evidence in a formal hearing. Such communications will be in writing and signed by the party making the allegation(s).

D. The allegation(s) shall be investigated by the executive director, his/her designee, and/or staff. Any information and/or documents generated pursuant to such investigation of the allegation(s) shall be considered the work product of the board and shall be privileged, confidential, and shall not be revealed to any person except when such investigative information and/or documents are offered for evidence in a formal hearing.

E. The allegation(s) against a licensee may be concluded in an informal proceeding without formal hearing if the executive director does not deem the allegation(s) to be sufficiently serious. The informal resolution of the allegation(s) may be done by correspondence between the executive director and a licensee; by conference of the executive director and a licensee; or by consent order between the board and a licensee.

F. If such allegation(s) are concluded by this informal procedure, any result and/or recommendations shall be submitted by the executive director to the Board for approval.

G. If a matter is not concluded by informal proceedings and a formal hearing is deemed necessary by the executive director, a formal hearing shall be scheduled before a hearing officer designated by the board. A decision to initiate a formal complaint by the board expressing the allegation(s) and specific violation(s) of R.S. 37:961 through 979 may be made if one or more of the following conditions exist:

1. the allegation(s) are sufficiently serious;
2. The licensee fails to respond to the board's correspondence concerning the allegation(s);
3. the licensee's response to the board's correspondence is insufficient, unsatisfactory, or fails to be convincing that no action is warranted;
4. an informal proceeding has failed to resolve all of the issues or allegation(s).

H. Formal hearing procedures shall commence with the filing of a formal complaint by the board indicating the specific allegation(s) and violation(s) of one or more of the provisions under R.S. 37:961 through 37:979.

I. A notice of formal complaint shall be sent by certified mail to the last known address of the accused licensee. If the mailing is not returned to the board, it is assumed to have been received by said licensee as it is the licensee's obligation and duty to keep the board informed of his/her whereabouts.

J. The licensee shall return his/her response to the complaint to the board within 10 days or shall be deemed to have waived his/her right to a hearing. In response, the licensee shall either deny or admit the allegations of the complaint and shall either request a hearing before the hearing officer or waive his/her right to said hearing.

K. If the licensee waives his/her right to a hearing or does not respond in writing within the time allotted, the hearing officer shall decide the case forthwith. The hearing officer shall make specific findings of fact, conclusions of law, and make recommendations to the board.

L. If a licensee requests a formal hearing before the hearing officer, the executive director or his/her designee shall schedule such hearing and notify the licensee of the place, date and time fixed for the formal hearing by certified mail at least 10 days prior to said hearing.

M. Except for conditions of extreme emergency, motions requesting the continuance of a formal hearing must be received by the board at least five days prior to the date fixed for a formal hearing. Such motion must express the specific reason(s) and show good cause why a continuance is warranted and be relevant for due process.

N. Discovery

1. Prior to a formal hearing an accused licensee shall have the right to retain an attorney to represent his/her interest before, during, and after the proceedings. All costs and/or expenses incurred by a licensee as a result of his/her exercise of said right, shall be the sole responsibility and obligation of the licensee.

2. Prior to a formal hearing, the executive director or his/her designee will, upon written request received by the board at least five days prior to the formal hearing, issue subpoenas on behalf of the board and/or the accused licensee. Such subpoenas include or are for the purpose of:

- a. requiring that a person appear and give testimony in the formal hearing; and
- b. subpoena *duces tecum*, requiring that a person produce books, records, correspondence, or other materials over which he/she has control providing:
 - i. the information requested is reasonable in terms of amount; and
 - ii. the scope of the information requested is limited to documentary material that is relevant to the proceeding;
 - iii. the information requested does not include those documents referred to in Section 307(C) and 307(D); and
 - iv. the requesting party deposits with the board a sum of money sufficient to pay all fees and expenses to which a witness in the proceedings is entitled pursuant to R.S.-13:3661 and R.S.-13:3671.

3. Prior to a formal hearing, an accused licensee shall, upon written notice received by the board at least five days prior to said hearing, be given a list of all witnesses the board will or may call to give testimony during a formal hearing.

4. Prior to a formal hearing an accused licensee, his/her attorney, or any party representing his/her interest is prohibited from having any contact whatsoever with any witness which will or may be called to give testimony in a formal hearing.

5. Depositions for the purpose of discovery are not permissible and may only be allowed for the perpetuation of a witness' testimony upon good showing to the board that a witness will be unavailable to appear in person at a formal hearing. All costs of a deposition are borne by the requesting party.

6. Motions may be made before, during, and/or after a formal hearing. All motions made before and after a formal hearing shall be made in writing and in a timely manner in accordance with the nature of the request. Motions made during a formal hearing shall be made orally, as they become a part of the transcript of the proceeding.

O. During a formal hearing, the licensee or his/her attorney shall be afforded the opportunity to present documentary, visual, physical or illustrative evidence and cross-examine witnesses as well as call witnesses to give oral testimony on behalf of the licensee. All testimony given during a formal hearing shall be under oath and before a certified stenographer.

P. The record of the proceeding shall be retained until such time for any appeal has expired or until an appeal has been concluded. The record of the proceeding shall not be transcribed until such time as a party to the proceeding so requests, and the requesting party pays for the cost of the transcript.

Q. After the hearing is concluded, the hearing officer shall issue a report containing his/her findings of fact, conclusions of law and recommendations. This report shall be presented to the board.

R. The board shall make a decision based on the hearing officer's report and determine what sanctions, if any, should be imposed and issue an appropriate order with respect thereto. This order of the board shall be sent to the licensee by certified mail.

S. Sanctions imposed by the board may include reprimand, probation, suspension, revocation, as well as penalties provided under R.S. 37:961 et seq., as amended by Act 1075, of the 1986 Regular Session, or any combination thereof.

1. Reprimand - May include a personal conference between the licensee and the executive director and/or a letter to the licensee regarding the incident or incidents which have been brought to the board's attention and which may or may not be determined to warrant a hearing.

2. Probation - Will include stipulations which may be imposed by the board as a result of the findings of facts of a hearing and the order shall clarify the obligations of the licensee through a specified period of time. A licensee who is placed on probation by the board may practice practical nursing in the state of Louisiana provided the probation terms are met.

3. Suspension - A license to practice practical nursing in the state of Louisiana may be withheld by the board as a result of the findings of facts presented in a hearing. The time of suspension may be a definite stated period or an indefinite term. A licensee whose license is suspended may not practice practical nursing in the state of Louisiana during the suspension period so designated.

a. Definite time of suspension shall be stipulated by the board in the order to the licensee. Upon termination of the time period the licensee shall be entitled to receive his/her license upon payment of the required fee and upon documented compliance with the conditions which may have been imposed by the board at the time of the original order.

b. If a license is suspended for an indefinite term, the licensee may petition for reinstatement of his/her license only after one calendar year has lapsed from the date of the original order. The board may terminate the suspension and reinstate such license after a hearing is held and the board determines that the cause/causes for the suspension no longer exist or that intervening circumstances have altered the condition leading to the

suspension. If reinstatement is granted the licensee shall pay the required reinstatement fee.

4. Revocation - A license to practice practical nursing in the state of Louisiana may be withdrawn by the board. A person whose license is so revoked shall never again be allowed to practice practical nursing in the state.

T. A petition by a party for reconsideration or rehearing must be in proper form and filed within 30 days after notification of the board's decision. The petition shall set forth the grounds for the rehearing, which include one or more of the following:

1. the board's decision is clearly contrary to the law and the evidence;

2. there is newly discovered evidence, which was not available to the board or the licensee at the time of the hearing and which may be sufficient to reverse the board's action;

3. there is a showing that issues not previously considered ought to be examined in order to dispose of the case properly;

4. it would be in the public interest to further consider the issues and the evidence.

U. The grounds for disciplinary proceedings against a licensed practical nurse include, but are not limited to:

1. guilty of fraud or deceit in procuring or attempting to procure a license to practice practical nursing;

2. is guilty of a crime;

3. is unfit, or incompetent by reason of negligence, habit or other causes;

4. is habitually intemperate or is addicted to the use of habit-forming drugs;

5. is mentally incompetent; or

6. is guilty of unprofessional conduct; unprofessional conduct includes, but is not limited to the following:

a. failure to practice practical nursing in accordance with the standards normally expected;

b. failure to utilize appropriate judgement in administering nursing practice;

c. failure to exercise technical competence in carrying out nursing care;

d. violating the confidentiality of information or knowledge concerning a patient;

e. performing procedures beyond the authorized scope of practical nursing;

f. performing duties and assuming responsibilities within the scope of the definition of practical nursing when competency has not been achieved or maintained, or where competency has not been achieved or maintained in a particular specialty;

g. improper use of drugs, medical supplies, or patients' records.

h. misappropriating personal items of an individual or the agency;

i. falsifying records;

j. intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient;

k. delegating nursing care, functions, tasks, or responsibilities to others contrary to regulation;

l. leaving a nursing assignment without properly notifying appropriate personnel;

m. failing to report, through the proper channels, facts known regarding the incompetent, unethical, or legal practice of any health care provider;

n. has violated any provisions of this Part (L.R.S.-37:961 through 979 as amended 1986) or aid or abet therein.

Interested persons may direct inquiries to the Louisiana State Board of Practical Nurse Examiners, Tidewater Place, 1440 Canal Street, Suite 2010, New Orleans, LA., 70112,

(504) 568-6480. Written comments will be received through December 31, 1986.

Terry L. DeMarcay
Executive Director

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953 B to adopt the following rule in the Medical Assistance Program.

Summary

Currently, the Durable Medical Equipment Program provides eyeglasses to adult categorically and medically needy Medicaid recipients in Louisiana who have had cataract surgery. As a result of a lawsuit, *Ledet vs. Fischer*, the U.S. District Court has found that Louisiana has an optional eyeglass program which is not sufficient in scope under 42 CFR 440.230(d). The court's findings of fact conclude that Louisiana has an optional eyeglass program which may be continued at the state's option. Until this optional program is eliminated, the state must expand current services to provide eyeglasses in accordance with federal regulations. Under the above cited regulation, the Medical Assistance Program must provide eyeglass program services to categorically and medically needy recipients sufficient in amount, duration, and scope to reasonably achieve the purpose of the eyeglass program. The court has determined that the purpose of the eyeglass program is to aid or improve vision. This emergency rule is necessary to implement the U.S. District Courts judgment which requires the Medical Assistance Program to provide eyeglass program services to adult categorically and medically needy Medicaid recipients in Louisiana who have vision impairments and meet the need requirement to aid or improve their vision, but who have not had cataract surgery.

This emergency rule establishes the requirements and limitations for eyeglass program services required under the *Ledet vs. Fischer* judgment.

Emergency Rulemaking

Eyeglass Program Services

The eyeglass program shall provide eyeglasses to eligible categorically and medically needy Title XIX recipients over age 21 who have vision impairments of 20/80 or worse.

This service will be reimbursed when provided to eligible recipients who have:

(1) been examined by a physician or specialist trained in diagnosis and treatment of diseases and refractory problems associated with the eye;

(2) been diagnosed as having a vision impairment of 20/80 or worse which can be corrected with eyeglasses;

(3) been given a prescription for corrective eyeglasses;

(4) submitted such prescriptions to the Office of Family Security, Medical Assistance Program for medical review of necessity; and

(5) received written authorization from the Medical Assistance Program for eyeglasses.

Reimbursement for eyeglasses will only be made for those recipients who are examined by an enrolled Title XIX provider

and submit a prescription for eyeglasses to the Office of Family Security for medical review and approval. Eyeglasses shall be provided by enrolled Title XIX providers at their usual and customary charge to the general public not to exceed \$150 per pair of eyeglasses. Recipients shall be limited to receipt of one pair of eyeglasses per year per eligible recipient.

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953 B to adopt the following rule in the Medical Assistance Program.

Summary

Prior to January of 1984, disabled widows/widowers between the ages of 50 and 59 received less Social Security benefits than older disabled widows/widowers because of an actuarial formula required by federal Law in determining their benefit amount. In January of 1984 this reduction factor was eliminated by law resulting in increased benefit amounts. For some widows and widowers who had also been receiving Supplemental Security Income (SSI) benefits, this increase combined with Cost of Living Adjustments (COLA's) was enough to raise their incomes above the SSI benefit rate, thus causing the loss of SSI and with it the loss of eligibility for Medicaid as categorically needy individuals. The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) (P.L. 99-272, Section 12202) amended Section 1634 of the Social Security Act, restoring categorically needy Medicaid eligibility for those individuals who apply within a prescribed period. Eligibility for categorical Medicaid under Section 12202 of COBRA is effective no earlier than July 1, 1986. Individuals who may be eligible for categorical Medicaid must file a written application for Medicaid under this section before July 1, 1987. If an individual does not file a written application before that date, he or she cannot be eligible for Medicaid under this law.

The Health Care Financing Administration has provided Louisiana with a computer tape prepared by the Social Security Administration (SSA) listing the individuals in Louisiana who may be eligible for Medicaid under the COBRA provisions. The Medical Assistance Program is currently completing the necessary computer programming and preparing notices to be mailed to each identified individual.

The Office of Family Security is declaring an emergency rule in the Medical Assistance Program to implement Medicaid coverage of disabled widows and widowers as mandated Section 12202 of P.L. 99-272.

Emergency Rulemaking

Effective July 1, 1986, Medicaid benefits under categorically needy shall be available to any disabled widow or widower who for any month is entitled to a widow's or widower's benefit under Section 202(e) or (f) of the Social Security Act, but is not

eligible for SSI benefits, if he or she:

1. was entitled to a monthly insurance benefit under title II of the Social Security Act for December 1983;

2. was entitled to and received a widow's or widower's benefit based on a disability under Section 202(e) or (f) of the Social Security Act for January 1984;

3. because of the increase in the amount of his or her widow's or widower's benefit which resulted from the elimination of the reduction factor for disabled widows and widowers entitled before age 60 became ineligible for SSI/SSP in the first month in which that increase was paid to him or her (and in which a retroactive payment of that increase for prior months was not made);

4. has been continuously entitled to a widow's or widower's benefit under Section 202(e) or (f) of the Act from the first month that increase in his or her widow's or widower's benefit was received; and

5. would be eligible for SSI/SSP benefits if the amount of that increase, and any subsequent cost-of-living adjustments in the widow's or widower's benefits provided under Section 215(i) of the Act, were disregarded.

Individuals who may be eligible for categorical Medicaid under this rule must file a written application for Medicaid under this section before July 1, 1987. If an individual does not file a written application before that date, he or she cannot be eligible for Medicaid under this section. Eligibility for categorical Medicaid under this rule is effective no earlier than July 1, 1986.

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

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections Board of Pardons

Pursuant to the emergency provisions of the Administrative Procedure Act, R.S. 49:953B and pursuant to Act 490, which has become R.S. 15:572 et. seq., and in compliance with the mandate established by Section 572.4 thereof, which provides, in part, that the Pardon Board shall: "Adopt written rules, regulations and procedures for consideration of clemency applications by January 1, 1980, . . . to be adopted in accordance with the procedures of R.S. 49:953(A)(1) and (2) . . .", the following rules, having been adopted by the Louisiana Board of Pardons on October 8, 1979, will govern the processing of applications for pardon, commutation of sentence, or restoration of citizenship. It is specifically provided that rules previously adopted and adhered to, unless included herein, are void.

Chapter 1. Applications

§ 101. Filing Procedure

A. To constitute a complete application for pardon, commutation of sentence or restoration of citizenship, an application must comply with two basic requirements:

1. Submit a petition setting forth the name of applicant, date of birth, offense, parish where tried, judicial district, sentence and date, length of time served, reason for requesting clemency, and relief desired. The petition shall be signed and dated and shall contain a prison address (if applicant is incarcerated) and a home address. There is no requirement that the petition be in any particular form or length, so long as it is legible and contains the items mentioned. In the case of a request for pardon or restoration of citizenship, all previous convictions for

which applicant was not pardoned must be listed.

2. Before considering the application for pardon or commutation of sentence, notice of intent to apply to the board for pardon or commutation of sentence shall be published on three separate days within a 30-day period of time, without cost to the state, in the official journal of the governing authority of the parish where the offense occurred for which the person was convicted. For the purpose of compliance with this rule, the board will accept an application received within one year of the date of the appearance of the advertisements. The applicant shall provide the board with proof of publication as evidenced by a certificate furnished by said newspaper.

§ 103. Hearing Dates

A. The board's regular meeting days are Mondays, Tuesdays, and Wednesdays. It shall also meet at such other times as the chairman may determine necessary for the purpose of reviewing and taking action upon applications pending before it and to transact such other business as it deems necessary.

§ 105. Notice of Hearings

A. Before considering the application for pardon or commutation of sentence for any person, the board shall give written notice of the date and time at which the application will be heard and considered, at least 30 days prior to the hearing to the following:

1. the district attorney and sheriff of the parish in which the applicant was convicted;
2. the applicant;
3. the victim who has been physically or psychologically injured by the applicant, and the victim's spouse or next of kin, unless the injured victim or his spouse or next of kin advises the board, in writing, that such notification is not desired;
4. the spouse or next of kin of a deceased victim when the offender responsible for the death is the applicant, unless the spouse or next of kin advises the board, in writing, that such notification is not desired;
5. any other interested persons.

B. The district attorney, injured victim, spouse or next of kin, and any other persons who desire to do so shall be given a reasonable opportunity to attend the meeting and be heard.

§ 107. Discretionary Powers of the Board

A. An application may be considered by the board any time after it is received, but no application will be considered by the board until it deems the application to be complete.

B. In determining which cases are ready to be heard, the board may, in its discretion, refuse to grant a hearing of an applicant who has not served one-fifth of his sentence. In cases of life sentences and sentences of forty-five years or longer, the applications may be heard at the discretion of the board. Additionally, the board may refuse a hearing to an applicant because of his past criminal record or his poor conduct while incarcerated. However, if good cause is shown, nothing in this article shall prevent the board from hearing the types of cases mentioned hereinabove. In any matters not specifically covered by these rules, the board shall have discretionary powers to act.

§ 109. Employment and Residence Agreements

A. To demonstrate good faith, an applicant should provide the board with both an employment and a residence agreement. However, neither an employment nor a residence agreement is required, but both are encouraged. The agreements shall inform the board of the applicant's plans for the present and/or future.

§ 111. Denials

A. The board, upon denying an application, shall, within 21 working days, inform the applicant of the denial. No new application will be accepted until one year has elapsed from the date of denial.

Lawrence Hand, Sr.
Vice Chairman

DECLARATION OF EMERGENCY

Department of Transportation and Development Office of Public Works

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:953B, notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the following fee schedule, effective October 20, 1986, that will apply to the engineering services it provides to drainage or subdrainage district, gravity drainage, or gravity subdrainage district, levee board or any political subdivision, other than state or federally funded projects, all in accordance with the provisions of R.S. 38:6 as amended by Act 110 of 1986.

ENGINEERING SERVICE FEE SCHEDULE INITIATING FEE

An initiating fee of \$2,000 shall be sent to the department with any request for an engineering study from any drainage or subdrainage district, any gravity drainage or gravity subdrainage district, or any levee board or any political subdivision.

ENGINEERING STUDY FEE

On completion of the study, the requesting agency will be charged an engineering study fee of 2 percent of the estimated project cost or a minimum of \$2,000 less the original \$2,000 initiating fee. On projects that are found to be not feasible and no recommendation of a construction project is made, the \$2,000 initiating fee will be returned.

PROJECT DESIGN FEE

In addition to the engineering study fee, the requesting agency will be charged a project design fee of 4 percent of the estimated project cost that is payable at the time the project design is requested.

CONSTRUCTION FEE

The requesting agency will be charged a construction fee of 2 percent of the construction cost that is payable at the time successful bids on the project are accepted.

In the event a project is state or federally funded within three years from the date of recommendation, the initiating fee and the engineering study fee will be returned and there will be no project construction fee.

Specifically excluded from the engineering service fee are the following:

1. statewide flood control projects;
2. soil conservation service projects;
3. routine engineering and surveying assistance provided to drainage or subdrainage district, any gravity drainage or gravity subdrainage district, or any levee board or any political subdivision, etc. not associated with a project undertaken by the affected agency;
4. any engineering study or project design begun prior to enactment of this fee.

All interested persons, so desiring, shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this rule to: Eugene P. Waguespack, Chief Maintenance and Operations Engineer, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245.

Robert G. Graves
Secretary

Rules

RULE

Department of Commerce Office of Commerce and Industry

New Corporate Headquarters Tax Equalization Program R.S. 47:3201-3206

The Finance Division of the Office of Commerce and Industry adopts the following rules for administering the New Corporate Headquarters Tax Equalization Program and include implementation of the fee schedule authorized by Act 684 of the 1986 Legislative Session.

Rule 1. Use of Louisiana Contractors, Labor and Suppliers

The Board of Commerce and Industry requires manufacturers and their contractors to give preference and priority to Louisiana manufacturers and, in the absence of Louisiana manufacturers, to Louisiana suppliers, contractors, and labor, except where not reasonably possible to do so without added expense or substantial inconvenience or sacrifice in operational efficiency. In considering applications for tax exemption, special attention will be given to those applicants agreeing to use, purchase and contract for machinery, supplies, and equipment manufactured in Louisiana, or in the absence of Louisiana manufacturers, sold by Louisiana residents, and the use of Louisiana contractors and labor in the construction and operation of proposed tax exempt facilities. It is a legal and moral obligation of the manufacturers receiving exemptions to favor Louisiana manufacturers, suppliers, contractors, and labor, all other factors being equal.

Rule 2. Application Process

(a) Not later than 90 days prior to the formal relocation announcement, an "Advance Notification" of intent to file for the New Corporate Headquarters Tax Equalization Program must be filed with the Department of Commerce, Office of Commerce and Industry. An advance notification fee of \$100 shall be submitted with the prescribed advance notification form.

(b) Within 31 days after the formal relocation announcement, the Office of Commerce and Industry will review the advance notification. If it appears the applicant qualifies for tax equalization, the Office of Commerce and Industry will furnish application forms to the applicant. The applicant must file the application with the Office of Commerce and Industry, Box 94185, Baton Rouge, LA 70804-9185 within 90 days after receipt of the forms.

(c) An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

(d) The Board of Commerce and Industry shall review any recommendations for exemptions made by the Office of Commerce and Industry. The board shall take the number of jobs to be created into consideration in making its recommendation to the Board of Tax Appeals. All Commerce and Industry Board action on applications will be made at regularly scheduled meetings. If the Board of Commerce and Industry concurs in the recommendation it shall forward the recommendation together with all supporting documents to the Board of Tax Appeals.

(e) Upon receipt of any such recommendation the Board of Tax Appeals shall notify the Department of Revenue of said recommendation and shall make available to the Department of Revenue the application and all supporting documents.

(f) The Department of Revenue and Taxation shall, within 10 days after receipt of the notice, file in writing with the Board of Tax Appeals any objections it has to granting the exemption.

(g) The Board of Commerce and Industry, after review by the Board of Tax Appeals and with the approval of the governor, may enter into a contract with the new corporate establishment.

Rule 3. Eligibility

To be eligible for consideration under this program, the corporate headquarters must be new to the state or have the written approval of its competitors in order to apply for consideration for this program. The Standard Industrial Classification codes will be used to determine the competitive companies.

A new corporate headquarters establishment at the time it is locating in Louisiana, must either be located in another state or be contemplating locating in another state which has equivalent or comparable advantages as exist at the particular area in Louisiana at which such establishment is locating.

The state in which establishment is located or is contemplating locating must have a state, parish (county) and local taxing structure which offers a greater franchise tax advantage to such establishment than does the taxing structure of Louisiana.

Rule 4. Certification of Sites

The chief financial officer of the applicant company requesting tax equalization under this program must certify in writing the total estimated site costs for each site under consideration.

Rule 5. Certification of State Taxes

A certified estimate of the state franchise taxes, and the method of computation, covering the first five years of operations must be filed for each site under construction.

Rule 6. Method of Computation

Louisiana Corporate Franchise taxes shall be computed for a period of five years and compared to the total taxes for the similar period for the competing sites. If the Louisiana site is at a tax disadvantage, then the Louisiana taxes will be adjusted to

eliminate this difference in the shortest practical time.

Rule 7. Contract Period

Maximum length of time for a given contract is five years. However, one additional five-year contract can be negotiated for a total of 10 years.

Rule 8. Affidavit of Final Cost

Within six months after construction has been completed, the owner of the new corporate headquarters establishment shall file on the prescribed form an affidavit of final cost showing complete cost of the project, together with a fee of \$100 for an inspection which will be conducted by the Office of Commerce and Industry.

Rule 9. Contract Renewals

Not more than one year prior to the expiration of a contract and not less than six months prior to the expiration, a company wishing an additional five-year contract period shall file with the Board of Commerce and Industry the information required in Rules 3 and 4 regarding certification of taxes. A \$100 filing fee must accompany the required information.

Rule 10. Violation of Contract

The Board of Commerce and Industry or its designated representative shall verify all items filed by the applicant company. On the board's initiative, or whenever any written complaint or violation of terms of the contract is received, the board shall cause to be made a full investigation on its behalf. If the investigation substantiates a violation, the board may formally request of the Louisiana Tax Commission termination of the contract.

Robert Paul Adams
Director

RULE

**Department of Commerce
Office of Commerce and Industry
Finance Division**

Enterprise Zone Program
R.S. 51:1781-1790

The Department of Commerce, Office of Commerce and Industry Finance Division, in accordance with the Administrative Procedure Act (R.S. 40:950 et seq.), has adopted amendments to the rules for the Enterprise Zone Program to include implementation of the fee schedule authorized by Act 684 of the 1986 Legislative Session.

Rules 1-8. No change.

Rule 9. Filing of Applications

(a) A notification of intent shall be filed at least 90 days prior to the beginning of construction. An advance notification fee of \$100 shall be submitted with the prescribed advance notification form.

(b) Application for tax exemption must be filed with the Office of Commerce and Industry, Box 94185, Baton Rouge, Louisiana, 70804-9185 on the form prescribed within a minimum of six months after the beginning of construction and/or not later than three months before completion of construction or the beginning of operations, whichever occurs first.

The phrase "beginning of construction" shall mean the first day on which foundations are started, or, where foundations are unnecessary, the first day on which installation of the facility begins.

(c) An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

(d) Within six months after construction has been completed, the owner of the establishment shall file on the prescribed form an affidavit of final cost showing complete cost of the project, together with a fee of \$100 for the plant inspection which will be conducted by the Office of Commerce and Industry.

Upon request by the Office of Commerce and Industry, a map showing the location of all facilities exempted in the project will be submitted in order that the exempted property may be clearly identifiable.

(e) The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

(f) Applications must be submitted to the Office of Commerce and Industry at least 60 days prior to the Board of Commerce and Industry meeting where it will be heard.

(g) The business applicant proposing a project with a construction period greater than two years must file a separate application for each construction phase. The business applicant must comply with Rule 18 requiring the creation of new permanent jobs on each application he files on the project. An application fee shall be submitted with each application filed based on the fee schedule in (c) above.

(h) The Office of Commerce and Industry is authorized to grant a six month extension for filing of the tax exemption application. The Board of Commerce and Industry must approve further extensions. The request for extension must be in writing and must state why the extension is required.

Rules 10-15. Unchanged

Rule 16. Affidavits Certifying Eligibility Filed Annually

On January 15 of each year subsequent to the commencement of operations of the new business or expansion, the business will file an affidavit, on the form prescribed, certifying that the business still qualifies under Rule 4 or 5. If the affidavit shows the business no longer qualifies under Rule 4 or 5, the Board of Commerce and Industry shall cancel the contract and no further exemptions will be granted. The Department of Commerce will notify the Department of Revenue and Taxation within 30 days after revocation of a contract.

Rules 17-20. Unchanged

Rule 21. Delete - Deals with areawide review board/clearinghouse of alternative designations

Rule 22. Alternative Designation of Enterprise Zone (Becomes Rule 21)

The alternative designation of an enterprise zone will be on a one time basis only, unless there are extenuating circumstances which must have prior approval of the Board of Commerce and Industry. A local governing authority shall be limited to 10 percent of the total number of originally qualified enumeration districts to be exchanged unless there are extenuating circumstances which must have prior approval of the Board of Commerce and Industry. A local governing authority requesting

an alternative designation must provide valid reasons for requesting the exchange.

In order for an applicant to meet the requirements of Rule 4, those employees who live in an enterprise zone which was deleted by virtue of alternative designation shall qualify for the 35 percent residency requirement.
Rules 23-25. Becomes Rules 22-24.

Robert Paul Adams
Director

RULE

Department of Commerce Office of Commerce and Industry

Industrial Tax Equalization Program
R.S. 473201-3206

The Department of Commerce, Office of Commerce and Industry Finance Division, in accordance with the Administrative Procedure Act (R.S. 40:950, et seq.), has adopted rules for the administration of the Industrial Tax Equalization Program and include implementation of the fee schedule authorized by Act 684 of the 1986 Legislative Session.

Rule 1. Use of Louisiana Contractors, Labor and Suppliers

The Board of Commerce and Industry requires manufacturers and their contractors to give preference and priority to Louisiana manufacturers and, in the absence of Louisiana manufacturers, to Louisiana suppliers, contractors, and labor, except where not reasonably possible to do so without added expense or substantial inconvenience or sacrifice in operational efficiency. In considering applications for tax exemption, special attention will be given to those applicants agreeing to use, purchase and contract for machinery, supplies, and equipment manufactured in Louisiana, or in the absence of Louisiana manufacturers, sold by Louisiana residents, and the use of Louisiana contractors and labor in the construction and operation of proposed tax exempt facilities. It is a legal and moral obligation of the manufacturers receiving exemptions to favor Louisiana manufacturers, suppliers, contractors, and labor, all other factors being equal.

Rule 2. Application Process

(a) Not later than 90 days prior to the formal plant announcement, an "Advance Notification" of intent to file for Industrial Tax Equalization must be filed with the Department of Commerce, Office of Commerce and Industry. An advance notification fee of \$100 shall be submitted with the prescribed advance notification form.

(b) Within 31 days after the formal plant announcement, the Office of Commerce and Industry will review the advance notification. If it appears the applicant qualifies for industrial tax equalization, the Office of Commerce and Industry will furnish application forms to the applicant. The applicant must file the application with the Office of Commerce and Industry, Box 94185, Baton Rouge, LA 70804-9195 within 90 days after receipt of the forms.

(c) An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

(d) The Board of Commerce and Industry shall review any recommendations for exemptions made by the Office of Commerce and Industry. The board shall take the number of jobs to be created into consideration in making its recommendation to the Board of Tax Appeals. All Commerce and Industry Board action on applications will be made at regularly scheduled meetings. If the Board of Commerce and Industry concurs in the recommendation it shall forward the recommendation together with all supporting documents to the Board of Tax Appeals.

(e) Upon receipt of any such recommendation the Board of Tax Appeals shall notify the Department of Revenue of said recommendation and shall make available to the Department of Revenue the application and all supporting documents.

(f) The Department of Revenue and Taxation shall, within 10 days after receipt of the notice, file in writing with the Board of Tax Appeals any objections it has to granting the exemption.

(g) The Board of Commerce and Industry, after review by the Board of Tax Appeals and with the approval of the governor, may enter into a contract with the new manufacturing establishment.

Rule 3. Eligibility

To be eligible for consideration under this program, the manufacturing operation must be new to the state or have the written approval of its competitors in order to apply for consideration for this program. The Standard Industrial Classification codes will be used to determine the competitive industries.

A new manufacturing establishment at the time it is locating in Louisiana, must either be located in another state or be contemplating locating in another state which has equivalent or comparable advantages as exist at the particular area in Louisiana at which such establishment is locating.

The state in which establishment is located or is contemplating locating must have a state, parish (county) and local taxing structure which offers a greater tax advantage to such establishment than does the taxing structure of Louisiana.

Rule 4. Certification of Sites

The chief financial officer of the applicant company requesting Tax Equalization under this program must certify in writing the following estimated costs for each site under consideration:

- (a) Plant Construction Cost
- (b) Annual Labor Cost
- (c) Annual Raw Materials Cost
- (d) Annual Transportation Cost
- (e) Annual Power Cost
- (f) Site Cost

Rule 5. Certification of State Taxes

A certified estimate of the following state taxes, and the method of computation, covering the first five years of operations (including construction period) must be filed for each site under consideration:

- (a) State Sales/Use Tax
- (b) State Corporate Income Tax
- (c) State Corporate Franchise Tax
- (d) State Ad Valorem Property Tax (if any)
- (e) State Inventory Tax (if any)

Additional applicable state taxes must be included and comparable information is to be listed for all proposed sites.

Rule 6. Certification of Local Taxes

A certified estimate of the following local taxes covering the first five years of operations (including construction period) must be filed for each site under consideration:

- (a) Local Sales/Use Tax
- (b) Local Ad Valorem Property Tax
- (c) Local Inventory Tax

Additional applicable local taxes must be included and comparable information is to be listed for all proposed sites.

Rule 7. Method of Computation

Total Louisiana taxes (state and local) shall be computed for a period of five years (including construction period) and compared to the total taxes for the similar period for the competing sites. If the Louisiana site is at a total tax disadvantage, then the appropriate Louisiana taxes will be adjusted to eliminate this difference in the shortest practical time.

Rule 8. Contract Period

Maximum length of time for a given contract is five years (including construction period). However, one additional five-year contract can be negotiated for a total of 10 years.

Rule 9. Affidavit of Final Cost

Within six months after construction has been completed, the owner of the new manufacturing establishment shall file on the prescribed form an affidavit of final cost showing complete cost of the project, together with a fee of \$100 for the plant inspection which will be conducted by the Office of Commerce and Industry.

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits or final cost which have been accepted, will not be refundable.

Rule 10. Affidavit of Final Cost

Within six months after construction has been completed, an "affidavit of final cost" showing complete cost of the exempted project shall be filed on the prescribed form together with a fee of \$100 for the inspection which will be conducted by the Office of Commerce and Industry.

Rule 11. Violation of Contract

The Board of Commerce and Industry or its designated representative shall verify all items filed by the applicant company. On the board's initiative, or whenever any written complaint or violation of terms of the contract is received, the board shall cause to be made a full investigation on its behalf. If the investigation substantiates a violation, the board may formally request of the Louisiana Tax Commission termination of the contract.

Robert Paul Adams
Director

RULE

**Department of Commerce
Office of Commerce and Industry**

Industrial Tax Exemption Program
Article VII, Part II Section 21F of the
Louisiana Constitution of 1974

The Department of Commerce, Office of Commerce and Industry Finance Division, in accordance with the Administrative Procedure Act (R.S. 40:950, et seq.), has adopted amendments to the rules for the Industrial Tax Exemption Program to include implementation of the fee schedule authorized by Act 684 of the 1986 Legislative Session.

Note: Rule 2 applies to all applications other than those covered in Rule 3.

Rule 2. Time Limits for Filing of Applications

(a) An advance notification of intent to apply for tax exemption must be filed with the Office of Commerce and Industry on the prescribed form at least 90 days prior to the beginning of construction or installation of facilities. An advance notification fee of \$100 shall be submitted with the form.

(b) Application for tax exemption must be filed with the Office of Commerce and Industry on the form prescribed within a minimum of six months after the beginning of construction and/or not later than three months before completion of construction or the beginning of operations, whichever occurs first. An application fee shall be submitted with the application based on the following range of taxes to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

(c) The phrase "beginning of construction" shall mean the first day on which foundations are started, or, where foundations are unnecessary, the first day on which installation of the facility begins.

A cutoff date for processing applications to be considered for tax exemptions is four weeks prior to board meetings. The Assistant Secretary of Commerce and Industry is authorized, at his discretion, to accept certain applications beyond this date.

Rule 3. Miscellaneous Capital Additions

Tax exemption applications on miscellaneous capital additions totaling less than \$3,000,000 may be filed in the following manner:

(a) Capital additions totaling less than \$3,000,000 in one calendar year.

Not later than March 31 of each year, applications for tax exemption shall be filed on the prescribed form with the Office of Commerce and Industry, listing the nature, the date and the amount of miscellaneous capital additions completed during the preceding calendar year, and deduction therefrom such replacements made, if any, at their original cost. Such amounts shall be clearly identifiable on the records of the manufacturer. An application fee shall be submitted with the application based on the following range of taxes to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

RULE
Department of Commerce
Office of Commerce and Industry
 Industry Assistance Program
 R.S. 47:4301-4306

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

Since the assessment date for Orleans Parish is August 1, applications for tax exemption on miscellaneous capital additions in Orleans Parish should be filed not later than October 31 and should cover items completed since August 1 of the preceding year.

(b) Capital additions reaching an accumulated total of \$3,000,000 during the calendar year.

Application for tax exemption on the prescribed forms must be filed with the Office of Commerce and Industry whenever miscellaneous capital additions on which exemption is to be requested reach an accumulated amount of \$3,000,000. An application fee shall be submitted with the application based on the following range of taxes to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Department of Commerce, Office of Commerce and Industry Finance Division, in accordance with the Administrative Procedure Act (R.S. 40:950, et seq.), has adopted amendments to the rules for the Industry Assistance Program to include implementation of the fee schedule authorized by Act 684 of the 1986 Legislative Session.

Rule 3. How to Apply

(a) An "Advance Notification" of intent to file for Industry Assistance shall be filed by the company at least 90 days prior to filing an application. An advance notification fee of \$100 shall be submitted with the prescribed advance notification form.

(b) Application to the Board of Commerce and Industry for the Industry Assistance Program must be filed with the Office of Commerce and Industry, Box 94185, Baton Rouge, LA 70804-9185 on the form prescribed, along with the required "additional information."

(c) An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

(d) Application must be accompanied by five years of comprehensive financial statements, prepared in accordance with generally accepted accounting principles; and, which contains relevant information that will support the application justification. The justification should refer to qualitative as well as quantitative information contained in the financial statements which can materially demonstrate the need for the program benefits, and the resulting cost/impact benefits to the state.

Qualitative information should provide explanation about: economic resources, the sources of prospective cash inflows; obligations to transfer economic resources to others, the causes of prospective cash outflows; and earnings, the financial results of operations and other events and conditions that affect the enterprise.

Rule 10. Contract Subject to Annual Audit and Review

The contractee will be subject to an annual audit by the Finance Division of the Office of Commerce and Industry. The company will receive notice of the annual review 45 days in advance. A review fee of \$100 must be returned and received 15 days prior to the appointment date of the annual review.

The contract will be reviewed annually by both the Board of Commerce and Industry and the Joint Legislative Committee of the Budget. Should the audit or review uncover a violation of the contract, the Board of Commerce and Industry, with the approval of the Governor and the Joint Legislative Committee of the Budget, shall give notice, thereof, in writing, and unless the violation is corrected within 90 days, any remaining portion of

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

Rule 14. Affidavit of Final Cost

Within six months after construction has been completed, the owner of a manufacturing establishment shall file on the prescribed form an Affidavit of Final Cost showing complete cost of the exempted project. A fee of \$100 shall be filed with the Affidavit of Final Cost for an on-site inspection that will be conducted by a representative of the Office of Commerce and Industry. Upon request by the Office of Commerce and Industry, a map showing the location of all facilities exempted in the project will be submitted in order that the exempted property may be clearly identifiable.

Rule 17. Changes in Tax Exemption Contract

The Office of Commerce and Industry is to be notified immediately of any change which affects the tax exemption contract. This includes any changes in the ownership or operational name of a firm holding a tax exemption contract, the retirement of any portion of exempt equipment or the abandonment of operations. Failure to report can constitute a breach of contract.

Robert Paul Adams
 Director

the exemption from taxation granted under any contract entered into under this statute may be cancelled. The contract may also be cancelled if the contractee can no longer demonstrate a need for the exemption.

Robert Paul Adams
Director

RULE

Department of Commerce Office of Commerce and Industry

In accordance with the notice of intent published in the August 20, 1986 issue of the *Louisiana Register*, the Department of Commerce, Office of Commerce and Industry, announces the adoption of the following rules, effective October 20, 1986.

Local Economic Development Support Fund

Urban is defined as an organization whose service area includes a parish with a population of 50,000 or over. *Rural* is defined as an organization whose service area includes no parish with a population of 50,000 or over.

URBAN

1. **APPLICANT:** Applicant organization may not be a tax levying body.

2. **STAFF:** Must employ professional full-time executive director. Must submit resume and evidence of employment by applicant organization.

3. **SERVICE AREA:** If organization has been active for the past three years and has had no change in service area during that time, a list of parishes and/or cities served must be submitted.

If applicant has been organized during past three years, evidence of acceptability to parish/local government must be presented. This may take the form of a resolution, a letter of approbation from the chief elected official, evidence that elected officials sit (by virtue of their position) on the board of the applicant and/or evidence that dues are paid or contributions made by local governing bodies to the applicant organization.

4. **BUDGET:** A budget, developed according to state guidelines, covering use of the grant for the negotiated scope of work must be submitted and will be made part of the contract. Monies received through the LEDS program may constitute no more than 50 percent of the current budget of the organization. Satisfactory evidence of this ratio must be submitted at the time of application and at the time of the fourth quarter financial report.

No monies received under this program shall be used for acquisitions.

At the discretion of the Department of Commerce, up to 75 percent of the monies may be used for one major project.

5. **AUTHORIZATION TO ENTER INTO CONTRACT:** A resolution from the board of the applicant organization must be submitted authorizing entering into contract and naming signator.

6. **SCOPE OF WORK:** Performance standards for all tasks shall be made part of the contract.

RURAL

1. **APPLICANT:** Applicant may not be a tax levying body.

2. **STAFF:** May employ professional full-time executive director or may contract for work. Must submit resume and evidence of employment by applicant organization. If full-time employee or contract employee not applicable, must submit

evidence of capability of completing contracted scope of work.

3. **SERVICE AREA:** If organization has been active for the past three years and has had no change in service area during that time, a list of parishes and/or cities served must be submitted.

If applicant has been organized during past three years, evidence of acceptability to parish/local government must be presented. This may take the form of a resolution, a letter of approbation from the chief elected official, evidence that elected officials sit (by virtue of their position) on the board of the applicant and/or evidence that dues are paid or contributions made by local governing bodies to the applicant organization.

4. **BUDGET:** A budget, developed according to state guidelines, covering use of the grant for the negotiated scope of work must be submitted and will be made part of the contract. If the organization is one year old or less, monies received through the LEDS program may constitute no more than 75 percent of the current 1987 budget of the organization. If the organization is between one and two years old, the monies may constitute no more than 65 percent of the budget. If the organization is three years old or older, the monies may constitute no more than 50 percent of the budget. Satisfactory evidence of this ratio must be submitted at the time of application and at the time of the fourth quarter financial report.

No monies received under this program shall be used for acquisitions.

At the discretion of the department, up to 75 percent of the monies may be used for one major project.

5. **AUTHORIZATION TO ENTER INTO CONTRACT:** A resolution from the board of the applicant organization must be submitted authorizing entering into contract and naming signator.

6. **SCOPE OF WORK:** Performance standards for all tasks shall be made part of the contract.

William T. Hackett
Assistant Secretary

RULE

Department of Commerce Office of Commerce and Industry

Louisiana Capital Companies Tax Credit Program
R.S. 51:1921-1931

The Department of Commerce, Office of Commerce and Industry Finance Division, in accordance with the Administrative Procedure Act (R.S. 40:950, et seq.), has adopted amendments to the rules for the Louisiana Capital Companies Tax Credit Program to include implementation of the fee schedule authorized by Act 684 of the 1986 Legislative Session; and, to reflect changes to the capitalization and investment requirements as provided by Act 695.

Rule 4. The Tax Credit For An Eligible Individual

The credit shall be calculated by the department as 35 percent of the person's paid in cash at the time of certification. The value of property or services contributed shall not be included for purposes of determining the credit. Said certified company's initial capitalization shall be two hundred thousand dollars or more, up to a total of \$20 million. Credits granted under this rule shall not be transferable.

Rule 6. Notice of Intent

An "Advance Notification" of intent to seek certification shall be filed by a capital company at least 90 days prior to filing an application. An advance notification fee of \$100 shall be submitted with the advance notification form.

Rule 7. Application Process

(1) A company organized and existing under the laws of Louisiana, created for the purpose of making venture or risk capital available for qualified investments as required in R.S. 51:1921 shall make written application for certification to the secretary of the Department of Commerce on application forms provided by the Office of Commerce and Industry.

(2) An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

(3) Said application shall be signed by a duly authorized officer, or partner, and contain the following information and evidence:

(a) The full legal name of the company.

(b) The address of the applicant's principal office in Louisiana.

(c) The names and respective addresses of the applicant's directors and officers or general and managing partners including street number in any city or town, state and zip code.

(d) A certified copy of the certificate of incorporation, and articles of incorporation, or a certified copy of the certificate of formation of a limited partnership, or trust documents, or other evidence that the company is organized and existing under the laws of Louisiana, as required by the Secretary of State.

(e) Information and evidence that the applicant's purpose is to encourage and assist in the creation, development, and expansion of Louisiana businesses and to provide maximum opportunities for the employment of Louisiana residents, by making venture or risk capital available to Louisiana businesses.

(f) Information and evidence that the applicant has filed with the Louisiana Securities Commission a disclosure document and a consent to service of process as required by R.S. 51:701-720 or information and evidence that the applicant has registered the securities offering pursuant to the Louisiana Securities Act or information and evidence that the securities offering is exempt from registration under the Securities Act et. seq. of Louisiana.

(g) Information and evidence that the applicant has disclosed or will disclose to all investors that a tax credit is not available for an investment in a company until the company has been designated a "certified" Louisiana capital company and the investor has received a certificate approving the credit from the secretary of the Louisiana Department of Commerce.

(h) Information and evidence that the applicant has disclosed or will disclose to all investors that a tax credit will not be made available until the company raises at least \$200,000 in equity capital and all statutory limits on tax credits are disclosed.

(i) Information and evidence that the applicant has disclosed or will disclose to all investors that the State of Louisiana

is not liable for damages to an investor in a "certified" Louisiana capital company that fails to become designated as a "certified" Louisiana capital company.

(j) A statement that if the investors in the company or partnership receive a tax credit under Title 51, Chapter 26, then the company will use the capital base included by such tax credit to make qualified investments as required in R.S. 51:1926.

(k) A statement that the company will comply with all requirements of Title 51, Chapter 26, including the filing of quarterly reports of new investors and qualified investments that include the name of each investor in a "certified" Louisiana capital company who has applied for a tax credit, the amount of each investor's investment, the amount of tax credit allowed to the investor and the date on which the investment was made.

(4) Information stating the total capital account of the applicant and how the value has been determined and how the equity portion has been determined for both the period before July 1, 1984 and after.

(5) The form for applying to become a "certified" Louisiana capital company may be obtained from the Office of Commerce and Industry, Finance Division, Box 94185, Baton Rouge, Louisiana 70804-9185 and shall be filed at the same address.

(6) The time and date of filings shall be recorded at the time of filing in the office of the Finance Division and shall not be construed to be the date of mailing.

(7) The secretary of Commerce shall cause all applications to be reviewed by the department and designate those he determines to be complete. In the event that an application is deemed to be incomplete in any respect, the applicants will be notified within 15 days of receipt. An incomplete application shall be resubmitted, either in a partial manner or totally, as deemed necessary by the department.

(8) The submission of any false or misleading information in the application documents will be grounds for rejection of the application and denial of further consideration.

Rule 8. Requirements For Continuance Of Certification

The secretary shall conduct an annual review of each "certified" Louisiana capital company to determine the company's compliance with the requirements for continuance of certification.

The company will receive notice of the annual review 45 days in advance. A review fee of \$100 must be returned and received 15 days prior to the appointment date of the annual review.

C. No investment in equity may be made at a cost to a "certified" capital company of greater than 25 percent of the total assets under management of the "certified" capital company at the time of investment.

Rule 9. Decertification

(Delete the last sentence of paragraph (A) "The cost of the annual review. . .")

Robert Paul Adams

Director

RULE

Department of Commerce Office of Commerce and Industry

Restoration Tax Abatement Program
R.S. 47:4311-4319

The Department of Commerce, Office of Commerce and Industry Finance Division, in accordance with the Administrative

Procedure Act (R.S. 49:950, et seq.), has adopted amendments to the rules for the Restoration Tax Abatement Program to include implementation of the fee schedule authorized by Act 684 of the 1986 Legislative Session.

Rule 1. Time Limits for Filing Application

(a) The applicant shall submit an "Advance Notification" on the prescribed form 90 days prior to the beginning of construction. An advance notification fee of \$100 shall be submitted with the advance notification form.

(b) Application for tax exemption must be filed with the Office of Commerce and Industry, Box 94185, Baton Rouge, Louisiana, 70804-9185 on the form prescribed within a minimum of six months after the beginning of construction and/or not later than three months before completion of construction or the beginning of operations, whichever occurs first.

The phrase "beginning of construction" shall mean the first day on which foundations are started, or, where foundations are unnecessary, the first day on which installation of the facility begins.

(c) An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted are incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

Rule 10. Affidavit of Final Cost

Within six months after construction has been completed, an "affidavit of final cost" showing complete cost of the exempted project shall be filed on the prescribed form together with a fee of \$100 for the inspection which will be conducted by the Office of Commerce and Industry.

Robert Paul Adams
Director

RULE

**Department of Commerce
Office of Commerce and Industry**

**Sales and Use Tax Exemption on Energy Conservation Property
R.S. 47:305.30**

The Department of Commerce, Office of Commerce and Industry Finance Division, in accordance with the Administrative Procedure Act (R.S. 49:950, et seq.), has adopted amendments to the rules for the Sales and Use Tax Exemption on Energy Conservation Property Program to include implementation of the fee schedule authorized by Act 684 of the 1986 Legislative Session.

Rule 8. Time Limits for Filing Application

(a) The applicant shall submit an "advance notification" on the prescribed form 90 days prior to the beginning of construction and the purchase of materials, machinery or equipment for qualifying projects. An advance notification fee of \$100 shall be submitted with the advance notification form.

(b) Application for tax exemption (refund) must be filed with the Office of Commerce and Industry, Box 94185, Baton Rouge, LA, 70804-9185 on the form prescribed within 30 days after the beginning of construction or installation.

The phrase "beginning of construction" shall mean the first day on which foundations are started, or, where foundations are unnecessary, the first day on which installation of the facility begins.

(c) An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of energy saved to the applicant if the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of energy saved which have been accepted, will not be refundable.

(d) After approval by the Board of Commerce and Industry, the effective date of the exemption (refund) shall be the date the advance notification form was received in the Office of Commerce and Industry.

(e) A cutoff date for processing applications to be considered for a particular board meeting is four weeks prior to that board meeting.

Rule 11. Affidavit of Energy Saved

Not later than 12 months after completion of a modification or replacement described in Rule 3(a), the applicant shall submit an Affidavit of Energy Saved on the prescribed form together with a fee of \$100 and such evidence as the board, in consultation with the Department of Natural Resources, shall require to establish to the satisfaction of the board that property on which sales and use tax has been exempt (refunded) is energy conservation property.

Robert Paul Adams
Director

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 July 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below: Rule 3.01.46.a

The board adopted an amendment to Standards, Methods for Implementation and Accountability for Chapter I, ECIA regarding administrative procedures to repay the State Department of Education for violations of Chapter I, ECIA.

James Meza, Jr., Ed.D.
Executive Director

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 July 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below: Rule 3.01.51.v(1)

The board adopted the Department of Education's recommendation for adding electives to the Elementary Program of Studies. (See page 448 of July, 1986 issue of *Louisiana Register* for context of amendment.)

James Meza, Jr., Ed.D.
Executive Director

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 July 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below: Rule 3.01.70.v(22).a

The board adopted a passing score of 620 to be required on the National Teacher Examinations Educational Administration and Supervision Test as criterion for initial certification as principal or assistant principal in Louisiana.

James Meza, Jr., Ed.D.
Executive Director

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 July 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below: Rule 9.00.50.d

The board adopted an amendment to Bulletin 1191, *School Transportation Handbook* to require that regular bus drivers with three or more years of service as certified drivers earn eight hours inservice training every other year.

James Meza, Jr., Ed.D.
Executive Director

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

July 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below: Rule 4.03.48

The board adopted the following fee schedule for students attending vocational technical schools.

FEE SCHEDULE FOR STUDENTS ATTENDING VOCATIONAL-TECHNICAL SCHOOLS

Effective July 1, 1986 persons enrolled in full-time or part-time classes at vocational-technical schools shall be charged fees in compliance with the following provisions:

- 1. Registration and tuition fee schedule:
 - (1) Registration fee: A registration fee of \$5 shall be charged each student upon registration or re-enrollment.
 - (2) Residents shall pay in advance, the following tuition fees:

TUITION FEES

	Year	Quarter	Term
Full-time	\$100	\$25.00	\$20
3/4 time	\$ 75	\$18.75	\$15
1/2 time	\$ 50	\$12.50	\$10

NOTE: A school year contains either four quarters of three months or five terms of 45 days.

(3) Non-residents shall pay tuition fees twice the amount charged students who are residents.

2. Louisiana high school students will NOT be charged any fees during the regular school year. High school students will be considered full-time vocational technical students during the summer.

3. Enrollment or re-enrollment payments, or acceptable evidence of indebtedness, shall be due upon registration or re-enrollment, as part of the enrollment process. These fees are non-refundable, except where the class is cancelled or closed.

4. Tuition fees may be paid by another agency on behalf of a student.

5. For enrollment and fee purposes, students of Louisiana high schools and military personnel stationed in Louisiana under Active Duty orders, and their dependents, are deemed to be Louisiana residents.

6. Extension courses of instruction shall include:

- a. programs, including apprenticeship, which are offered in the evening, or on weekends;
- b. programs totaling less than 170 hours.

7. Persons who attend classes or programs for which the school does not claim enrollment credit will NOT be charged registration or tuition fees.

8. Students being "carried over" into the fiscal year beginning in 1986 shall pay fees on the first day of class in the new fiscal year. Those continuing training into other payment periods shall pay the appropriate fee by the end of the preceding month or term.

9. Each school will establish internal fiscal and accounting procedures to collect the appropriate fees according to any one, or all, of the following schedules:

- a. annual
- b. quarter
- c. 45 day term

10. The fee schedules provided herein shall become effective July 1, 1986, provided they are not in conflict with state law, that all revenues derived from enrollment and tuition fees shall be utilized by the school where fees are collected.

11. Any funds derived from fees collected by a school may be expended by that school for supplies and equipment

over and above legislative appropriations for the school, subject to the approval of BESE and in compliance with state law.

12. Fees collected for extension courses may be used to defray costs of extension courses with approval by the board.

13. It is the intent of this section to provide necessary funds over and above the regular appropriations for each school, and is not to replace appropriated funds.

James Meza, Jr., Ed.D.
Executive Director

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 July 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below: Rule 6.03.95.12.3

The board adopted the following amendments to the Sabbatical Leave Policy for vocational technical schools:

1. Amend Policy 6.03.95.12.3 of the policy and procedure manual to read: "At no time shall the number of persons on sabbatical leave for professional improvement from a school with less than 20 VTIE certified personnel exceed one and from a school with 20 or more, exceed two."

2. Amend Policy 6.03.95.12.4 of the policy and procedure manual by deleting "75 percent" and inserting "50 percent."

James Meza, Jr., Ed.D.
Executive Director

RULE

Department of Environmental Quality Office of Air Quality and Nuclear Energy Air Quality Division

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., in particular Sections 1065 B and 1084 B (1) and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the secretary of the Department of Environmental Quality, Patricia L. Norton, adopted the Louisiana Air Quality Division Fee System Regulations on October 10, 1986. The effective date of these regulations will be October 20, 1986.

The secretary initiated rulemaking procedures to adopt this rule on July 10, 1986. Prior to the final adoption by the secretary, this rule was forwarded to, and found acceptable by, the Joint Committees on Natural Resources.

PART VI FEE SCHEDULE

100.1 Scope and Purpose

It is the purpose of these regulations to establish a fee system for funding the monitoring, investigation and other activities required to be conducted for the maintenance of a safe and

healthful environment by the Department of Environmental Quality in accordance with the Louisiana Environmental Quality Act (R. S. 30:1051 et seq.). Fees are required for all permits, licenses, registrations, and variances authorized by the Act.

100.2 Authority

These regulations provide fees as required by R.S. 30:1065.

100.3 Definitions

All terms used in these rules, unless the context otherwise requires or unless specifically defined in the Louisiana Environmental Quality Act, or in other regulations promulgated by the secretary of the Department of Environmental Quality or his predecessor, shall have their usual meaning.

100.4 Application Fees

Each application or amendments thereto for which a fee is prescribed shall be accompanied by a remittance in the full amount of the fee. No application or amendments thereto shall be accepted or processed prior to payment of the full amount specified. No permit, license, registration, or variance, unless otherwise authorized by the secretary, shall be issued until such check or draft has been accepted by the bank or drawee and the department's account has been credited with the amount of the fee.

100.5 Annual Fees

Unless otherwise provided herein, all parties conducting activities for which an annual fee is provided shall be subject to the payment of such fee within 30 days from receipt of billing.

100.6 Methodology

(1) Formula to apportion fees:

Annual Maintenance Fee (based on type of facility and on rated production capacity/throughput)	Variable
New Application Fee (based on type of facility and on rated production capacity/throughput)	Variable
Major and Minor Modification Modified Permit Fee (based on type of facility and on rated production capacity/throughput)	Variable
PSD Application Fee (based on type of facility and on rated production capacity/throughput)	Surcharge of 50 percent of the application fee
"NESHAP" maintenance fee (based on type of facility and on rated production capacity/throughput)	surcharge of 25 percent of the annual maintenance fee for that particular process/plant
"NSPS" maintenance fee (based on type of facility and on rated production capacity/throughput)	surcharge of 25 percent of the permit application fee
Research fee for alternate disposal of hazardous waste	surcharge of 5.7 percent of the annual maintenance fee for those facilities that generate hazardous waste

(2) Fee Methodology

- i. All persons required to obtain a new or modified permit shall be subject to a permit fee (see fee schedule). This fee shall be submitted with any application for a new or modified permit. The annual maintenance fee for a new or modified source shall be paid during the fiscal year in which the process specified in the permit comes on line.
- ii. The Standard Industrial Classification (SIC) codes listed in the fee schedule shall be used to assess fees.
- iii. The permit fee for multiple source permits shall be equal to the total amounts required by the individual

processes involved, as listed in the table.

- iv. All invoices for annual maintenance fees for major sources shall be submitted to those sources during the fiscal year and remittances are due 30 days after receipt of the invoice. The annual maintenance fee shall be applicable to the fiscal year beginning July 1 of each year and ending the following June 30. Failure to remit the annual maintenance fee in accordance with the above shall be considered grounds for revoking an existing permit. Maintenance fees not received for prior fiscal years are due upon receipt of new or duplicate invoices. Minor sources may or may not receive an annual compliance inspection. In this case the maintenance fee must be paid within 30 days after notification by the agency of the amount due. Only one such fee shall be charged annually.
- v. If a conditional permit is issued in accordance with adopted procedures, fees submitted with that application for permit shall be retained and be applicable to the regular permit when it is acted upon.
- vi. If a process is not listed in the fee schedule and is not a source type exempted from fees by this regulation, then the department shall assign a fee based on the most similar processes and negotiated separately. The Air Quality Division (AQD) shall analyze each permit request to determine the number of processes involved and the permit fee associated with each.
- vii. Periodically, the Air Quality Division (AQD) shall re-evaluate the permit fee schedule based upon the previous fiscal year's reasonable costs involved in the operation of the permit system and shall adjust fees in the table, so as to recover the reasonable costs, and submit such revised schedule to the secretary for approval.
- viii. A permit fee exempt list shall be presented to the secretary annually for approval. The permit fee exempt list shall be in the offices of the Air Quality Division and shall be available for public inspection. Any person may request permit fee exemption for a source class by application to the assistant secretary. Sources listed in the permit fee exempt list shall be exempt from the permit fee fee schedule and from having to obtain a permit. The assistant secretary may grant initial approval and denial of the class exemption pending consideration by the secretary.
- ix. When a company withdraws its application and claims refund for the permit fee, no refund shall be made if the review of the application is essentially completed at the time of withdrawal. However, up to 50 percent refund may be made when the review has been initiated but is not essentially completed.
- x. Although a process unit or a plant is operated at a reduced level or is operated during certain months only, the annual maintenance fee will not be prorated. The annual maintenance fee is charged on the rated capacity and not on the actual output/throughput level.
- xi. When a permanent shutdown occurs and a company properly notifies the Air Quality Division, by official change in the Emission Inventory Questionnaire (EIQ) and permit, the maintenance fee will be dropped for that shutdown portion of the process/plant in the appropriate fiscal year only if that portion of the process/plant does not operate at any time during that fiscal year.
- xii. Unless otherwise stated, generally, the minor modifi-

cation fee is equal to the Annual Maintenance fee (AMF), the major modification is three times the AMF and new application fee is five times the AMF. Where there is a minimum and/or maximum AMF established in a particular category, the same rationale shall apply to minimum and maximum permit fees.

- xiii. NSPS fees may be waived when a PSD application fee is imposed.
- xiv. The AQD administrator and staff will determine the type of fee. This determination will be based on the work load and on the factors described as follows:
 - (a) New application fee (based on new capacity or incremental capacity) applies when:
 - (1) a new facility is added;
 - (2) a new operation in an existing facility is added;
 - (3) an existing operation is expanded by more than 80 percent in capacity.
 - (b) Major modification fee (based on existing capacity) applies when:
 - (1) the modification will trigger PSD review;
 - (2) the modification would have triggered PSD review; without the use of contemporaneous emission reductions or banked emissions;
 - (3) the modification will increase 25 tons/yr or more of non-attainment pollutant;
 - (4) the modification will change emissions over 100 tons/yr;
 - (5) the modification will increase capacity of an existing operation by 40 percent.
 - (c) Minor modification fee (based on existing capacity) applies when a modification is not qualified under new application fee or major modification fee.
 - (d) If a modification is such that it does not increase capacity and changes emissions by less than 25 tons/year, the permit fee can be charged equal to the minimum minor modification permit fee for each process category involved.

100.7 Determination of fee

These regulations apply to all registrants, specific licensees, permittees and other persons subject to charges concerned with one or more of the various programs of the Department of Environmental Quality.

100.8 Method of Payment

Fee payment shall be made by check, draft or money order payable to the Department of Environmental Quality and mailed to the following address: State of Louisiana, Department of Environmental Quality, Air Quality Division, Box 94381, Baton Rouge, LA 70804-9381

100.9 Late Payment

Unless otherwise provided herein, annual fees or other charges not received by 15 days after the due date will be subject to a late charge of an additional 10 percent per month.

100.10 Failure to Pay

Failure to pay the prescribed application fee or annual fee as provided herein will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act, including, but not limited to, revocation or suspension of the applicable permit, license, registration or variance.

100.11 Effective Date

The application fees prescribed herein shall be effective upon publication in the *Louisiana Register* as adopted.

The annual fees prescribed herein shall be effective for the state fiscal year in which these fee regulations are published in the *Louisiana Register* as adopted and each state fiscal year thereafter. Fees submitted to the department in accordance with

previous fee regulations for the state fiscal year in which these fee regulations are published in the *Louisiana Register* as

adopted shall be credited against the fees due and payable under these fee regulations.

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
FEE SCHEDULE LISTING

OCTOBER 20, 1986

	AIR CONTAMINANT SOURCE	SICC	ANNUAL MAINTENANCE FEE	NEW APPLI-CATION	MODIFIED PERMIT FEES		ANNUAL MAINTENANCE FEE	
					MAJOR	MINOR	MIN.	MAX.
0010	COTTON GIN	0724	0.00	0.22	0.13	0.03		
0020	PER BALE GINNED IMMEDIATE PAST SEASON BITUMINOUS COAL AND LIGNITE MINING	1211	315.83	1579.17	947.50	315.83		
0030	COAL PREPARATION	1211	789.59	3947.94	2368.76	789.59		
0040	CRUDE OIL AND NATURAL GAS PRODUCTION (100 - 249 T/YR SOURCE)	1311	63.16	315.83	189.50	63.16		
0041	CRUDE OIL AND NAT GAS PRODUCTION (250 - 499 T/YR SOURCE)	1311	195.00	975.00	585.00	195.00		
0042	CRUDE OIL AND NAT GAS PROD GREATER THAN 500 T/YR SOURCE	1311	325.00	1300.00	975.00	325.00		
0050	NATURAL GAS LIQUIDS PER UNIT	1321	157.92	789.59	473.75	157.92		
0060	CONSTRUCTION SAND AND GRAVEL	1442	63.16	315.83	189.50	63.16		
0070	INDUSTRIAL SAND	1446	63.16	315.83	189.50	63.16		
0080	SALT MINING	1476	789.59	3947.94	2368.76	789.59		
0090	SULFUR MINING	1477	789.59	3947.94	2368.76	789.59		
0100	COMMERCIAL RICE MILLING	2044	315.83	1579.17	947.50	315.83		
0110	ANIMAL FEED PREPARATION	2048	315.83	1579.17	947.50	315.83		
0120	CANE SUGAR, EXCEPT REFINING ONLY	2061	789.59	3947.94	2368.76	789.59		
0130	CANE SUGAR REFINING PER 1,000 LB/HR RATED CAPACITY	2062	6.31	31.59	18.95	6.31	780.00	
0140	COTTONSEED OIL MILL	2074	157.92	789.59	473.75	157.92		
0150	SOYBEAN OIL MILL	2075	110.53	552.70	331.63	110.53		
0160	ANIMAL & MARINE FATS AND OIL (RENDERING) 10,000 OR MORE TON/YR	2077	379.00	1895.01	1137.00	379.00		
0170	ANIMAL & MARINE FATS & OIL (RENDERING) LESS THAN 10,000 TON/YR	2077	189.50	947.50	569.02	189.50		
0180	SHORTENING, TABLE OILS, MARGARINE AND OTHER EDIBLE FATS AND OILS	2079	78.96	394.79	236.87	78.96		
0190	MALT BEVERAGES	2082	78.96	394.79	236.87	78.96		
0200	COFFEE ROASTING PER 1,000,000 LB/YR RATED CAPACITY	2095	63.16	315.83	189.50	63.16		3965.00
0210	SAWMILL AND/OR PLANING LESS THAN 25,000 BD FT/SHIFT	2421	157.92	789.59	473.75	157.92		
			* NOTE 10 *					
0220	SAWMILL AND/OR PLANING MORE THAN 25,000 BD FT/SHIFT	2421	473.75	2368.76	1421.26	473.75		
			* NOTE 10 *					
0230	HARDWOOD MILL	2426	284.25	1421.26	852.76	284.25		
			* NOTE 10 *					
0240	SPECIAL PRODUCT SAWMILL N.E.C.	2429	284.25	1421.26	852.76	284.25		
			* NOTE 10 *					
0250	MILLWORK WITH 10 EMPLOYEES OR MORE	2431	284.25	1421.26	852.76	284.25		
0260	HARDWOOD VENEER AND PLYWOOD	2435	631.67	3158.35	1895.01	631.67		
0270	SOFTWOOD VENEER AND PLYWOOD	2436	631.67	3158.35	1895.01	631.67		
0280	WOOD PRESERVING	2491	157.92	789.59	473.75	157.92		
0290	PARTICLEBOARD/WAFERBOARD MANUFACTURE (O.S.B)	2492	631.67	3158.35	1895.01	631.67		
0300	HARDBOARD MANUFACTURE	2499	473.75	2368.76	1421.26	473.75		
0310	FURNITURE AND FIXTURES A) 100 OR MORE EMPLOYEES	2511	94.75	473.75	284.25	94.75		
0320	FURNITURE AND FIXTURES B) MORE THAN 10 & LESS THAN 100 EMPLOYEES	2511	94.75	473.75	284.25	94.75		
0330	PULP MILLS PER TON DAILY RATED CAPACITY	2611	2.36	11.84	7.11	2.36	1625.00	
0340	PAPER MILL PER TON DAILY RATED CAPACITY	2621	2.36	11.84	7.11	2.36	1625.00	
			* NOTE 1 *					
0350	PAPERBOARD MILLS PER TON DAILY RATED CAPACITY	2631	2.36	11.84	7.11	2.36	1625.00	
0360	PAPER COATING	2641	94.75	473.75	284.25	94.75		
0370	INSULATION MANUFACTURE	2649	157.92	789.59	473.75	157.92		
0380	CORRUGATED BOXES	2653	236.87	1184.37	710.63	236.87		
0390	BUILDING BOARD AND TILE	2661	789.59	3947.94	2368.76	789.59		
0400	COMMERCIAL PRINTING - BLACK AND WHITE PER PRESS MODULE	2752	94.75	473.75	284.25	94.75	455.00	
			* NOTE 4 *					
0410	COMMERCIAL PRINTING - COLOR PER PRESS MODULE	2752	157.92	789.59	473.75	157.92	780.00	
			* NOTE 4 *					
0420	CAUSTIC/CHLORINE PER 1,000,000 LB/YR RATED CAP BASED ON CL	2812	1.58	7.90	4.74	1.58	780.00	
			* NOTE 2 *					

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 AIR QUALITY DIVISION
 FEE SCHEDULE LISTING

OCTOBER 20, 1986

	AIR CONTAMINANT SOURCE	SICC	ANNUAL MAINTENANCE FEE	NEW APPLI-CATION	MODIFIED PERMIT FEES		ANNUAL MAINTENANCE FEE	
					MAJOR	MINOR	MIN.	MAX.
0430	CAUSTIC SODA PER 1,000,000 LB/YR RATED CAPACITY	2812	0.32	1.58	0.94	0.32	650.00	
0440	INDUSTRIAL GASSES	2813	315.83	1579.17	947.50	315.83		
0450	INORGANIC PIGMENTS	2816	315.83	1579.17	947.50	315.83		
0460	ALUMINUM SULFATE PRODUCTION PER 100 TON/YR RATED CAPACITY	2819	0.79	3.95	2.36	0.79	650.00	
0470	ALUMINA PER 1,000,000 LB/YR RATED CAPACITY	2819	3.15	15.79	9.47	3.15		
0480	CATALYST MFG & CAT REGENERATION PER LINE	2819	789.59	3947.94	2368.76	789.59		
0490	FLUOSILICATES	2819	473.75	2368.76	1421.26	473.75		
0500	INDUSTRIAL INORGANIC CHEMICALS MFG N.E.C. PER 1,000,000 LB/YR	2819	0.79	3.95	2.36	0.79	455.00	
0510	INDUSTRIAL INORGANIC ACIDS N.E.C. PER 1,000,000 LB/YR RATED CAPACITY	2819	7.90	39.48	23.69	7.90	780.00	
0520	NITRIC ACID MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	2819	3.15	15.79	9.47	3.15	780.00	
0530	PHOSPHORIC ACID MFG PER TON DAILY RATED CAP	2819	0.79	3.95	2.36	0.79	650.00	
0540	SULPHURIC ACID MANUFACTURE PER TON DAILY RATED CAPACITY	2819	0.79	3.95	2.36	0.79	650.00	
0550	POLYETHYLENE/POLYPROPYLENE MANUFACTURE PER 1,000,000 LB/YR RATED CAPACITY	2821	6.31	31.59	18.95	6.31	780.00	
0560	PVC MANUFACTURE PER 1,000,000 LB/YR RATED CAPACITY	2821	7.90	39.48	23.69	7.90	780.00	
0570	SYNTHETIC RESINS MANUFACTURE N.E.C. PER 1,000,000 LB/YR RATED CAPACITY	2821	7.90	39.48	23.69	7.90	780.00	
0580	RUBBER MFG PER 1,000,000 LB/YR RATED CAPACITY	2822	3.15	39.48	23.69	7.90	975.00	
0590	CHARCOAL PER OVEN	2861	157.92	789.59	473.75	157.92		
0600	GUM AND WOOD CHEMICALS PER UNIT	2861	473.75	2368.76	1421.26	473.75		
0610	STYRENE MONOMER PER 1,000,000 LB/YR RATED CAPACITY	2865	3.15	15.79	9.47	3.15	780.00	
0620	HALOGENATED HYDROCARBONS PER 1,000,000 LB/YR RATED CAP.	2869	4.74	23.69	14.22	4.74	780.00	
0630	ORGANIC OXIDES, ALCOHOLS, GLYCOLS PER 1,000,000 LB/YR RATED CAPACITY	2869	3.15	15.79	9.47	3.15	780.00	
0640	AMMONIA MANUFACTURE PER TON DAILY RATED CAPACITY	2873	1.58	7.90	4.74	1.58	780.00	
0650	FERTILIZER MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	2873	0.79	3.95	2.36	0.79	455.00	
0660	UREA AND UREAFORM PER 1,000 TON/YR RATED CAPACITY	2873	1.58	7.90	4.74	1.58	455.00	
0670	PESTICIDES MFG PER TRAIN	2879	631.67	3158.35	1895.01	631.67		
0680	CARBON BLACK MANUFACTURE PER 1,000,000 LB/YR RATED CAPACITY	2895	9.47	47.37	28.43	9.47	780.00	
0690	CHEMICAL AND CHEMICAL PREP. N. E. C. PER 1,000,000 LB/YR	2899	7.90	39.48	23.69	7.90	650.00	
0700	DRILLING MUD-STORAGE AND DISTRIBUTION	2899	157.92	789.59	473.75	157.92		
0710	DRILLING MUD-GRINDING	2899	631.67	3158.35	1895.01	631.67		
0720	PETROLEUM REFINING PER 1,000 BBL/DAY RATED CAP. CRUDE THRUPT	2911	39.48	197.40	118.44	39.48	780.00	
0730	ASPHALTIC CONCRETE PAVING PLANTS PER TON/HR RATED CAPACITY	2951	1.19	5.91	3.54	1.19	325.00	* NOTE 3 *
0740	ASPHALT BLOWING PLANT (NOT TO BE CHARGED SEPARATELY IF IN REFINERY)	2951	473.75	2368.76	1421.26	473.75		* NOTE 5 *
0750	OLEFINS & AROMATICS N.E.C PER 1,000,000 LB/YR RATED CAPACITY	2951	3.15	15.79	9.47	3.15	780.00	
0760	BLENDING, COMPOUNDING, OR REFINING OF LUBRICANTS PER UNIT	2992	473.75	2368.76	1421.26	473.75		* NOTE 6 *
0770	PETROLEUM COKE CALCINING PER 1,000 TON/YR RATED CAPACITY	2999	6.31	31.59	18.95	6.31	780.00	
0780	GLASS AND GLASS CONTAINER MFG	3229	236.87	1184.37	710.63	236.87		
0790	NATURAL GAS FUEL PER LINE CEMENT MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	3241	4.74	23.69	14.22	4.74	650.00	
0800	GLASS AND GLASS CONTAINER MFG FUEL OIL PER LINE	3241	473.75	2368.76	1421.26	473.75		
0810	BRICK MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	3251	2.36	11.84	7.11	2.36	325.00	
0820	READY-MIX CONCRETE	3273	394.79	1200.17	789.59	394.79		
0830	LIME MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	3274	4.74	23.69	14.22	4.74		
0840	GYPSUM MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	3275	4.74	23.69	14.22	4.74	455.00	
0850	ABESTOS PRODUCTS PER SITE OR PER PRODUCTION UNIT	3292	947.50	4737.52	2842.51	947.50		
0860	CLAY KILN	3295	189.50	947.50	568.50	189.50		
0870	ROCK CRUSHER	3295	173.70	868.54	521.13	173.70		
0880	GRAY IRON AND STEEL FOUNDARIES A) 3,500 OR MORE TON/YR PRODUCTION	3321	252.66	1263.34	758.00	252.66		
0890	GRAY IRON AND STEEL FOUNDARIES B) LESS THAN 3,500 TON/YR PRODUCTION	3321	126.33	631.67	379.00	126.33		
0900	MALLEABLE IRON FOUNDARIES A) 3,500 OR MORE TON/YR PRODUCTION	3322	252.66	1263.34	758.00	252.66		

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
FEE SCHEDULE LISTING

OCTOBER 20, 1986

AIR CONTAMINANT SOURCE	SICC	ANNUAL MAINTENANCE FEE	NEW APPLI-CATION	MODIFIED PERMIT FEES		ANNUAL MAINTENANCE FEE	
				MAJOR	MINOR	MIN.	MAX.
0910 MALLEABLE IRON FOUNDARIES	3322	126.33	631.67	379.00	126.33		
B) LESS THAN 3,500 TON/YR PRODUCTION							
0920 STEEL INVESTMENT FOUNDARIES	3324	252.66	1263.34	758.00	252.66		
A) 3,500 OR MORE TON/YR PRODUCTION							
0930 STEEL INVESTMENT FOUNDARIES	3324	126.33	631.67	379.00	126.33		
B) LESS THAN 3,500 TON/YR PRODUCTION							
0940 STEEL FOUNDARIES NOT ELSEWHERE CLASSIFIED	3325	252.66	1263.34	758.00	252.66		
A) 3,500 OR MORE TON/YR PRODUCTION							
0950 STEEL FOUNDARIES NOT ELSEWHERE CLASSIFIED	3325	126.33	631.67	379.00	126.33		
B) LESS THAN 3,500 TON/YR PRODUCTION							
0960 PRIMARY SMELTING AND REFINING OF COPPER	3331	3.15	15.79	9.47	3.15	780.00	
PER 100,000 LB/YR RATED CAPACITY							
0970 ALUMINUM PRODUCTION PER POT	3334	15.79	78.96	47.37	15.79		
0980 REFINING OF NON-FERROUS METALS N.E.C.	3339	0.02	0.15	0.09	0.02	780.00	
PER 1,000 LB/YR RATED CAPACITY							
0990 SECONDARY SMELTING OF NON-FERROUS METALS	3341	473.75	2368.76	1421.26	473.75	975.00	
PER FURNACE							
1000 WIRE MANUFACTURE	3357	315.83	1579.17	947.50	315.83		
1010 ALUMINUM FOUNDARIES(CASTINGS)	3361	126.33	631.67	379.00	126.33		
PER UNIT							
1020 BRASS/BRONZE/COPPER-BASED ALLOY FOUNDRY	3362	157.92	789.59	473.75	157.92		
PER FURNACE							
1030 METAL HEAT TREATING	3398	94.75	473.75	284.25	94.75		
INCLUDING SHOTPEENING							
1040 DRUM MANUFACTURING AND/OR	3412	473.75	2368.76	1421.26	473.75		
RECONDITIONING							
1050 METAL CAN MANUFACTURE	3441	315.83	1579.17	947.50	315.83		
1060 FABRICATED PLATE WORK	3443	734.50	3672.50	2203.50	734.50		
1070 ELECTROPLATING, POLISHING AND ANODIZING	3471	94.75	473.75	284.25	94.75		
WITH 5 OR MORE EMPLOYEES							
1080 SANDBLASTING OR CHEM. CLEANING OF METAL	3471	473.75	2368.76	1421.26	473.75		
A) 10 OR MORE EMPLOYEES							
1090 SANDBLASTING OR CHEM. CLEANING OF METAL	3471	236.87	1184.37	710.63	236.87		
B) LESS THAN 10 EMPLOYEES							
1100 COATING, ENGRAVNG, AND ALLIED SERVICES	3479	173.70	868.54	521.13	173.70		
A) 10 OR MORE EMPLOYEES							
1110 COATING, ENGRAVING, AND ALLIED SERVICES	3479	94.75	473.75	284.25	94.75		
B) LESS THAN 10 EMPLOYEES							
1120 GALVANIZING AND PIPE COATING	3479	189.50	947.50	568.50	189.50		
EXCLUDING ALL OTHER ACTIVITIES							
1130 PAINTING TOPCOAT	3479	157.92	789.59	473.75	157.92		
PER LINE							
1140 POTTING	3479	94.75	473.75	284.25	94.75		
PER LINE							
1150 SOLDERING	3479	94.75	473.75	284.25	94.75		
PER LINE							
1160 WIRE COATING	3479	315.83	1579.17	947.50	315.83		
PER LINE							
1170 OIL FIELD MACHINERY AND EQUIPMENT	3533	157.92	789.59	473.75	157.92		
1180 POWER CHAIN SAW MANUFACTURE	3546	236.87	1184.37	710.63	236.87		
PER LINE							
1190 COMMERCIAL GRAIN DRYER	3559	189.50	947.50	568.50	189.50		
1200 ELECTRODE MANUFACTURE	3624	221.09	1105.42	663.26	221.09		
PER LINE							
1210 TELEPHONE MANUFACTURE	3661	552.70	2763.55	1658.13	552.70		
PER LINE							
1220 ELECTRICAL CONNECTOR MANUFACTURE	3678	284.25	1421.26	852.76	284.25		
PER LINE							
1230 BATTERY MANUFACTURE	3691	315.83	1579.17	947.50	315.83		
PER LINE							
1240 ELECTRICAL EQUIPMENT	3694	189.50	947.50	568.50	189.50		
PER LINE							
1250 SHIP AND BOAT BUILDING	3732	2368.76	11843.81	7106.29	2368.76		
A) 5001 OR MORE EMPLOYEES							
1260 SHIP AND BOAT BUILDING	3732	1579.17	7895.87	4737.52	1579.17		
B) 2501 TO 5000 EMPLOYEES							
1270 SHIP AND BOAT BUILDING	3732	789.59	3947.94	2368.76	789.59		
C) 1001 TO 2500 EMPLOYEES							
1280 SHIP AND BOAT BUILDING	3732	473.75	2368.76	1421.26	473.75		
D) 201 TO 1000 EMPLOYEES							
1290 SHIP AND BOAT BUILDING	3732	157.92	789.59	473.75	157.92		
E) 200 OR LESS EMPLOYEES							
1300 PLAY GROUND EQUIPMENT MANUFACTURE	3949	236.87	1184.37	710.63	236.87		
PER LINE							
1310 GRAIN ELEVATORS	4221	505.33	2526.68	1516.00	505.33		
A) 20,000 OR MORE TON/YR							
1320 GRAIN ELEVATORS	4221	252.66	1263.34	758.00	252.66		
B) LESS THAN 20,000 TON/YR							
1330 A) PETROLEUM, CHEMICAL BULK STORAGE & TER-	4226	4737.52	23687.62	14212.57	4737.52		
MINAL(OVER 3,000,000 BBL CAPACITY) * NOTE 7 *							
1340 B)PETROLEUM, CHEMICAL BULK STORAGE & TER-	4226	3158.35	15791.75	9475.05	3158.35		
MINAL(1,000,000-3,000,000BBL CAP) * NOTE 7 *							
1350 C)PETROLEUM, CHEMICAL BULK STORAGE & TER-	4226	1579.17	7895.87	4737.52	1579.17		
MINAL(500,001-1,000,000BBL CAP) * NOTE 7 *							
1360 D)PETROLEUM, CHEMICAL BULK STORAGE & TER-	4226	789.59	3947.94	2368.76	789.59		
MINAL(500,000BBL CAP OR LESS) * NOTE 7 *							
1370 RAILCAR/BARGE/TANK TRUCK CLEANING	4742	157.92	789.59	473.75	157.92		
HEAVY FUELS ONLY							

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
FEE SCHEDULE LISTING

OCTOBER 20, 1986

AIR CONTAMINANT SOURCE	SICC	ANNUAL MAINTENANCE FEE	NEW APPLI-CATION	MODIFIED PERMIT FEES		ANNUAL MAINTENANCE FEE	
				MAJOR	MINOR	MIN.	MAX.
1380 RAILCAR AND BARGE CLEANING OTHER THAN HEAVY FUELS	4742	789.59	3947.94	2368.76	789.59		
1390 TANK TRUCK CLEANING OTHE THAN HEAVY FUELS	4742	473.75	2368.76	1421.26	473.75		
1400 A)ELEC. POWER GEN PER MW (OVER 0.7% S IN FUEL)	4911	7.34	36.72	22.03	7.34	1495.00	
1410 B)ELEC POWER GEN PER MW(0.7% S OR LESS IN FUEL)	4911	4.40	22.03	13.22	4.40	715.00	
1420 C)ELEC. POWER GEN. PER MW (NATURAL GAS FIRED)	4911	2.21	11.02	6.61	2.21	520.00	
1430 NAT. GAS COMP PER 100 H.P. (TURBINES)	4922	3.15	15.79	9.47	3.15		
1440 RECIP. NAT GAS COMP PER 100 H.P. A) > 50,000 H.P.	4922	14.22	71.07	42.64	14.22		
1450 RECIP. NAT GAS COMP. PER 100 H.P. B) 20,000 TO 50,000 H.P.	4922	15.79	78.96	47.37	15.79		
1460 RECIP. NAT GAS COMP. PER 100 H.P. C)5,000 TO 20,000 H.P.	4922	18.95	94.75	56.84	18.95		
1470 RECIP NAT GAS COMP PER 100 H.P. D) 2,500 TO 5,000 H.P.	4922	22.11	110.53	66.32	22.11		
1480 RECIP. NAT GAS COMP. PER 100 H.P. E) 1,000 TO 2,500 H.P.	4922	23.69	118.44	71.07	23.69		
1490 RECIP. NAT. GAS COMP. F) < 1,000 H.P.	4922	315.83	789.59	315.83	315.83		
1500 COAL GASSIFICATION PER \$100,000 CAPITAL COST	4925	3.15	15.79	9.47	3.15		25285.00
1510 CO-GENERATION PER \$100,000 CAPITAL COST	4939	3.15	15.79	9.47	3.15		15795.00
1520 INCINERATORS A) 1,000 LB/HR AND GREATER CAPACITY	4953	157.92	789.59	473.75	157.92		
1521 INCINERATORS B) LESS THAN 1,000 LB/HR CAPACITY	4953	65.00	325.00	195.00	65.00		
1530 MUNICIPAL INCINERATORS	4953	1579.24	7895.94	4737.59	1579.24		
1540 STEAM GEN UNITS PER 1000 LBS/HR STEAM CAP-NAT GAS OR COMB NON-FOSSIL FUELS	4961	0.79	3.95	2.36	0.79	130.00	
1550 STEAM GEN UNITS PER 1000 LBS/HR STEAM CAP-FUELS WITH 0.7% S OR LESS	4961	1.58	7.90	4.74	1.58	325.00	
1560 STEAM GEN UNITS PE 1000 LBS/HR STEAM CAP-FUELS WITH MORE THAN 0.7% S	4961	2.36	11.84	7.11	2.36	455.00	
1570 CEMENT(BULK DISTRIBUTION)	5052	631.67	3158.35	1895.01	631.67		
1580 WHOLESALE DISTRIBUTION OF COAL PER 1,000 TON/YR THROUGHPUT	5052	0.15	0.79	0.46	0.15	455.00	
1590 WHOLESALE DISTRIBUTION OF COKE AND OTHER BULK GOODS PER 1000 TON/YR CAP	5093	0.32	1.58	0.94	0.32	780.00	
1600 FLOATING BULK LOADER A) OVER 100,000 TON/YR THROUGHPUT	5153	1579.17	7895.87	4737.52	1579.17		
1610 FLOATING BULK LOADER B) 100,000 OR LESS TON/YR THROUGHPUT	5153	789.59	3947.94	2368.76	789.59		
1620 GRAIN ELEVATORS-TERMINAL PER 10,000 BU/YR THROUGHPUT	5153	0.15	0.79	0.46	0.15	715.00	
1630 WHOLESALE DISTRIBUTION OF CHEMICALS AND ALLIED PRODUCTS PER FACILITY	5161	394.79	1579.17	1184.37	394.79		
1640 PETROLEUM BULK PLANTS	5171	31.59	157.92	94.75	31.59		
1650 PETROLEUM BULK TERMINAL	5171	315.83	1579.17	947.50	315.83		
1660 PETROLEUM BULK STATION	5171	31.59	157.92	94.75	31.59		
1670 STORAGE TANK	5171	0.00	315.83	157.92	157.92		
1680 CRUDE OIL DISTRIBUTION	5172	473.75	2368.76	1421.26	473.75		
1690 AUTOMOBILE, TRUCK AND VAN ASSEMBLY PER 1000 VEHICLES PER YEAR CAPACITY	3711	78.96	394.79	236.87	78.96		15795.00
1700 CHEMICAL WASTE DISPOSAL FACILITY FOR NONHAZARDOUS WASTE	9998	1469.00	7345.00	4407.00	1469.00		
1710 NEGOTIATED FEE	9999	0.00	0.00	0.00	0.00		
1711 RESEARCH FEE FOR ALTERNATE DISPOSAL OF HAZARDOUS WASTE	9999	0.00	0.00	0.00	0.00		
1720 ELECTRIC TRANSFORMERS PER 1000 UNITS/YEAR	3612	73.45	367.25	220.35	73.45		
1730 PAINT MANUFACTURING AND BLENDING	2851	293.80	1469.00	881.40	293.80		
1740 PLASTICS INJECTION MOULDING & EXTRUSION PER LINE	3079	157.92	789.59	473.75	157.92		
1750 AUTOMOBILE RECYCLING SCRAP PER 1000 TONS/YR	5093	6.50	32.50	19.50	6.50	325.00	15795.00
1760 SALT PROCESSING & PACKAGING PER 1,000,000 LB/YR	2899	0.13	0.65	0.39	0.13	195.00	
1770 COMMERCIAL HAZARDOUS WASTE INCINERATOR PER 1,000,000 BTU PER HOUR THERMAL CAPACITY	4953	91.00	455.00	273.00	91.00		
1780 NON COMMERCIAL HAZARDOUS WASTE INCINERATOR (PER 1,000,000 BTU/HR THERMAL CAPACITY)	4953	45.50	227.50	136.50	45.50		
1790 COMMERCIAL HAZARDOUS WASTE DISP FACILITY, N.E.C.	4953	13000.00	65000.00	39000.00	13000.00		
1800 COMMERCIAL HAZARDOUS WASTE UNDERGROUND INJECTION (SURFACE FACILITIES) PER LOCATION	4953	2600.00	13000.00	7800.00	2600.00		
1810 RECOVERABLE/RE-USABLE MATERIALS PROC. FACILITY (PER 1,000,000 BTU/HR THERMAL CAPACITY)	4953	45.50	227.50	136.50	45.50	1300.00	6500.00

EXPLANATORY NOTES FOR FEE SCHEDULE

- NOTE: 1 - THIS CATEGORY DOES NOT INCLUDE BUILDING PAPER
 NOTE: 2 - THIS CATEGORY IS CONSIDERED ONE PROCESS WITH THE FEE BASED ON THE RATED YEARLY CHLORINE CAPACITY.
 NOTE: 3 - THE FEE FOR THIS CATEGORY IS BASED ON CRUDE THROUGHPUT OF THE REFINERY. THROUGHPUT INCLUDES ADDITIONAL PURCHASED CHARGE STOCKS
 NOTE: 4 - MODULE IS DEFINED AS A ROTARY PRINTING DEVICE CAPABLE OF PRINTING ONE SHEET AND COMMONLY ARRANGED IN SERIES TO COMPRISE A PRINT PRESS.
 NOTE: 5 - THE FEES FOR THIS CATEGORY APPLY TO BOTH BATCH AND CONTINUOUS PROCESSES.
 NOTE: 6 - THIS FEE APPLIES TO LUBRICANTS MEANING LUBRICATING OILS AND GREASES. THIS FEE IS NOT TO BE CHARGED FOR UNITS WHICH ARE PART OF A FACILITY FOR WHICH THE PETROLEUM REFINERY FEE WAS PAID.
 NOTE: 7 - THE FEES FOR THIS CATEGORY ARE BASED ON THE ORGANIC COMPOUND STORAGE CAPACITY OF THE FACILITY
 NOTE: 8 - FOR AN ELECTRIC POWER GENERATION UNIT TO BE PLACED IN THIS CATEGORY IT MUST BURN FUEL OIL OR COAL OF LESS THAN .7% SULPHUR
 NOTE: 9 - WHOLESALE GRAIN DISTRIBUTION IS NOT INCLUDED IN THIS CATEGORY
 NOTE:10 - FACILITIES WITH NO FUEL OR WASTE BURNING EQUIPMENT ARE EXEMPTED FROM BOTH THE ANNUAL MAINTENANCE AND PERMIT FEES. POWER MUST BE SUPPLIED BY ELECTRIC MOTORS OR INTERNAL COMBUSTION ENGINES
 NOTE:11 - FOR COAL GASIFICATION AND COGENERATION PROJECTS WHEN COMPUTING APPLICATION FEES, THE CAPITAL COST FOR THE CONTROL EQUIPMENT THAT REDUCES EMISSIONS TO A LEVEL BELOW THE APPLICABLE NSPS REGULATIONS SHOULD BE DEDUCTED FROM THE CAPITAL COST.
 NOTE:12 - THE MAXIMUM ANNUAL MAINTENANCE FEE CHARGED TO ANY ONE GAS TRANSMISSION COMPANY FOR THE TOTAL OF FEE NUMBERS 1430,1440,1450,1460,1470,1480 AND 1490 SHALL NOT EXCEED \$15,795.00 .

Patricia L. Norton
 Secretary

RULE

**Department of Environmental Quality
 Office of Air Quality and Nuclear Energy
 Nuclear Energy Division**

Under the authority of the Louisiana Environmental Quality Act, R. S. 30:1051 et seq., in particular Sections 1065 B and 1084 B (1) and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the secretary of the Department of Environmental Quality, Patricia L. Norton, adopted the Louisiana Nuclear Energy Division Fee System Regulations on October 10, 1986. The effective date of these regulations will be October 20, 1986.

Sec. Y.13. EFFECTIVE DATE. The fees prescribed herein shall be effective on October 20, 1986.

**PART Y
 APPENDIX A
 NUCLEAR ENERGY PROGRAM FEE SCHEDULE**

	Initial Application Fee	Annual Maintenance Fee
I. Radioactive Material Licensing		
A. Medical Licenses:		
1. Therapy		
a. Teletherapy	290	290
b. Brachytherapy	290	290
2. Nuclear Medicine		
Group I, II & III or Group II and/or Group III	360	360
3. Nuclear Medicine Non-group License	215	215

	Initial Application Fee	Annual Maintenance Fee
4. Nuclear Pacemaker Implantation	145	145
5. Eye Applicators	145	145
6. Group I only or in vitro studies or radio-immunoassays or calibration sources	145	145
7. Processing or manufacturing and distribution of radio-pharmaceuticals	570	430
8. Mobile Nuclear Medicine Services	570	430
9. "Broad Scope" Medical Licenses	570	430
	145	145
10. All Others		
B. Source Material Licenses:		
1. For Mining, Milling, or Processing Activities, or Utilization which results in Concentration or Re-distribution of Naturally-Occurring Radioactive Material	2,850	2,850
2. For the concentration and recovery of uranium from phosphoric acid as "yellow cake" (powdered solid)	1,425	1,425
3. For the concentration of uranium from or in phosphoric acid	715	715
4. All other specific "source material" licenses	145	145
C. Special Nuclear Material (SNM) Licenses:		
1. For use of SNM in sealed sources contained in devices used in measuring systems	215	215
2. SNM used as calibration or reference sources	145	145
3. All other licenses or use of SNM in quantities not sufficient to form a critical mass, except as in I.A.4., I.C.1., I.C.2.	145	145
D. Industrial Radioactive Material Licenses:		
1. For processing or manufacturing for commercial distribution	2,850	2,140
2. For Industrial Radiography operations performed in a shielded radiography installation(s) or permanently designated areas at the address listed in the license.	430	290
3. For Industrial Radiography operations performed at temporary jobsite(s) of the licensee	1,425	1,075
4. For possession and use of radioactive materials in sealed sources for irradiation of materials where the source is not	715	360

	Initial Application Fee	Annual Maintenance Fee		Initial Application Fee	Annual Maintenance Fee
removed from the shield and is less than 10,000 Curies			17. All other specific industrial licenses except as otherwise noted	290	290
5. For possession and use of radioactive materials in sealed sources for irradiation of materials when the source is not removed from the shield and is greater than 10,000 Curies, or where the source is removed from the shield	1,425	715	E. Radioactive Waste Disposal Licenses:		
6. For distribution of items containing radioactive material	715	715	1. Commercial waste disposal involving burial	355,900	355,900
7. Well-logging and subsurface tracer studies			2. Commercial waste disposal involving incineration of vials containing liquid scintillation fluids	2,850	1,425
a. Collar markers, nails, etc. for orientation	145	145	3. All other commercial waste disposal involving storage, packaging and/or transfer	1,425	1,425
b. Sealed sources less than 10 Curies and/or tracers less than or equal to 500 mCi	430	430	F. Civil Defense licenses	175	145
c. Sealed sources of 10 Curies or greater and/or tracers greater than 500 mCi but less than 5 Ci	715	715	G. Teletherapy Service Company License	715	715
d. Field Flood studies and/or tracers equal to or greater than 5 Curies	1,075	1,075	H. Consultants who:		
			1. do not possess sources	70	40
			2. possess calibration sources equal to or less than 500 mCi each	105	70
			3. possess calibration sources greater than 500 mCi	145	105
			II. Electronic Product Registration		
			A.		
			1. Medical diagnostic x-ray (per x-ray registration)	50	45
			2. Medical therapeutic x-ray (per registration)		
			a. Below 500 kVp	105	105
			b. 500 kVp to 1 MeV (including accelerator and Van de Graaff)	215	215
			c. 1 MeV to 10 MeV	290	290
			d. 10 MeV or greater	430	430
			3. Dental x-ray (per registration)	40	40
			4. Veterinary x-ray (per registration)	40	40
			5. Educational institution x-ray (teaching unit, per registration)	70	40
			6. Electron Microscope	40	40
			7. All other medical x-ray (per registration) except as otherwise noted	50	45
			B.		
			1. Industrial Accelerator (includes Van de Graaff machines and neutron generators)	215	215
			2. Industrial Radiography (per registration)	70	70
			3. All Other x-ray (per registration) except as otherwise noted	50	50
			Storage-same fee		
			III. General license which requires registration	40	0
NOTE: Any licensee in paragraph D.1, D.2, D.3 or D.7 possessing, storing, or using radioactive material at more than one permanent location under a single license shall be assessed annually an additional fee of 10 percent of the annual maintenance fee for each such location within the State of Louisiana. Such additional fee shall not exceed an amount equal to the annual maintenance fee.					
8. Operation of a Nuclear Laundry	2,850	1,425			
9. Industrial research and development of radioactive materials or products containing radioactive materials	360	360			
10. Academic research and/or instruction	290	290			
11. Licenses of broad scope:					
a. Academic, Industrial, Research and Development, total activity equal to or greater than 1 Curie	715	715			
b. Academic, Industrial, Research and Development, total activity not greater than 1 Curie	430	430			
12. Gas chromatographs, sulfur analyzers, lead analyzers, or similar laboratory devices	145	145			
13. Calibration sources equal to or less than 1 Curie per source	145	145			
14. Level or Density Gauges	215	215			
15. Pipe Wall Thickness Gauges	290	290			
16. Soil Moisture and Density Gauges	215	215			

IV. Reciprocal Recognition

The fee for reciprocal recognition of a license or registration from another state or USNRC is the annual fee of the applicable category. The fee covers activities in the State of Louisiana for 1 year from the date of receipt.

V. Shielding Evaluation (per room)

A. Diagnostic	40	*
B. Therapeutic (below 500 kVp)	70	*
C. Therapeutic (500 kVp to 1 MeV)	105	*
D. Therapeutic (1 MeV to 10 MeV)	145	*
E. Therapeutic (10 MeV or greater)	215	*
F. Industrial and industrial radiography	145	*

VI. Device, Product, or Sealed Source Evaluation

A. Device evaluation (each)	360	*
B. Sealed source design evaluation (each)	145	*
C. Update Sheet	70	*

VII. Testing to determine qualifications of employees, per test administered 70 *

VIII. Laboratory samples 145-715 (charges depend on types of analyses performed)

IX. Nuclear Electric Generating Station (per site)

Located in Louisiana	156,700
Located near Louisiana (Plume Exposure Pathway Emergency Planning Zone - includes area in Louisiana)	113,900

The secretary initiated rulemaking procedures to adopt this rule on July 10, 1986. Prior to the final adoption by the secretary, this rule was forwarded to, and found acceptable by, the Joint Committee on Natural Resources.

Patricia L. Norton
Secretary

RULE

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

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and in particular Section 1065 B 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 adopted revisions to the Hazardous Waste Fee System, Chapter 25 of the Louisiana Hazardous Waste Regulations. The effective date of these revisions will be upon publication with billing retroactive to July 1, 1986.

The revisions to Chapter 25 increased all fees to generators, treaters, storers, and disposers of hazardous waste by 30 percent.

The secretary of the Department of Environmental Quality initiated rulemaking procedures to adopt this rule on August 10, 1986. Prior to the final adoption by the secretary this rule was forwarded to and found acceptable by the Joint Committees of Natural Resources.

Persons requesting copies and/or further information concerning the rule may contact Bill Greenwich, Department of Environmental Quality, Hazardous Waste Division, Box 44307, Baton Rouge, LA 70804.

Patricia L. Norton
Secretary

RULE

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

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq. and in accordance with the provisions in the Administrative Procedure Act, R.S. 49:950 et seq., the secretary of the Department of Environmental Quality adopted revisions to the Solid Waste Fee System, Section 6.4.5 of the Louisiana Solid Waste Rules and Regulations (LSWRR). The effective date of these regulations will be October 20, 1986.

The revisions to Section 6.4.5 of the LSWRR increased the processor/disposer permit application fee and the annual permit maintenance fee for operators of solid waste disposal facilities by 30 percent. The assessment of the 30 percent increase will be retroactive for state fiscal year 1986-1987.

The secretary initiated rulemaking procedures to adopt this rule on July 20, 1986. Prior to final adoption by the secretary, this rule was forwarded to the Joint Committees on Natural Resources.

6.4.5. Solid Waste Fee System

A. Permit Application Fee

1. Applicants for Standard Permits shall pay a \$1040.00 permit application fee.

2. Payment of the permit application fee shall be due upon submission of the permit application and shall accompany each permit application submitted after promulgation of these revised regulations.

B. Annual Permit Maintenance Fee

1. Operators of all solid waste disposal facilities which have been issued a Standard Permit or Interim Permit shall be charged an annual permit maintenance fee for each permit.

2. Calculation of Annual Maintenance Fee

Base Fee per Permit + Fee Based on Volume = Annual Permit Maintenance Fee

a. Base Fee per Permit for Industrial Solid Waste Sites - \$2080.00

b. Base Fee per Permit for Non-industrial Solid Waste Sites - \$520.00.

c. Fee will be Based on Volume as Reported in the Disposer Annual Report.

(1) Industrial Waste - \$.21/ton or \$.27/cubic yard

(2) Non-Industrial Waste -
Amts. exceeding 75,000 tons \$.05/ton or,
Amts. exceeding 250,000 cubic yards \$.03/cubic yard

d. Maximum Annual Permit Maintenance Fee Per Permit for Industrial Solid Waste Sites - \$20,800.00

e. Maximum Annual Permit Maintenance Fee Per Permit for Non-Industrial Solid Waste Sites - \$5,200.00

Patricia L. Norton
Secretary

RULE

Department of Environmental Quality Office of Water Resources

Under the authority of the Environmental Quality Act, in particular R.S. 30:1065 (B) and 30:1094 (B)(3), and in accordance with the provisions in R.S. 49:950 et seq., the secretary of the Department of Environmental Quality, Patricia L. Norton, adopted the Louisiana Water Pollution Control Fee System Regulations on October 10, 1986. The effective date of these regulations will be October 20, 1986.

The secretary initiated rulemaking procedures to adopt this rule on June 23, 1986. Prior to the final adoption by the secretary, this rule was forwarded to, and found acceptable by, the Joint Committees on Natural Resources.

Persons requesting copies and/or further information concerning this rule may contact Mary Fleming, Department of Environmental Quality, Water Pollution Control Division, Box 44091, Baton Rouge, LA 70804-4091.

Patricia L. Norton,
Secretary

RULE

Office of the Governor Division of Administration Property Assistance Agency

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 39:321-332, the Office of the Governor, Division of Administration, Louisiana Property Assistance Agency is hereby amending LAC 34:VII.703 as follows:

Chapter 7.

§ 703. Agency Inventory Master File Interface

C.1. IBM standard tape with a record length of 150 characters blocked with a blocking factor of 15,000 characters, or 100 records.

Louis W. Amedee
Director

RULE

Office of the Governor Office of Women's Services

Effective December 1, 1986 the Office of Women's Services is revising and re-adopting the Minimum Standards for Fam-

ily Violence Programs. These standards were previously adopted by the Department of Health and Human Resources, Women's Advocacy Bureau in May, 1983 in accordance with Act 60 of the 1983 First Extraordinary Session of the Louisiana Legislature. Act 60 expired in March, 1985.

These minimum health, safety and program standards were established to provide eligibility criteria for all programs receiving state and federal family violence funding. Funding is allocated and administered by the Office of Women's Services for the provision of services to victims of family violence.

As a result of the standards, they are not included in this Rule. Copies of the standards may be obtained from the Office of Women's Services, 200 Riverside Mall, Baton Rouge, LA 70804, or by calling (504) 342-2715.

Judy Dunlap
Director

RULE

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

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) the Louisiana State Board of Embalmers and Funeral Directors in accordance with the authority granted under R.S. 37:840 and pursuant to the notice of intent published August 20, 1986 adopted the following amendments to LAC 46:XXXVII.2303 on September 22, 1986:

§2303. Penalty

A. Whoever violates the provisions of these rules and regulations shall be fined not less than \$500 nor more than \$2,500 for each offense, plus costs of the court reporter and the attorney for the board.

B. If a firm or association violates the provisions of these rules and regulations, all members of the firm or association who knowingly violate said provisions shall be subject to the penalty. If a corporation violates said provisions, the members of the corporation who knowingly violate said provisions shall be subject to the penalty.

Lloyd E. Eagan
Secretary

RULE

Department of Health and Human Resources Board of Nursing

Amendment to Rules on
Delegation of Nursing Functions,
LAC 46:XLVII.3703.A.12.d

i. A non-complex task is one that can safely be performed according to exact directions, with no need to alter the standard procedure, and the results are predictable.

ii. A complex task is one that requires judgment to safely alter the standard procedure in accordance with the needs of the patient; or requires the consideration of a number of factors in order to perform the procedure; or requires judgment to determine how to proceed from one step to the next.

iii. The administration of medications is a complex task because it requires the consideration of number of factors and the formulation of judgments according to those factors.

Merlyn M. Maillian, R.N.
Executive Director

RULE

Department of Health and Human Resources Board of Nursing

Amendment to L.A.C. 46:XLVII.3515. Faculty and
Faculty Organization

B. Qualifications

7. The educational standard set forth in L.A.C. 46:XLVII.3515.B.3. shall not apply to a nurse faculty member who holds a masters degree in nursing but not a baccalaureate in nursing and whose employment as a faculty member continued through December 31, 1985 in a Louisiana nursing program approved by the Louisiana State Board of Nursing.

8. Anyone wishing to qualify under the provisions of number 7 must submit in writing a formal application to the board no later than January 1, 1987.

Merlyn M. Maillian, R.N.
Executive Director

RULE

Department of Health and Human Resources Board of Practical Nurse Examiners

Notice is hereby given that the Louisiana State Board of Practical Nurse Examiners, under the authority vested in it by R.S. 37, Chapter II, Nurses, Part II, Practical Nurses, Section 961-979, and pursuant to the notice of intent published on April 20, 1986, took the following action relative to an amendment to the administrative rules and minimum requirements relating to the practice of practical nursing education and licensure to practice in the State of Louisiana (LAC XLVII.905A) on September 26, 1986, at its annual board meeting in New Orleans, Louisiana.

The amendment is as follows:

Chapter 9. Program Projection § 905. Staffing

A. Instructor-student ratio

One instructor shall be responsible for no more than 10 students in the clinical area.

Terry L. DeMarcay, R.N.
Executive Director

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, is adopting the following rule in the AFDC Program.

Effective January 1, 1987, AFDC will not be denied to an otherwise eligible child solely because he is legally married or emancipated so long as his parent is responsible for his care and control. If a minor parent up to age 19, even if legally married or emancipated, lives with his/her parent(s) or legal guardians, income must be deemed from the minor parent's parents or legal guardians.

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 Medical Assistance Program is adopting the following rule which became effective July 1, 1986 as a result of Emergency Rulemaking promulgated in accordance with R.S. 49:953B and published in the *Louisiana Register* Vol. 12, No. 7, page 418, dated July 20, 1986. A Notice of Intent was published in the *Louisiana Register* Vol. 12, No. 8, page 558, dated August 20, 1986.

RULE

Payment to EPSDT medical/dental contract providers shall be a negotiated fee for screening services.

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 Medical Assistance Program is adopting the following rule which became effective July 1, 1986 as a result of Emergency Rulemaking promulgated in accordance with R.S. 49:953B and published in the *Louisiana Register* Vol. 12, No. 7, page 418, dated July 20, 1986. A Notice of Intent was published in the *Louisiana Register* Vol. 12, No. 8, page 558, dated August 20, 1986.

RULE

Effective for cost reporting periods beginning on or after July 1, 1986, the Medical Assistance Program shall amend its reimbursement methodology for inpatient hospital services to provide that the target rate percentage established by the Health Care Financing Administration (HCFA) as an adjustment factor to the cost per discharge limitation and the per diem limitation for certain special care units (NICU/PICU/Burn/Transplant) shall not be applied. Limitations remain the same as that for

fiscal years beginning July 1, 1985 or after for cost per discharge rates and fiscal years beginning October 1, 1985 or after for per diem limitations for specified special care units (NICU/PICU/Burn/Transplant).

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 Medical Assistance Program is adopting the following rule which became effective July 1, 1986 as a result of Emergency Rulemaking promulgated in accordance with R.S. 49:953B and published in the *Louisiana Register* Vol. 12, No. 7, page 418, dated July 20, 1986. A Notice of Intent was published in the *Louisiana Register* Vol. 12, No. 8, page 559, dated August 20, 1986.

RULE

The Inflation Adjustment Factor for the various base rate components of the SNF, ICF/I, and ICF/II reimbursement methodology shall be set at zero for the Fiscal Year beginning July 1, 1986 and ending June 30, 1987.

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 Medical Assistance Program is adopting the following rule which became effective July 1, 1986 as a result of Emergency Rulemaking promulgated in accordance with R.S. 49:953B and published in the *Louisiana Register* Vol. 12, No. 7, page 417, dated July 20, 1986. A notice of intent was published in the *Louisiana Register* Vol. 12, No. 8, page 560, dated August 20, 1986.

Effective July 1, 1986, the Medical Assistance Program shall amend policy in the Non-Emergency Medical Transportation Program to require that:

1) transportation providers must notify the parish office of Family Security of the location of their base and sub-offices at the time of certification and when any changes take place relating to the location of their base or sub-offices; and

2) the transportation provider must notify the state and parish office of Family Security if he decides to charge mileage from the pick-up point of the recipient in a specified service area in lieu of opening up a sub-office.

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 Medical Assistance Program is adopting the following rule which became effective July 1, 1986 as a result of Emergency Rulemaking promulgated in accordance with R.S. 49:953B and published in the *Louisiana Register* Vol. 12, No. 7, page 415, dated July 20, 1986. A Notice of Intent was published in the *Louisiana Register* Vol. 12, No. 8, page 563, dated August 20, 1986.

RULE

Effective July 1, 1986, the dispensing fee for pharmacies participating in Medicaid shall be \$3.30 per prescription. The dispensing fee shall be utilized by the agency in its determination of the lesser of Estimated Acquisition Cost plus a dispensing fee or the pharmacy's usual and customary charge.

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 Medical Assistance Program is adopting the following rule which became effective July 1, 1986 as a result of Emergency Rulemaking promulgated in accordance with R.S. 49:953B and published in the *Louisiana Register* Vol. 12, No. 7, page 417, dated July 20, 1986. A notice of intent was published in the *Louisiana Register* Vol. 12, No. 8, page 561, dated August 20, 1986.

Effective for laboratory services provided on or after July 1, 1986 the Medical Assistance Program shall amend its reimbursement methodologies for reimbursement of clinical laboratory services provided by physicians, independent laboratories or outpatient hospital departments to pay the lower of: 1) billed charges; 2) state maximum fee for service; or 3) Medicare maximum fee for service.

Those services not subject to the Medicare fee schedule shall continue to be reimbursed to physicians and independent laboratories, based on reasonable charges or established state maximums; and to outpatient hospital departments based on 72 percent of reasonable charges subject to adjustment to cost at year end settlement.

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 Medical Assistance Program is adopting the following rule which became effective July 1, 1986 as a result of Emergency Rulemaking promulgated in accordance with R.S. 49:953B and published in the *Louisiana Register* Vol. 12, No. 7,

page 416, dated July 20, 1986. A Notice of Intent was published in the *Louisiana Register* Vol. 12, No. 8, page 561, dated August 20, 1986.

Medicaid providers enrolled to participate in the Medical Assistance Program shall not refuse to provide services to any Medicaid recipient because of a third party's potential liability for payment of the service.

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 Medical Assistance Program is adopting the following rule which became effective July 1, 1986 as a result of Emergency Rulemaking promulgated in accordance with R.S. 49:953B and published in the *Louisiana Register* Vol. 12, No. 7, page 417, dated July 20, 1986. A notice of intent was published in the *Louisiana Register* Vol. 12, No. 8, page 562, dated August 20, 1986.

Effective July 1, 1986, Non-Emergency Medical Transportation shall be provided by the least expensive means available, determined by the agency, to be suitable to meet the recipient's needs. In cases where the agency determines more than one least expensive source is available and suitable to meet the recipient's needs, freedom of choice shall be allowed. When freedom of choice is not exercised by recipients in such cases, the agency shall assign providers by rotation.

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 Medical Assistance Program is adopting the following rule which became effective July 1, 1986 as a result of Emergency Rulemaking promulgated in accordance with R.S. 49:953B and published in the *Louisiana Register* Vol. 12, No. 7, page 417, dated July 20, 1986. A notice of intent was published in the *Louisiana Register* Vol. 12, No. 8, page 563, dated August 20, 1986.

Effective July 1, 1986, the Medical Assistance Program shall amend its policy in the Non-Emergency Transportation Program to require that providers shall notify the state office of Family Security of their rates which shall remain in effect for an entire calendar quarter. To change the rates the provider must petition the Office of Family Security for approval prior to the first day of the month before the end of the calendar quarter.

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

RULE

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 has amended the part of the Section 1122 Policies and Guidelines which lists criteria for expedited review. The affected criterion was published as a rule on January 20, 1986 and is contained in LAC 48:1. 12503.

The amendment changes Number 9 (p.7) in the list of expedited review criteria to read:

"A site change which is not substantial (i.e. adjacent to the originally proposed site, with the same zoning and within the same parish); or which is a result of expropriation, zoning change or other governmental action restricting the development of all or part of the original site and is in the same service area."

Page seven of the Section 1122 Policies and Guidelines now reads as follows:

An applicant proposing such an expenditure may submit a written request to DPPE for an "elect not to review." DPPE will review the information in the request, request additional information if necessary, and determine the appropriateness of the request. If DPPE elects not to review the proposal, the applicant and DHHS will be notified. If DPPE determines that a review will be conducted, the applicant will be notified and provided with the appropriate application forms.

Expedited Review

The DPPE may elect to conduct an expedited review of a proposed capital expenditure which is subject to review under Section 1122. In order to be considered for an expedited review, the project (1) must not be a discrete part of a larger capital expenditure or phased project, (2) must be related to a Section 1122 approved facility, service, or equipment, and (3) must meet one of the following criteria:

1. Replacement or modification of equipment with an expenditure in excess of \$600,000.
2. Sale of an existing facility with no change in beds or service.
3. Lease (or discontinuance of a lease) of an approved existing facility with no change in beds or services.
4. Renovation of an existing facility which costs between \$600,000 and \$1,000,000 and which does not result in a change in existing beds or services.
5. A cost overrun on an initially approved project, not to exceed 25 percent of the originally approved cost.
6. Addition of non-medical equipment or purchase of land.
7. Addition of a new service in an existing facility which will not exceed \$600,000.
8. Incorporation, reorganization, merger, consolidation, majority stock sale or transfer, or other changes in the person owning a health care facility with Section 1122 approval.
9. "A site change which is not substantial (i.e. adjacent to the originally proposed site, with the same zoning and within the same parish); or which is a result of expropriation, zoning change or other governmental action restricting the development of all or part of the original site and is in the same service area."

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

RULE

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, hereby adopts the following rule pursuant to R.S. 40:33 and R.S. 40:49, 40:54, 40:55 and 40:56 and pertaining to preparation of birth certificates, death certificates, burial permits and marriage license/certificates.

The certificate forms referenced above and completion thereof delineated hereinbelow are formally adopted. Only those forms prescribed and printed by the State Registrar shall be used for reporting births, deaths, marriages and issuing burial transit permits. Forms shall be typewritten in black type or printed in permanent black ink. If errors are made in preparation, a new document shall be prepared; "white outs", erasures or other alterations shall not be permitted. Only those documents completed and executed properly shall be acceptable for registration and/or processing.

I. CERTIFICATE OF LIVE BIRTH PREPARATION

SECTION—This Child

Item 1A. Last Name

Enter the surname of the child as required by LSA - R.S. 40:34. Identifications, e.g., Jr. II, III, etc., shall appear immediately following and as a part of the surname.

Item 1B. First Name

Enter the first name of the child.

Item 1C. Second Name

Enter the second name of the child.

Item 2A. Date of Birth

Enter the month, day and year of birth utilizing the following monthly abbreviations: Jan., Feb., Mar., Apr., Aug., Sept., Oct., Nov., and Dec. Enter the complete spelling for the months of May, June and July.

A birth occurring on January 1, 1986, shall appear as Jan. 1, 1986.

Item 2B. Hour of Birth

Enter the hour of birth indicating A.M. or P.M. If the institution is on 24 hour or military time, the hour of birth may be so expressed.

Item 3. Sex

Enter male or female. In instances where sex is not readily determined, enter the sex of the child based upon the predominant indicator or hold the certificate until a determination is made.

Item 4. This Birth

Check the appropriate block.

Item 5. If Twin or Triplet, was Child Born

Check the appropriate block, if applicable. If not applicable, leave blank.

SECTION—Place of Birth

Item 6A. Place of Birth (City, Town or Location)

Enter the full name of the city, town or location where the birth occurred, regardless of size.

Item 6B. Parish of Birth

Enter the name of the parish in full.

Item 6C. Name of Hospital or Institution

If the birth occurred in a hospital or institution, enter the name of the facility.

If the birth did not occur in a hospital or institution, enter the street address or location where the birth occurred.

Item 6D. Is Place of Birth Inside City Limits?

Check the appropriate block.

SECTION—Usual Residence of Mother

Item 7A. Usual Residence of Mother (City, Town or Location)

Enter the city, town or location where the mother usually

resides. Include the zip code.

Item 7B. Parish

Enter the full name of the parish.

Item 7C. State

Enter the full name of the state.

Item 7D. Street Address

Enter the street address, rural route, location or other applicable designation.

Item 7E. Is Residence Inside City Limits?

Check the appropriate block.

SECTION—Father of Child

The name of the father shall refer to the husband of the mother only, if the mother is married or divorced or widowed less than 300 days at the birth of the child.

If the mother is unmarried, neither a father's name nor any other information pertaining to the father shall appear in this section.

Item 8A., 8B., 8C. Father's Name

Enter last, first and second name of the father of the child.

Item 8D. City and State of Birth

Enter city and state of birth of the father of the child. If the father was not born in the United States, enter country of birth.

Item 8E. Age

Enter age of father's last birthday.

SECTION—Mother of Child

Items 9A., 9B. and 9C. Mother's Name

Enter the mother's surname before marriage, if married, or birth surname, first name and second name.

Item 9D. City and State of Birth

Enter the city and state of birth of the mother of the child. If the mother was not born in the United States, enter the country of birth.

Item 9E. Age

Enter the age of the mother in years.

SECTION—Informant's Certification

Item 10. Signature of Parent or Other Informant

Enter the signature of the mother or father (if a father's name appears in Items 8A., 8B. and 8C.) and check "parent." A person, other than the mother or husband of the mother, whose signature appears in this area shall check "other." The informant shall limit his signature to the space provided.

Item 11. Date of Signature

Enter in numerals the month, day and year of the signature in Item 10.

Item 12A. Address of Parent or Other Informant

Enter the street address, rural route or otherwise indicate the residence of the person whose signature appears in Item 10.

Item 12B. Relation to child

Enter the relationship of the person whose signature appears in Item 10 to the person whose name appears in Item 1A., 1B. and 1C. If the person is not a relative, enter "none."

SECTION—Attendant's Certification

Item 13. Signature and Address of Attendant

Enter the signature of the person attending this birth in permanent black ink. Do not print or utilize a facsimile signature or stamp. The attendant shall limit his signature to the space provided.

For births occurring in institutions, the administrator of the institution or his designee may sign if the attendant is not available.

For births occurring outside institutions, the midwife or other person managing the birth shall complete this item.

Check the appropriate block to the right of signature and address.

Item 14. Date of Signature

Enter the date of the signature appearing in Item 13.

SECTION—Registrar's Certification

(To be completed only by the State Registrar or his designee.)

Item 15. Date Accepted by Local Registrar

Enter the date accepted by the Local Registrar expressing the month as set forth in Item 2A., example: Mar. 1, 1986.

Item 16. Signature of Local Registrar

Enter the signature of the local registrar. If another employee signs for the local registrar, that person shall write the Registrar's name per his/her initials.

Item 17. Date Filed by State Registrar

Enter the date filed in the Vital Records Registry expressing the date as set forth in Item 2A.

SECTION—Confidential Information for Medical and Health Use Only

Item 18A. Race of Mother

Enter race as provided by the informant, e.g., White, Black, American Indian (indicate tribe if known). For non-white groups other than Black or American Indian, enter the national origin, e.g., Chinese, Japanese, Puerto Rican, etc. Generic designations of Oriental, Polynesian, European, etc., are not acceptable.

Item 18B. Race of Father

If a father's name appears in Items 8A., 8B. and 8C., enter race as provided by the informant, e.g., White, Black, American Indian (indicate tribe if known). For non-white groups other than Black or American Indian, enter the national origin, e.g., Japanese, Puerto Rican, etc. Generic designations of Oriental, Polynesian, European, etc., are not acceptable.

Item 19. Birth Weight

Enter the birth weight in grams or pounds and ounces, specify.

Item 20. If Delivered at Home

Complete this item only if the birth occurred at home; specify whether the home delivery was intentional.

Item 21. Is Mother Married

Indicate the marital status of the mother at the time of the child's birth by entering "yes" or "no." If the mother had not been legally divorced or widowed at the time of this child's birth, enter "yes."

If divorced or widowed, enter "no" in this space and the date of the divorce or death of the spouse in the left hand margin.

Item 22A. Live Births (Now Living)

Excluding this child, enter the number of children born to this mother who are now living, or enter "none."

Item 22B. Live Births (Now Dead)

Excluding this child, enter the number or "none."

Item 22C. Date of Last Live Birth

Enter the date of the last live birth, if applicable.

Item 22D. Other Terminations (Before 20 Weeks)

If applicable, enter the number or check "none."

Item 22E. Other Terminations (After 20 Weeks)

If applicable, enter the number or check "none."

Item 22F. Date of Last Other Termination

Enter the date, if applicable, or enter "none."

Items 23. and 24. Education-Mother, -Father

Enter only one number for each item indicating the highest grade completed at elementary or college level. If a parent's education attainment exceeded 1 year of graduate work, enter "5+."

Item 25A. Date Normal Menses Began

Enter the month, day and year.

Item 25B. Month of Pregnancy Prenatal Care Began

Enter the month in full. If the patient did not receive prenatal care, enter "none."

Item 25C. Prenatal Visits

Enter the total number of prenatal visits if applicable, or enter "none."

Items 25D. and 25E. APGAR Score

If tests were conducted, enter the scores at one and five minutes or enter "none."

Items 26. through 29.

Under each of these items, provide a description or enter "none."

Item 30.

Complete this item only if labor was managed at more than one location.

II. CERTIFICATE OF DEATH PREPARATION

SECTION—Personal Data of Deceased

Item 1A. Last Name

Enter the surname of the deceased. Identifications, e.g., Jr. II, III, etc., shall appear immediately following and as a part of the surname. The surname of a married woman may be either her maiden name or that of her husband.

Item 1B. First Name

Enter the first name of the deceased.

Item 1C. Second Name

Enter the second name of the deceased. If the name is not known or cannot be determined, enter "unknown".

Item 2A. Date of Death

Enter the month, day and year using the following abbreviations: Jan., Feb., Mar., Apr., Aug., Sept., Oct., Nov., and Dec. Enter the complete spelling for the months of May, June and July.

Item 2B. Hour of Death

Enter the hour of death indicating A.M. or P.M. If the institution operates on 24 hour or military time, the hour of death may be so expressed.

Item 3. Sex

Enter male or female.

Item 4. Color or Race

Enter race as provided by informant, e.g., White, Black, American Indian (indicate tribe if known). For non-white groups other than black or American Indian, enter the national origin, e.g., Chinese, Japanese, Puerto Rican, etc. Generic designations of Oriental, Polynesian, European, etc., are not acceptable.

Item 5. Marital Status

Check the appropriate blank.

Item 6. Surviving Spouse

If the decedent was legally married at death, enter the name (maiden name in the case of a widow) of the survivor. If the deceased was single at death, enter "none."

Item 7. Date of Birth of Deceased

Enter the month, day and year per instructions for Item 2A. If the birthday is not known, enter "unknown" in full. If the birth date represents an approximation, enter birth date as "Approx." then date, example - "Approx. Mar. 12, 1935."

Item 8. Age of Deceased

Enter the age of the deceased in years, months and days. If the exact information is not known, enter an approximation of age. If the deceased was under 24 hours old, enter hours and minutes. Place dashes (-) in blocks that are not applicable.

Item 9A. Birthplace

Enter the city and state in full. If the deceased was born outside of the United States, enter the name of country in full.

Item 9B. Citizen of What Country

If the deceased was a citizen of the United States, enter "U.S.A." Enter the name of the country in full if deceased was not a citizen of the United States. If citizenship is not known, enter "unknown."

Item 10A. Usual Occupation

Notwithstanding the decedent's occupation at the time of death or that the deceased was retired, enter the type of occupation performed during the longest period of his/her working life. If

the deceased had never been employed, enter "never employed." Enter "unknown" if the information is not available.

If the deceased was under 14 years of age, a dash (-) should be entered.

Item 10B. Kind of Business or Industry

Enter as specifically as possible the kind of business or industry in which the deceased was employed. Do not enter the name of the company.

Avoid unclear designations, e.g., "factory" or "mill." Instead enter "paint factory" or "saw mill."

Item 10C. Ever in U.S. Armed Forces?

Check the appropriate block.

Item 11. Social Security Number

Enter the Social Security Number; if it is not known, enter "unknown."

SECTION—Place of Death

Item 12A. City, Town, or Location of Death

Enter the full name of city, town or location where death occurred, regardless of size.

Item 12B. Parish of Death

Enter the name of the parish in full.

Item 12C. Name of Hospital or Institution

If death occurred in a hospital or institution, enter the name of the facility. If death did not occur in a hospital or institution, enter the street address or otherwise enter location.

Item 12D. Death in Hospital

Complete this item only if death occurred in a hospital; check the appropriate block.

Item 12E. Is Place of Death Inside City Limits?

Check "yes" or "no" as appropriate.

SECTION—Usual Residence of Deceased

Item 13A. City, Town or Location

Enter the city, town or location of usual residence.

Item 13B. Parish

Enter the name of the parish of usual residence.

Item 13C. State

Enter the name of the state in full.

Item 13D. Street Address

Enter the street address of the urban community or location, if rural.

Item 13E. Is Residence Inside City Limits?

Check "yes" or "no" as appropriate.

SECTION—Parents

Item 14A. Father's Name

The name of the father shall refer to the husband of the mother of the deceased, unless the biological father had formally acknowledged or legitimated the deceased prior to his/her death. Enter the last, first and second name of the father; if not known, enter "unknown."

Item 14B. Father's Place of Birth

If the father was born in the United States, enter the city and state. If born outside the United States, enter the name of that country in full.

If the father's place of birth is not known, enter "unknown."

Item 15A. Mother's Maiden Name

Enter the last, first and second name of the mother. If the name is not known, enter "unknown."

Item 15B. Mother's Place of Birth

If the mother was born in the United States, enter the city and state. If born outside the United States, enter the name of that country in full.

SECTION—Informant's Certification

Item 16A. Signature and Address of Informant

The signature and address of the person providing information contained in Items 1A through 15B should appear in this

space. If the informant is unable to write, his "X" and two witnesses are required. The informant shall limit his signature to the space provided.

In the event information is taken from institutional records, the entry shall read "Hospital (or name of institution) Records" and be signed by the custodian of those records.

Another person may sign the informant's name with permission as follows: John Doe/initials of the third party.

Item 16B. Date of Signature

Enter the date of signature in Item 16A.

SECTION—Cause of Death

THIS SECTION IS TO BE COMPLETED ONLY BY THE ATTENDING PHYSICIAN OR CORONER CERTIFYING IN ITEM 21A.

Item 17 (Part I). Death Was Caused By:

(A) Immediate cause

Enter the disease or condition which caused death.

(B) and (C) Due to or as a consequence of:

Enter on these lines in appropriate sequence those causes, if any, in existence prior to death which may have given rise to the cause entered in (A).

If (B) and (C) do not apply, enter "none" or leave blank.

For each cause appearing on lines (A), (B) or (C) use as accurate terminology as is possible. Approximate intervals between onset of the cause and death.

Item 17 (Part II). Other Significant Conditions

Enter any other conditions unrelated to those appearing in Part I that contributed unfavorably to the fatal outcome.

Example: A complication of pregnancy might be reported in Part I. But, if pregnancy was without complication and within 3 months of the date of death, it should be reported in Part II.

Item 18A. Autopsy

Check "yes" or "no" as appropriate.

Item 18B. If yes -

Complete this item only if yes is checked in Item 18A.

SECTION—Death Due to External Violence

Item 19A.

Complete this section only for deaths due to other than natural causes.

Item 19B. Describe How Injury Occurred

Enter the nature and description of the injury if injury appears in Part I or II of Item 17.

Item 19C. Time of Injury

Enter the time and date of injury, if applicable.

Item 19D. Injury Occurred

If applicable, indicate whether the injury occurred on or off the job.

Item 19E. Place of Injury

Specify where the injury occurred, if applicable.

Item 19F.

If appropriate, enter the street address or location, city and state where the injury occurred.

SECTION—Physician's Certification

Item 20. Certification (Attendance)

Enter dates of medical attendance of the deceased.

Item 21A. Signature and Address of Physician

The person legally responsible, physician or coroner, shall personally sign in this space in permanent black ink indicating professional status, i.e., M.D. or Coroner. The physician or coroner shall limit his signature to the space provided. Enter the address of the signatory.

NOTE: This section shall only be completed by the attending physician or coroner (including assistants) certifying death. No one else may sign for him and facsimiles or stamps shall not be acceptable.

If accident, suicide or homicide is checked, the signature shall be that of the coroner or his assistant in the parish where death due to external violence occurred.

Item 21B. Date

Enter date Item 21A was completed.

SECTION—Funeral Director: Certification

Immediately below the word "CERTIFICATION" enter the funeral director's facility license number. This is in addition to the license number to appear in Item 23B. If a person other than a funeral director is managing the body of the deceased, enter "not applicable" in this space.

Item 22A.

Enter the manner of disposal and the date thereof.

Item 22B. Name and Location

Enter the official name and address or location, including city or location and state of the cemetery or crematory where final disposition is to be made.

Item 23A. Signature and Address of Funeral Director

The person authorized to act in the name of the funeral director, or other person managing the body shall sign in black, permanent ink and include the business address.

Item 23B. License Number

Enter the Embalmer's license number. If the body is not embalmed, enter "not applicable."

SECTION—Burial Transit Permit Number

Item 24. Burial Transit Permit Number

The number of the burial-transit permit issued is entered here by the person issuing the permit at the time of issuance.

Note that permits are to be issued *only* upon presentation of a properly completed death certificate. However, if a funeral director presents a death certificate completed to the limits of his ability and resources and for reasons beyond his control he is unable to present an entirely completed death certificate, a permit shall be issued. The permit is issued with the provision and understanding that the funeral director will present a completed document as soon as humanly possible. In the event that the funeral director abuses his privilege, the privilege is to be withdrawn.

Item 25. Parish of Issue

Enter the parish name in full where the permit was issued.

Item 26. Date of Issue

Enter the date the permit was issued.

Item 27. Signature of Local Registrar

Enter the name of the Local Registrar of the parish where the certificate is filed. The signature shall be in permanent black ink.

III. CERTIFICATE OF MARRIAGE PREPARATION

The marriage license/certificate shall be prepared in duplicate for those issued in Orleans Parish (PHS 5-A) and in triplicate for those issued in other parishes (PHS-5). At the point of license issue, the original and souvenir copy shall be provided to the bride and groom. Upon completion of the certificate, distribution instructions appearing on the lower right are to be followed.

At least one of the applicants shall be a resident of the parish in which the license is purchased.

Side I

SECTION—Groom

This section as well as all information pertaining to the bride and groom shall be prepared on the basis of the applicants' birth certificate and/or statements.

Item 1A. Last Name of Groom

Enter the last name of the groom.

Item 1B. First Name

Enter the first name of the groom.

Item 1C. Second Name

Enter the second name of the groom.

Item 2. Usual Residence

Enter the street address, rural route and city and state.

Item 3. Is Residence Inside City Limits?

Check the appropriate block.

Item 4. Parish

Enter the parish of residence.

Item 5. State

Enter the state of residence.

Item 6. Race or Color

Enter the race or color as it appears on the applicant's birth certificate. In cases wherein race does not appear on the birth certificate or a waiver was presented as permitted by R.S. 9:242, the statement of the applicant shall be accepted.

Item 7. Date of Birth

Enter the date of birth as it appears on the applicant's birth certificate or as it is provided by the applicant if a waiver pursuant to R.S. 9:242 is presented. Enter the applicant's age in years.

Item 8. State of Birth

Enter the information as shown on the birth certificate. If birth occurred outside the United States, enter the name of the country.

Item 9. Father-Name

The name of the father shall be the husband of the mother of the groom, otherwise, a father's name shall not be entered. If a father's name is to be entered, complete this item as it appears on the applicant's birth certificate or accept the statement of the applicant.

Item 10. State of Birth

If a father's name is entered in Item 9, enter the state of birth, or if outside the United States, the name of the country of birth.

Item 11. Mother-Maiden Name

Enter the maiden name of mother.

Item 12. State of Birth

Enter the state of birth, or if outside of the U.S.A., the name of the country of birth.

SECTION—Bride

This section shall be completed per instructions outlined in the previous section.

SECTION—Place of Issue of Certificate

Item 25. Parish

Enter the parish of issue.

Item 26. City or Town

Enter the city or town of issue.

Item 27. Date of Issue

Enter the month, day and year of issuance in numerals.

SECTION—Marriage Certification

Item 28 shall be completed by the officiant certifying that he/she officiated at the marriage ceremony of the bride and groom whose names appear on the license. The officiant shall ensure that all the essential signatures are affixed before the officiant signs in Item 34.

Item 29. Signature of Witness

The signature of one of the witnesses shall appear in this item.

Item 30. Signature of Groom

The signature of the groom shall appear in this item.

Item 31. Signature of Witness

The signature of one of the witnesses shall appear in this item.

Item 32. Signature of Bride

The signature of the bride shall appear in this item.

Item 33. Signature of Witness

This item shall be left blank; see Act 817, 1984 Regular Session.

Item 34. Signature and Title of Officiant

Enter the signature of the person completing the certification in Item 28 and indicate his/her title.

Item 35. Local Recording Officer's Signature

Enter the signature of the parish recording officer authorized to issue the license. Stamps or facsimilies are permissible.

Item 36. Title

Enter the title of the person whose signature appears in Item 35.

SECTION—Confidential Information Groom and Bride

Enter the following information on the groom and bride:

1. Number of this marriage
2. If previously married—If the applicant was previously married, the applicant shall provide a certified copy of a judgment of divorce or a certified copy of a death certificate, whichever is applicable.
3. Date—If the applicant was previously married, enter the date the marriage was dissolved.
4. Education—Circle the highest grade completed.
5. If the bride had been married before, enter the full name of the previous husband.

Side II

Applicant's Affidavit

This section shall be completed by the licensing official and signed by the applicant and the licensing official or his designee.

Officiant's Authorization

This section shall be completed and signed by the licensing official or his designee.

IV. BURIAL TRANSIT PERMIT PREPARATION

Burial transit permits shall be issued as required by LSA - R.S. 40:52, 40:53 and prepared as set forth in Chapter XXVI of the Sanitary Code, State of Louisiana.

The burial transit permit shall be issued only on forms provided by the State Registrar of Vital Records and shall consist of three sections: the first section shall be prepared by the State Registrar or his designee to whom the certificate of death is presented, and shall be prepared as follows.

Name of Deceased

Enter the name of the deceased as it appears on the certificate of death. In the event of a stillbirth (fetal death), enter "stillbirth of" and the mother's name.

Sex

Enter the sex of the deceased as it appears on the certificate of death.

Color

Enter the racial identity of the deceased as it appears on the certificate of death.

Age

Enter the age of the deceased as it appears on the certificate of death.

Place of Death

Enter the city, town or location of death as it appears on the certificate of death.

Parish

Enter the parish of death as it appears on the certificate of death.

Ward - Omit.

Date of Death

Enter the date of death as it appears on the certificate of death.

Issued To

Enter the name of the funeral director or person acting as such and the business address of that person.

Issued By

The signature of the local registrar, parish and date of issue are to be entered.

The second section of the permit shall be completed and signed by the funeral director or other person designated as custodian of the body, and shall contain a statement as to the method of embalming or preparation for final disposition and the date

thereof.

The third section shall be filled out and signed by the sexton or person in charge of burial or other disposition, and shall contain a statement as to the method of final disposal, date and name and location of the cemetery or crematory and the lot number if burial is in a cemetery.

The burial transit permit shall be prepared in duplicate with the carbon retained by the local registrar. The sexton or person in charge of the final disposal of the body or remains shall return the original burial transit permit to the parish of burial within 10 days. The burial transit permits shall be retained by the local registrar for a period of not less than three years at the end of which time they shall be shipped to the Vital Records Registry.

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

RULE

**Department of Health and Human Resources
Senior Citizens Trust Fund Board**

The Louisiana Senior Citizens Trust Fund Board has adopted the following rule to establish the bylaws under which the board will function:

**LOUISIANA SENIOR CITIZENS TRUST FUND BOARD
BYLAWS**

The Louisiana Senior Citizens Trust Fund Board is established in accordance with Act 847 of the 1984 Legislature.

The purpose of the Louisiana Senior Citizens Trust Fund Board is to determine the eligibility of programs to receive funding to be used solely for legal, medical and social programs designed to prevent the physical abuse and gross neglect of Louisiana residents who are 60 years of age and older. The fund consists of monies appropriated or otherwise made available by the legislature for that purpose, funds received from donations of income tax refunds pursuant to R.S. 47:120:42 and funds received from any other source.

POWERS AND DUTIES

The board, with review and approval of the Joint Legislative Health and Welfare Subcommittee on Oversight, shall:

- Establish rules and regulations for its own procedures.
- Promulgate guidelines and deadlines for the submission of grant applications.
- Appoint review panels for the purpose of evaluating grant applications and making recommendations to the Board specifying priorities for funding programs.
- Recommend to the Joint Legislative Committee on the Budget, for its review and approval, the programs which the board has determined to be eligible and appropriate to receive funding.

MEMBERSHIP

Section 1. The board shall be composed of nine members as follows:

- Three members who are 60 years of age or older representing the general public, appointed by the governor.
- One member appointed from a list of three persons, all of whom have experience in dealing with the problem of adult

abuse and neglect, nominated by the Louisiana Association of Councils on Aging, appointed by the Governor.

- One member appointed from a list of three persons, all of whom have experience in dealing with the problem of adult abuse and neglect, nominated by the Louisiana State Medical Society, appointed by the governor.

- One member who shall be a member of the House of Representatives, appointed by the Speaker of the House.

- One member who shall be a member of the Senate to be appointed by the Senate.

- The secretary of the Department of Health and Human Resources, or his or her designee, shall serve *ex-officio* as full voting member.

- The executive director of the Office of Elderly Affairs, or his or her designee, shall serve *ex-officio* as full voting member.

Each appointment by the governor shall be submitted to the Senate for confirmation beginning April, 1986 and again every two years after the initial confirmation.

Section 2. Members shall serve without compensation but shall be reimbursed for travel expenses incurred in attendance at meetings of the Board and other expenses incurred in the performance of their duties as members of the board. Expenses shall be reimbursed at rates established for state employees and defined in the travel regulations.

Section 3. A majority of the members shall constitute a quorum for the transaction of all business.

OFFICERS

The board shall elect from among its members a chairman, vice-chairman, and secretary/treasurer.

Section 1. Chairman's duties shall include:

- Preside at all regular and special meetings of the Board.
- Establish agenda for meetings.

Vice-Chairman's duties shall include:

- All duties of the chairman in the event of the absence or inability of the chairman to serve.
- Other duties as the chairman may assign them.

Secretary/Treasurer's duties shall include:

- Keep complete and accurate records of all meetings and actions taken by the board.
- Keep full and accurate financial records and make periodic reports to the board.
- Prepare required reports for the board to be submitted to the Joint Legislative Committee on the Budget.

Section 2. Membership on the board is the single qualification to hold office except that *ex-officio* members or their designees may not hold the office of chairman or vice-chairman.

Section 3. The tenure of all officers shall be two years with the provision that any officer may succeed himself in office.

Myrtle Pickering
Chairman

RULE

Department of Natural Resources Office of Conservation

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950, et. seq.) and R.S. 30:6(A), the Office of Conservation has adopted the rules and regulations set

forth below for procedures applicable to certain hearings, which rules are effective October 20, 1986.

Rules of Procedure for Conducting Hearings Before the Commissioner of Conservation of the State of Louisiana

* * *

Rule 2A-Applicability to Adjudicatory Hearings

Notwithstanding the provisions of Rule 2 to the contrary, Rules 3 through 18 of these rules of procedure shall not apply to adjudicatory hearings which are conducted pursuant to the rules of procedure for adjudicatory hearings held by the Louisiana Office of Conservation, effective October 20, 1986.

* * *

Rules of Procedure for Adjudicatory Hearings held by the Louisiana Office of Conservation

1. Purpose and Scope

(a) These Rules of Procedure for Adjudicatory Hearings held by the Louisiana Office of Conservation ("Rules") prescribe the procedures to be used in adjudicatory hearings held by the assistant secretary of the Office of Conservation, or his designee, under the Administrative Procedure Act, for the purpose of enforcing the provisions of R.S. 30:1 et seq. and the regulations adopted thereunder, or when the assistant secretary elects to hold an adjudicatory hearing upon any matter. These rules shall not apply to any hearings for the granting of licenses or permits, unless required by law, or for oil or gas production units (unitization hearings), or for the enforcement of R.S. 30:501, et seq., R.S. 33:4521, et seq. and R.S. 40:1892, et seq. and the regulations promulgated under those particular statutes.

(b) When used in these rules, the term "assistant secretary" shall mean the assistant secretary of the Office of Conservation or a designated hearing officer authorized by R.S. 30:6B, and the term "section" shall mean a section of these rules.

2. Service

(a) Except as herein provided, any order, notice, or other documents required to be served under these rules shall be served personally or by registered or certified mail. The assistant secretary may elect to make personal service pursuant to the provisions of R.S. 30:D(6).

(b) Service upon a person's duly authorized representative, officer or agent constitutes service upon that person.

(c) Service by registered or certified mail is complete upon mailing. An official U.S. Postal Service receipt from the registered or certified mailing constitutes prima facie evidence of service.

3. Subpoenas

(a) The assistant secretary may sign and issue subpoenas either on his own initiative or, upon request and adequate showing by any party requesting a subpoena that the information sought is relevant to some question lawfully before the assistant secretary.

(b) A subpoena may require the attendance of a witness for the purpose of giving testimony, or the production of documents or other tangible evidence in the possession or under the control of the person served, or both.

(c) Service of a subpoena upon the person named therein shall be made by delivering a copy of the subpoena to such person. Delivery of a copy of a subpoena may be made by handing it to the person, leaving them at his office with persons in charge thereof, leaving them at his dwelling place or usual place of abode with some person of suitable age and discretion then residing therein, or by any method whereby actual notice is given to him, or service made pursuant to Section 2.

(d) When the person to be served is not a natural person, delivery or a copy of the subpoena may be effected by handing

them to a designated agent or representative for service, or to any officer, director, or agent in charge of any office of the person.

(e) The provisions of R.S. 30:8 shall otherwise govern subpoenas, provided that nothing in these rules shall be construed to prevent the use of R.S. 30:8 for other than the enforcement hearings or investigations provided for herein.

4. Investigations

The assistant secretary may investigate any alleged past or future violations of the statutes or regulations which might necessitate the holding of an adjudicatory hearing under these rules. In addition to his other powers and remedies, the assistant secretary may conduct a fact-finding investigation of the matter and may issue subpoenas under these rules and R.S. 30:8 and require sworn testimony in response to his inquiries.

5. Hearings: Form, Commencement

Hearings held under these rules may be initiated by request, or order or by using one of the forms provided in Section 6. Hearings shall be preceded by notice, which shall be served upon the alleged violator or party (hereinafter "the respondent") at least 10 days prior to the commencement of the hearing and shall include the information specified in R.S. 49:955B.

6. Rule to Show Cause, Notice with Proposed Penalty

(a) Upon a determination that a violation of the statutes and regulations has likely occurred, the assistant secretary may institute enforcement proceedings by serving a rule to show cause upon the respondent. The rule to show cause shall set forth the violations reasonably believed to exist and shall advise the respondent that he must show cause for reasons why the enforcement remedies or sanctions specified in the rule to show cause should not be ordered. The enforcement remedies or sanctions may be set forth in general or specific terms.

(b) The assistant secretary may elect to propose an enforcement remedy or sanction in advance of a hearing, including a specific penalty, suspension or revocation or a permit, or other appropriate action. In this event he may issue a notice or order with a proposed penalty. In addition to the information required by R.S. 49:955B, the notice or order shall set forth the proposed enforcement remedy and/or penalties the assistant secretary intends to seek and, if the assistant secretary so elects, options for resolving the matter without the necessity of an adjudicatory hearing. Such options may include requirements for specific remedial actions, penalty payments, compliance schedules or orders, and waiver of the hearing.

7. Waiver of Hearing

The respondent may, at any time after receipt of notice of an adjudication or during the hearing, submit a written waiver of its right to a hearing and request that the matter be informally resolved by the assistant secretary.

8. Default

(a) The assistant secretary may declare any party in default who, without good cause shown:

(1) Fails to file briefs or memoranda or exchange information and evidence as may be required by the assistant secretary or these rules;

(2) Fails to appear at or participate in any prehearing conference;

(3) Fails to appear at or to participate in any adjudicatory hearing.

(b) If a party is found to be in default, the assistant secretary may limit the party's participation in the hearing or evidence sought to be introduced, dismiss the proceedings, continue the hearing at a later date, proceed with the hearing and render a decision, or order appropriate action based on the evidence submitted at the hearing.

9. Prehearing Conferences; Discovery; Orders

(a) Prior to an adjudication, the assistant secretary may order such prehearing conferences as he feels may be necessary to rule on motions or objections, to require the exchanging of evidence, or for any other purpose set forth in this section or deemed necessary to facilitate the hearing. All parties to the proceedings shall be given notice of any such prehearing conference. Any party who fails to attend or participate in such conference may be found to be in default under Section 8.

(b) At least three days prior to commencement of the adjudication, all parties shall mutually exchange and deliver copies of exhibits, documentary evidence and offerings, list of proposed witnesses together with a statement of the substance of facts and opinions to which each witness will testify, and educational and work experience resumé for any expert witness who will testify, and copies of any written report prepared by any witness for use at the hearing. The parties, by mutual agreement, or the assistant secretary, on a case by case basis, may waive compliance with all or any portion of this requirement.

(c) Further discovery will not be required except as authorized by R.S. 49:956(6) nor shall subpoenas be issued for public records within the Department or Office of Conservation which are available under the Public Records Law (La. R.S. 44:1, et seq.). The parties may agree upon, or the assistant secretary may order, site inspections, further exchanges of information, discovery, or simplification of issues, at any time prior to or during the hearing.

(d) In order to simplify the issues and expedite the hearing, the assistant secretary may determine, at a prehearing conference or otherwise, what material or relevant facts and issues exist without substantial controversy, and which should be deemed stipulated or proven, and what material facts and issues actually, and in good faith, are controverted. The assistant secretary may, prior to the hearing, issue an order which recites the action taken at any conference, and the agreements made by the parties as to any of the matters considered, and/or which limits the issues for hearings to those which actually, and in good faith, are controverted, and the manner in which they will be heard. Such order shall control the subsequent course of the proceedings, unless modified during the hearings, to prevent manifest injustice.

10. Evidence; Order of Hearing

(a) All evidence which is not timely and fully disclosed at any prehearing conference, or which is not mutually exchanged as required by Section 9(b) shall be excluded from consideration in the adjudication, unless compliance with Section 9(b) has been waived, or good cause is shown for failure to make timely and full disclosure. Good cause shall exist when the party seeking to introduce the evidence shows that it could not have reasonably made the information available within the time required, or that it could not have reasonably anticipated the relevance or materiality of the information sought to be introduced. The assistant secretary may allow additional time or a continuance for the parties to review new evidence for which the requisite good cause is shown, prior to its attempted introduction.

(b) Evidence that is material and relevant to an issue or inquiry is admissible, and should be admitted, unless objected to on grounds set forth herein. The introduction of evidence may be limited or barred upon objections of any party, or by the assistant secretary upon his own motion. Adjudications are not bound by the formal rules of evidence prescribed for civil actions, and in this connection the following rules apply:

(1) Hearsay evidence may be admitted if it corroborates competent evidence that has already been introduced. The assistant secretary will determine how much weight, if any, to give such evidence. Evidence concerning the reliability and probative value of any introduced hearsay evidence may also be intro-

duced.

(2) Unduly repetitious evidence, whether testimonial or documentary, shall be excluded when such exclusion will not materially prejudice the rights of a party.

(3) The rules of privilege recognized under state law or the constitution shall apply.

(4) The assistant secretary may allow oral testimony to be given on direct examination by narration rather than through question and answer. The assistant secretary may allow or require any oral testimony to be submitted in written form.

(5) The records of the Office of Conservation, which it desires to use at the hearing, may be introduced pursuant to R.S. 49:965(2).

(6) Evidentiary offers or proffers may be made of evidence which has been ruled inadmissible. The assistant secretary may require that any party seeking to make multiple proffers, or a lengthy proffer, do so at a convenient point in the hearing, and may recess the hearing for that purpose. Objections to questions or evidence may be stated on the record during any proffer, although not subject to ruling by the assistant secretary.

(7) Any witness shall be subject to cross examination by the assistant secretary or any member of his staff. Except for questions from the assistant secretary or inquiries into bias and prejudice, cross examination shall be limited to testimony and evidence regarding a witness which is in the record, or which the witness presented in his direct examination or testimony. Cross examination shall also be limited to such inquiries as may be required for a full and true disclosure of the facts. Re-direct examination shall be limited to matters brought out on cross examination.

(c) Any party may make an opening statement. The Office of Conservation shall present its case and evidence first, followed by that of the respondent. Witnesses shall testify, under oath, through direct examination, followed by cross examination, and then redirect examination. The order of examination may not be altered, nor any portion of the examination deferred, without the consent of the party who called the witness on direct, nor may any witness be called out of order, unless the rights of another party would be materially prejudiced. Upon completion of the respondent's case, the Office of Conservation may present rebuttal testimony and evidence concerning matters brought out by respondent in his case. The assistant secretary, with the consent of the parties and under conditions prescribed by him, may allow the receipt of sworn or unsworn public comments which are relevant to the issues of the hearing.

11. Hearing Conduct and Decorum

At any hearing or meeting the assistant secretary shall have the authority to regulate the course of the proceedings and the conduct of all persons present, including the right to have any person, for misconduct or refusing to obey orders, removed from the hearing, banned from further participation or introduction of evidence, or dismissed as a party or subjected to such other sanctions or restrictions he deems appropriate. The assistant secretary may, at any time, continue the meeting or hearing to another time and/or location and/or terminate the meeting or hearing to preserve order and decorum.

12. Continuances

The assistant secretary may, at any time during the proceedings, order one or more continuances for a period not to exceed 60 days. Continuances may be granted upon the initiative of the assistant secretary or upon the motion of any party, and no additional notice shall be required to reconvene the hearing at the expiration of any continuances.

13. Record; Transcripts

(a) The record in a hearing or prehearing conference shall consist of the information specified by R.S. 49:955E. The assist-

ant secretary may order the record to remain open for receipt of any evidence which was introduced, but not physically submitted into the record during the proceedings.

(b) The adjudicatory proceedings shall be recorded and a copy of the tape made available to the public. A verbatim transcript shall not be accomplished unless requested by the assistant secretary or a party, at its cost, or in the event of an appeal. Upon notice of appeal, the assistant secretary shall order the recording transcribed and the transcription shall be included in the record for appeal.

14. Ex Parte Communications

The prohibition against ex parte consultations and communications set forth in R.S. 49:960A, shall apply upon the giving of notice pursuant to Section 5. Written communications by a party shall be permitted, if, prior to mailing or delivery of the writing, a copy of the same is mailed or delivered to the opposing party or his counsel of record. Any party or its agent or representative who engages in prohibited ex parte communications shall be subject to the sanctions for misconduct set forth in Section 11, or such other sanctions or penalties as the assistant secretary deems proper.

Hebert W. Thompson
Assistant Secretary

RULE

Department of Revenue and Taxation Excise Taxes Section

Regulations for the administration and enforcement of the Special Fuels Taxes (Part V of Chapter 7 of Title 47 of the Louisiana Revised Statutes of 1950).

Article 47:801. Definitions

Retail Outlet - means and includes every person or dealer who sells special fuels at retail and delivers such fuel into the fuel supply tanks of motor vehicles or into a storage tank or drum with a capacity of less than 1000 gallons when such tank has been transported to the facility by the purchaser. Retail outlet shall also mean and include pumps which have a rate of flow of 40 gallons per minute or less, regardless of whether the pump is located on the property of a bulk plant, service station, or truck stop. For the purpose of administering this part, the terms service station, truck stop, garage, and retail dealer shall have the same meaning as retail outlet.

Wholesaler - means any person or supplier who sells or delivers special fuels to a retail dealer in this state for resale, or sales or deliveries to a user when the fuel is delivered by the supplier into bulk storage tanks located on the user's property or property leased by him. Sales made by a wholesaler or supplier from a pump which has a rate of flow of 40 gallons per minute or less shall be considered retail sales.

Article 47:803. Collection and payment of tax

The tax levied by R.S. 47:802(A) shall be collected and/or paid by suppliers or wholesalers on all special fuels sold or delivered by them when sold to a dealer, service station, garage, truck stop, or retail outlet. A supplier or wholesaler may be exempted from collecting and/or paying the tax on sales or deliveries to retail outlets that have tax-free storage used to fuel off-highway vehicles or drums; however, before such deliveries or sales can be made, the following conditions must be met:

(1) the retail outlet shall have a storage tank no larger than 3000 gallons;

(2) the tank must be separate from the tax-paid storage tank;

(3) all fuel pumped from the tax-free storage tank shall be metered and the meter shall have a totalizer;

(4) the pump shall have a rate of flow no faster than 15 gallons per minute;

(5) the pump shall be in a location separate and away from any tax-paid pumps; tax-paid and tax-free pumps shall not be located on the same service isle;

(6) the pump shall be marked "not for highway use" in letters of not less than two and one-half inches high; and

(7) all tax-free sales shall be recorded with the following information:

- a.) Name and address of purchaser
- b.) Number of gallons sold
- c.) Date of sale
- d.) How the fuel will be used
- e.) Total cost of fuel sold

If the wholesaler makes any tax free sales or deliveries to retail outlets not meeting the above requirements, then the wholesaler shall be held liable for all taxes, penalty, and interest that are due.

Article 47:806. Records required; invoices; false or inadequate records a violation

A. Every retail outlet shall be required to secure a license before commencing to sell tax-paid or tax-free special fuels. The retailer shall make a written request to the secretary of the Department of Revenue and Taxation for the license. Before the license can be approved, a representative of the Department of Revenue and Taxation shall determine, by physical inspection, that the applicant meets all requirements.

B. Special fuels sold and/or delivered into the fuel supply tank of a motor vehicle shall be from the tax-paid tank. When such deliveries are made, the required record shall be a serially numbered invoice issued in not less than duplicate counterparts on which shall be mechanically printed or stamped with a rubber stamp the name and address of the retail dealer making such delivery. The invoice shall provide space for the name and address of the purchaser, the date of delivery, the number of gallons, the kind of special fuels delivered, the state highway license number of the motor vehicle, and the total mileage of the motor vehicle into which delivered, such mileage to be evidenced by odometer or hub-meter reading, or in the case of interstate passenger buses registered with the Interstate Commerce Commission, by such documentation acceptable by the secretary. The invoice shall reflect that the tax has been paid or accounted for on each product delivered. One counterpart of the invoice shall be kept by the retail dealer making such delivery as a part of his record, for the period of time as provided for in Article VII, Part I, Section 16, of the Louisiana Constitution. Another counterpart shall be delivered to the operator of the motor vehicle and carried in the compartment of the motor vehicle for inspection by the secretary or his representatives until the fuel it covers has been consumed. Special fuels sold or delivered by a retail outlet for off-highway use may be from a tax-free tank. When such deliveries are made, the required record shall be a ledger showing the name and address of the purchaser, the date of delivery, number of gallons sold, total cost of fuel sold, and how or where the fuel will be used. This record shall be kept for the period of time as provided for in Article VII, Part I, Section 16, of the Louisiana Constitution and it shall be made available to the secretary or his representative upon request.

C. In addition to the required invoices and ledgers, all retail outlets licensed for special fuels shall be required to take an inventory of the tax-paid and tax-free special fuels on hand at the end of each month, along with a reading of each pump

totalizer. This shall be made part of the permanent records and shall be kept for the period of time as provided for in Article VII, Part I, Section 16, of the Louisiana Constitution, and it shall be made available to the secretary or his representative upon request.

D. Any violation of these record-keeping provisions shall be cause for revocation of the license issued hereunder. In addition, any retail outlet pumping tax-free fuel into the fuel supply tank of a motor vehicle, or not keeping the required records, shall pay the tax on all the fuel placed in his tax-free storage tank within that prescribed period.

Shirley McNamara
Secretary

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

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 revenues collections of the state or any local governmental units. These rules are the first comprehensive codification of existing departmental policies for administration of this tax.

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

Mark C. Drennen
Legislative Fiscal Officer

RULE

**Department of State
Office of the Secretary**

In accordance with the provisions of the Administrative Procedure Act and House Bill No. 1487 of 1986 amending R.S. 49:222, the Department of State has established the following schedule for fees to be charged for various filings and services by the Department of State:

ITEM	COST
Administrative Services:	
Xerox copies, per page	\$.15
Certificate of Service of Process	6.00
Agent for Service of Process, business opportunity	10.00
Microfilm Copies of Service of Process, per page	1.00
Municipal Bonds, Certificates Issued	5.00
Proces Verbaux, Certificates	7.00

ITEM	COST
Proces Verbaux, per page	5.00
Miscellaneous Certificates	5.00
Service of Process	20.00
Corporations, Trademarks, Partnerships:	
Certificates	10.00
Certified Copies, amended	20.00
Copies, amended	20.00
Powers of Attorney	20.00
Recordation of Trademarks	50.00
Name Reservations	15.00
Trade Name Reservations	15.00
Resignation of Agent	20.00
Annual Reports, Domestic and Foreign	25.00
Domestic Corporation, filing fees	60.00
Domestic Non-Profit, filing fees	60.00
Foreign Corporation, filing fees	100.00
Commissions:	
Notaries, new	25.00
Notary Bond renewals	10.00

James H. "Jim" Brown
Secretary of State

RULE

Department of Transportation and Development Marine Operations

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that, effective October 8, 1986, the Department of Transportation and Development/Marine Operations (DOTD/Marine Operations) intend to impose and adopt the following schedule of tolls for vehicles and pedestrians on the following ferry crossings on the indicated rivers that are owned, operated, and maintained by DOTD/Marine Operations:

White Castle/Carville	- Mississippi River
Edgard/Reserve	- Mississippi River
Plaquemine/Sunshine	- Mississippi River
New Roads/St. Francisville	- Mississippi River
Angola	- Mississippi River
Duty/Enterprise	- Ouachita River
Melville	- Atchafalaya River
Cameron/Ship Channel	- Calcasieu River and Inter-coastal
Cameron/Monkey Island	- Calcasieu River

Each vehicle, its owner or operator, and all occupants of such vehicle shall be jointly and solidarily liable for payment of the prescribed toll. Each ferry passenger not crossing in a vehicle shall be liable for payment of the prescribed toll.

The funds thus generated will be applied to the construction, improvements, repairs, maintenance, and operations of those ferry facilities and properties. All such toll schedules are imposed pursuant to R.S. 48:25.

FERRY TOLL CLASSIFICATION - RATE SCHEDULE

	Toll
A Per Crossing Per Pedestrian Each Way	\$ 0.25
B Per Crossing Per Axle for Every Vehicle Each Way	\$ 1.00

Robert G. Graves
Secretary

RULE

Department of Transportation and Development Office of Highways and The Mississippi River Bridge Authority Within the Department of Transportation and Development

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that The Mississippi River Bridge Authority Within the Department of Transportation and Development ("MRBA") and the Department of Transportation and Development ("DOTD") imposes and adopts the following schedule of tolls on the Greater New Orleans Bridge No. 1 ("GNO No. 1") and on the Greater New Orleans Bridge No. 2 ("GNO No. 2") and on the ferry crossings operated by MRBA in the Greater New Orleans area. Tolls will be effective October 8, 1986, and the funds generated will be applied to the constructions, improvements, repairs, maintenance, and operations of MRBA facilities and properties; and will be applied to the payment of the principal of and interest upon the bonds; and will be applied to financing obligations of MRBA, DOTD, and the state of Louisiana for the financing and construction of GNO No. 1 and GNO No. 2 across the Mississippi River; and will be applied to fulfill the terms and provisions of any agreements made with the purchasers and holders of any of those obligations or any contractual rights pursuant thereto.

All such toll schedules are imposed pursuant to R.S. 48:1093, especially Sections (7) and (15), and the Executive Reorganization Act, R.S. 36:1 et seq., and related laws and contractual agreements set forth as follows.

Legal Authority Requiring Secretary to Impose Tolls

Louisiana Acts 7 and 8 of 1952. Act 7 is carried forward by La. R.S. 1093 (15); Louisiana Constitution of 1921, Article 6, Section 22(g) carried forward by Act 14, Section 16 and/or Article 7, Section 14(D) of the Louisiana Constitution of 1974;

The Bond Indenture and Deed of Trust by and between MRBA and the National Bank of Commerce in New Orleans, Louisiana, dated as of November 1, 1954, with outstanding bonds totaling \$19,392,000; the Official Statement regarding \$65,000,000 Bridge Revenue Bonds (secured in part by funds from Louisiana State Highway Fund No. 2) dated October 5, 1954 and especially Appendix C thereof, being a contract of August 9, 1954 between MRBA and the Louisiana Highway Department pursuant to Act 8 of 1952;

United States Constitution Article 1, Section 10, Clause 1; R.S. 48:1 et seq., especially Section 1-55; La. R.S. 48:1091 et seq.;

The Executive Reorganization Act, R.S. 36:1 et seq. and especially Section 509, E, (2) thereof transferring MRBA to DOTD in accordance with Part III of Chapter 22, being Section 901 et seq., and Section 905 thereof imposing duties on the secretary of DOTD not to impair the contractual obligations of MRBA, which include the duty upon the secretary of DOTD to impose tolls upon GNO No. 1 under the above referred to laws, Bond Indenture, contractual agreements, and laws of Louisiana if there has not been provided to MRBA funds to meet its Bond Indenture requirements pursuant to the May 15, 1964 agreement by and between the Department of Highways and MRBA which inure to the bondholders of the Bond Indenture of November 1, 1954 providing for the suspension of the collection of tolls for usage of GNO No. 1 as long as funds were provided for Bond Indenture requirements and all contractual and legislative supplements thereto;

Act 402 of 1976, as amended, especially by Act 522 of 1984;

The Agreement for the new Mississippi River Bridge at New Orleans, Louisiana - GNO No. 2 - by and between MRBA-/LADOTD, DOTD, City of New Orleans, Parish of Jefferson, approved by Governor Edwin W. Edwards and dated 29 April 1978; and Act 17 of 1986.

Part 1 - Tolls on Bridges

Tolls will be collected in accordance with the following schedule from vehicular traffic crossing the bridge facility from the westbank of the Mississippi River (Algiers Side) to the eastbank of the Mississippi River (New Orleans Side) in that direction only. Tolls will not be collected from traffic crossing the bridge facility from the eastbank to the westbank of the river.

Tolls initially will, on October 8, 1986, be collected from eastbank bound traffic on GNO No. 1; when eastbank bound traffic is transferred to GNO No. 2 (now under construction), collections of tolls on GNO No. 1 will cease and collection of tolls on GNO No. 2 will begin.

The tolls are to be payable in cash or through the use of commutation or other tickets of privileges for service based upon frequency or volume, and shall be collectible at the toll collection facilities located on the westbank of the Mississippi River at the entranceway to the bridge structures. Each vehicle, its owner or operator, and all occupants of such vehicle shall be jointly and solidarily liable for the payment of the toll in order to cross the bridge(s).

The Mississippi River Bridge Authority
 Bridge Toll Classification - Rate Schedule
 Collectible at Toll Booths
 From Traffic Going from the Westbank Side
 to the Eastbank Side of the Mississippi River

Class Description of Vehicle	Axles	Toll
1 Auto-Taxi-Van-RV-MC-Pickup	2	\$ 1.00
2 Auto-Van-RV	3	1.50
2 Auto-Van-RV + 1 Extra Axle	4	2.00
2 Auto-Van-RV + 2 Extra Axle	5	2.50
3 Truck - Single Unit	2	1.00
4 Truck - Single Unit or Combination	3	1.50
5 Truck - Single Unit or Combination	4	2.00
6 Truck - Combination	4	2.50
6 Truck - Combination + 1 Extra Axle	6	3.00
6 Truck - Combination + 2 Extra Axles	7	3.50
6 Truck - Combination + 3 Extra Axles	8	4.00
6 Truck - Combination + 4 Extra Axles	9	4.50
6 Truck - Combination + 5 Extra Axles	10	5.00
6 Truck - Combination + 6 Extra Axles	11	5.50
6 Truck - Combination + 7 Extra Axles	12	6.00
7 Bus - Private and Commercial	2	1.00
7 Bus - Private and Commercial + 1 Extra Axle	3	1.50
8 Bus - Mass Transit	2	0.00
8 Bus - Mass Transit + 1 Extra Axle	3	0.00
8 Bus - Mass Transit + 2 Extra Axles	4	0.00
10 Commute Ticket - Class 1 Vehicle Only	2	0.70
11 Sale of Commute Book - 30 Tickets Per Book	-	21.00
*Public Vehicle	-	0.00

The commutation or other tickets of privileges for service based upon frequency of volume are applicable to Class I vehicles and will be obtainable in advance from MRBA at a cost of \$0.70 for each such ticket which shall be used as a credit for full payment of and instead of the \$1 cash toll for Class I vehicles.

Part 2 - Tolls on Ferries

Tolls will be collected on ferry vehicular and pedestrian traffic beginning October 8, 1986.

Each vehicle, its owner or operator, and all occupants of

such vehicle shall be jointly and solidarily liable for payment of the prescribed toll. Each ferry passenger not crossing in a vehicle shall be liable for payment of the prescribed toll.

Tolls will be collected in accordance with the following schedule from vehicles using the ferries owned, operated, and maintained by the MRBA to cross the Mississippi River from the westbank of the river to the eastbank of the river, as hereinafter set forth. Tolls will not be collected from vehicles crossing the Mississippi River from the eastbank to the westbank.

FERRY TOLL CLASSIFICATION - RATE SCHEDULE
 VEHICLES

Collectible at Toll Booths

Only From Traffic Going from the Westbank Side
 to the Eastbank Side of the Mississippi River

Class Description of Vehicle	Axles	Toll
1 Auto-Taxi-Van-RV-MC-Pickup	2	\$ 1.00
2 Auto-Van-RV	3	1.50
2 Auto-Van-RV + 1 Extra Axle	4	2.00
2 Auto-Van-RV + 2 Extra Axle	5	2.50
3 Truck - Single Unit	2	1.00
4 Truck - Single Unit or Combination	3	1.50
5 Truck - Single Unit or Combination	4	2.00
7 Bus - Private and Commercial	2	1.00
7 Bus - Private and Commercial + 1 Extra Axle	3	1.50
8 Bus - Mass Transit	2	0.00
10 Commute Ticket - Class 1 Vehicle Only	2	0.70
11 Sale of Commute Book - 30 Tickets Per Book	-	21.00
*Public Vehicle	-	0.00

Tolls will be collected in accordance with the following schedule from pedestrians using the ferries owned, operated, and maintained by the MRBA to cross the Mississippi River from the westbank of the river to the eastbank of the river, and from the eastbank of the river to the westbank of the river.

FERRY TOLL CLASSIFICATION - RATE SCHEDULE
 PEDESTRIANS

Charged Both Directions

Class	Description of Pedestrian	Toll
A	Per Crossing Per Pedestrian Each Way	\$0.25
B	Per Crossing Per Pedestrian - Elderly, Handicapped, and Persons Displaying a Medicare Card During Non-Peak Hours, Payable Only by Advance Purchase of Tokens From MRBA	\$0.10
C	Round Trip per Bicycle	\$0.50

*There is set forth in the above rate schedules the following category: "Public Vehicle \$0.00," that shall be further described hereinafter.

The Indenture and Deed of Trust of The Mississippi River Bridge Authority dated as of November 1, 1954, for which there are still outstanding approximately \$19 million, provides, in Section 4.17 thereof: "...that no free use of the Bridge or of any ferry will be permitted except to officials or employees of the Authority in the discharge of their official duties and except to public police, fire and ambulance vehicles."

That provision was the subject of the above contract with the bondholders and is therefore protected under the contract clause of the United States Constitution, Article I, Section 10.

In order to serve the public interest, to not unduly delay all public users of the bridge waiting to cross the bridge at peaks, and to carry out the above contractual covenant with the bondholders and do so in as harmonious a fashion with existing state laws of this subject as possible, the following definitions of those public vehicles which will be charged a zero toll are as follows:

(1) All emergency vehicles performing a public service that permits them, under existing laws and regulations, to display emergency vehicle lights in order to carry out police, fire and ambulance functions in accordance with the laws relative thereto, when such lights are in actual use. (This shall also apply to emergency vehicles privately owned but entitled to such public emergency usage.)

(2) All transit buses engaged in the mass transportation of the general public clearly identifiable and marked as mass transit buses. (MRBA receives UMTA funds for its operations and for parts of its transit lanes.) This item is limited to buses, not passenger vehicles.

(3) All easily identified and clearly marked school buses. (This shall include publicly-owned school buses, school buses carrying public students under contract, parochial school buses, and private school buses funded in a fashion that allows them to publicly display "school bus" thereon or identified in a like fashion.)

(4) In accordance with R.S. 29:27, persons of the organized militia of the state in uniform or on an order for duty engaged in or returning from any parade, drill, or meeting, or called to, engaging in, or returning from any active state duty ordered by the governor.

Records will be kept at the toll booths of the above. No one will be allowed passage in other public vehicles, except as stated in Section 4.17 of the Bond Indenture above quoted. (MRBA personnel must meet the toll unless they are in a publicly-marked vehicle identifying it to be one of the Authority in accordance with the terms of the Bond Indenture.) Those public police, fire and ambulance vehicles permitted to be used by members of the public police and fire departments, which are clearly marked, though the person is not on duty, do not meet the official duty requirement unless it is a part of the official duties of that person's employment that he is allowed to use such vehicle because of his being on call through radio or other communication devices for immediate duty. That will be considered "official duty" commensurate with the law and policies applicable to that public police, fire and/or ambulance entity.

Robert G. Graves
Secretary

RULE

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

In accordance with the notice of intent published in the July, 1986 *Louisiana Register*, the Board of Registration for Professional Engineers and Land Surveyors hereby adopts the following additions, deletions, and revisions to Louisiana Administrative Code 46:LXI (previously 19-3):

§ 1515. Re-Examination (previously 19-3:9.8).

A. A person who fails an examination for the first time is eligible to apply to retake the examination.

B. A person who has failed an examination on two occasions, regardless of the elapsed time between exams, will be eligible to apply to retake the examination six months after his last failure: Upon application he is expected to present evidence that he has made a serious effort to increase his knowledge of the subject matter covered by the examination.

C. A person who has failed an examination three times or more than three times will be eligible to apply to retake the examination 18 months after his last failure. Upon application he must present evidence that he has made a serious effort to increase his knowledge of the subject matter covered by the examination. Before the applicant is given approval to retake the examination he must appear before the board or a committee of the board for an interview and oral examination.

§ 1701. Seal Rules (previously 10.4.2)

D. . . .

1. . . .

2. [Adds the following sentence to end of paragraph to define the word "reports"]

Reports are defined as to include, but not limited to, geotechnical investigations, material testing and related reports.

By order of the Louisiana State Board of Registration for Professional Engineers and Land Surveyors.

Paul L. Landry, P. E.
Executive Secretary

RULE

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

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended its rules to require that all persons who elect to continue accident and health coverage with the State Employees Group Benefits Program pursuant to the provisions of Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), P.L. 99-272 be required to pay 102 percent of the applicable premium rate of the class of coverage sought to be continued as follows:

Class of Coverage	Employee Share	Total
Single Party-Employee Only		
Without Medicare	\$ 80.62	\$ 80.62
With Medicare	\$ 42.06	\$ 42.06
Two Party-Employee & One Dependent		
Without Medicare	\$139.86	\$139.86
One With Medicare	\$ 99.86	\$ 99.86
Two With Medicare	\$ 92.20	\$ 92.20
Family-Employee & Two or More Dependents		
Without Medicare	\$185.54	\$185.54
One With Medicare	\$139.68	\$139.68
Two With Medicare	\$129.28	\$129.28

Those persons continuing coverage pursuant to COBRA in an approved health maintenance organization (HMO) will also be required to pay 102% of that organization's current premium rates.

Dr. James D. McElveen
Executive Director

Notices of Intent

NOTICE OF INTENT

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

Pursuant to R.S. 49:950 et seq., R.S. 3:3651 et seq. and Section 1324 of the Food Security Act of 1985 (P.L. 99-198, as amended), the commissioner of Agriculture and Forestry is hereby giving notice of his intent to adopt rules and regulations, as authorized by R.S. 3:3654(B), for the establishment and operation of a central registry for security devices that encumber agriculture commodities and the filing of financial statements that deal with farm products. The proposed rules and regulations shall: (1) establish regulations concerning the administration of the program and a system for registering of buyers of farm products, commission merchants and selling agents; (2) establish fee schedules concerning filings, registrations and cancellations of documents filed with either central registry of financing statements; and (3) establish regulations concerning the distribution of information filed with the commissioner.

Any person desiring to make comments, file written statements or obtain written information concerning this notice of intent should contact Richard Allen, Assistant Commissioner, Office of Management and Finance, Department of Agriculture and Forestry, Box 44182, Capitol Station, Baton Rouge, LA 70804 or by calling (504) 292-3200. A public hearing will be held on October 30, 1986 at 9 am at the Department of Agriculture and Forestry, 12055 Airline Highway, Baton Rouge, LA. All interested persons will be afforded an opportunity to submit views at the public hearing or by writing to Richard Allen by October 30, 1986.

Bob Odom
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Central Registry

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is anticipated that the cost to the Department of Agriculture and Forestry for the implementation and operation of the central registry is \$150,000.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rules and regulations will establish fee schedules for filing, registration and cancellation of documents filed with either the central registry or financing statements. The anticipated revenues to be collected through this fee structure for the Department of Agriculture and Forestry is approximately \$150,000.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

- This program provides protection for purchasers of farm products. It permits a secured lender to enforce liens against a purchaser of farm products even if the purchaser does not know that the sale of the products violates the lender's security interest in the products, provides a method for discovering the existence of the security interest, and helps to ensure that the seller uses the sales proceeds to repay the lender.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rules and regulations will not have any effect on competition and employment.

Richard Allen
Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

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:III.2115 "Specific Duties and Responsibilities," Part G, relative to approval of stall applications and applicants:

Title 35

§ 2115. Specific Duties and Responsibilities

G. The stewards shall review and approve stall application forms. They shall also advise the association of undesirable persons, if any, among owners and trainers applying for stalls and provide the association with information pertaining to such undesirable persons.

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 or LINC 621-5870 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 Monday, October 6, 1986 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall
Chairman

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: LAC 35:III.2115 "Specific Duties and Responsibilities," Part G

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs to the Commission.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collected by the Commission.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This amendment will benefit horsemen/stall applicants by protecting them from improper provisions contained in the application forms.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no effects on competition or employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to repeal rule LAC 35:III.2903 "Use of Appliance to Start" relative to approval of use of appliances on horses by the stewards:

Title 35

§2903. Use of Appliance to Start

No appliance of any kind shall be used on a horse except at the written request of the owner or trainer, subject to approval of the stewards.

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 or LINC 621-5870 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 Monday, October 6, 1986 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 35:III.2903
"Use of Appliance to Start"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs to the Commission.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collected by the Commission.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This amendment will benefit horsemen by eliminating an unnecessary requirement of approval.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There are no effects on competition and employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Real Estate Commission**

Notice is hereby given that the Louisiana Real Estate Commission will consider amendments to the following rules and regulations of the commission: LAC 46:LXVII, 2711, 2769. Escrow Accounts to increase the amount of personal funds remaining in the escrow account from \$100 to \$500; LAC 46:LXVII, 2801. Disbursement of Escrow Deposits, to provide a means by which disputed escrow deposits may be disbursed by order of the commission; and LAC 46:LXVII, 6529, to provide reasons for disciplinary action against certified real estate instructors as a result of violation of the law and rules of the commission.

Copies of the proposed rules will be available for public inspection between the hours of 8 a.m. and 4:30 p.m. on any working day at the office of the Louisiana Real Estate Commission, 9071 Interline Avenue, Baton Rouge, LA. 70808, and may be obtained by writing Bert Coles Bernard, Public Information Rep., Louisiana Real Estate Commission, Box 14785, Baton Rouge, LA. 70808. Interested parties may direct inquiries and present their views in writing to the commission.

Anna Kathryn Williams
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Disbursement of Escrow Deposits**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no cost to the state agency in implementing the program. Staff investigators will process claims in accordance with established case handling procedures.
No savings to the state agency will result.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenues.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There will be no costs to any of the directly affected persons. The consumer parties to real estate transactions involving a disputed escrow deposit may derive economic benefit by not having to incur court costs or attorney fees to recover their deposit.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
None

Anna Kathryn Williams
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no impact on state or local revenues.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on collection of revenues for state or local government.

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

There is no additional cost to brokers by adoption of this rule. The benefit to the brokers is that they are given the option of increasing the amount of personal funds to cover expenses.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

None

Anna Kathryn Williams
Executive Director

Mark C. Drennan
Legislative Fiscal Officer

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

**Rule Title: Causes for suspension, revocation of
instructor certification**

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

There is no savings to the state or local government by passage of this rule.

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

There is no impact on state or local revenues from this rule.

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

There is no way to estimate costs. Individuals who would be found in violation of the rules could be subject to disciplinary action by the commission. Benefit would be to the public in passage of rules to ensure compliance with the law and rules on the part of the certified instructors.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no effect on competition and employment. All instructors being certified by the commission would be bound by law to comply with rules.

Anna Kathryn Williams
Executive Director

Mark C. Drennan
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Culture, Recreation and Tourism
Office of State Parks**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Office of State Parks intends to revise the following rules which were published in L. R. 12:2 (February 20, 1986). These rule changes will have no economic impact or benefit and will not affect revenues collected by this office.

Louisiana Administrative Code
Title 25
Cultural Resources
Part IV: Office of State Parks

Chapter 3. §307. J. (Amended)

Commercial boats (defined as any craft capable of carrying five or more persons for hire, any craft having a water displacement of five tons or more, whatever the length, or any craft

from which commercial activities are conducted involving shrimping, crabbing, fishing, etc.) are prohibited from using any state park facility without the written consent of the assistant secretary. Loading or unloading of materials, boarding of persons, operating power equipment and non-emergency repair work are prohibited.

§ 311. C. (Amended)

Overnight camping, except during the period November 1 through February 28, and group camp, lodge and cabin use are limited to a 14 day period within 30 days. No campsite may be vacated for longer than a 24-hour continuous period under any permit agreement.

§ 311. I. (Amended)

In no case may a campsite be reserved by payment or other means prior to actual physical occupancy by the permittee, except at those areas where campsite reservations are available.

§ 311. V. (Amended)

No one occupying an overnight facility, except camping during the period November 1 through February 28, will be allowed to re-register for the use of that facility for a period of more than 14 days within a 30-day period.

§ 331. F. (Amended)

Refunds of day use fees are not granted when a visitor, by his own choosing, leaves the park as a result of inclement weather.

Chapter 5.

§ 503. A. 3. (New)

During the winter season (October 1 through March 31) a self-service fee system may be used to collect user fees on areas normally served by an entrance control station. During these times all reservation guests or others requiring registration shall sign in at the office during the normal business hours or with a ranger placed in the entrance station at hours when the office is not operated.

§ 503. I. 1. (Amended)

Any meeting room or enclosed facility of a park used to accommodate meetings and functions of private groups, clubs and other organizations is available at a rate of \$10. per hour for day use during the period between 9:30 a.m. and 3:30 p.m. All use after 3:30 p.m. until normal closing hours of the park is charged at a rate of \$15. per hour. Kitchen facilities may be used if available.

§ 503. I. 2. (Amended)

All use after regular closing hours requires prior approval from the park manager and is available at a flat rate of \$50 plus \$25. per hour.

§ 503. J. 2. (Amended)

A special "Veteran Entrance Permit" allows any disabled U. S. veteran and any person(s) accompanying him in a single, private, non-commercial vehicle exemption from the entrance fees only at those sites which collect such fees through a vehicle permit. Where individual fees are charged only those properly recognized disabled U. S. veterans are exempt. Applications for a veteran permit may be made to the Louisiana Department of Veterans' Affairs Service Office serving the parish in which the applicant resides. After certification of eligibility has been established by the Department of Veterans' Affairs, the Assistant Secretary of the Office of State Parks will issue a permit directly to the applicant.

§ 505. A. 1. (part) (Amended)

Reservations for campsites are accepted only at Fontainebleau State Park and Lake Bistineau State Park. For further information regarding campsite reservation policies and procedures, contact the individual parks.

§ 505. A. 4. (New)

To stimulate visitor use during the off season the two-week restriction on stays at campsites is waived from November 1 through February 28. During this period overnight camping is allowed on consecutive days on an unlimited basis.

§ 505. G. 5. a. (Amended)

Overnight reservations may be made for cabins, lodges, group camps, rally campgrounds and camping (where available).

§ 505. G. 5. d. (Amended)

For cabins, lodges, group camps, rally campgrounds and camping (where available) the minimum reservation period for a weekend is from 4 p.m. Friday through 4 p.m. Sunday. Minimum camping reservations for a holiday weekend during the summer season must be made for a minimum three-day period.

§ 505. G. 5. f. (New)

Special Discount: Overnight facilities including cabins, lodges, group camps and rally campgrounds have reduced rates for the entire week during the period November 1 through February 28. The discount during this period is one night's free use of the facility for each overnight rate paid in full (two overnight uses for one overnight fee). The paid night(s) and free night(s) use of a facility must be taken consecutively.

§ 505. G. 6. d. (Amended)

An advance deposit equal to the appropriate day-use rate is required to reserve assembly rooms, group camps, group shelters or rally campgrounds. This deposit will be applied to the first day's use.

§ 701. A. (Amended)

Audubon State Commemorative Area (Box 546, St. Francisville, LA 70775, 504-635-3739) is located in West Feliciana Parish, near St. Francisville on LA 965. The 100 acre woodland setting is the site of Oakley Plantation House, built in 1799, where artist-naturalist John James Audubon created many of his famous bird paintings. Oakley has been restored as a museum containing Audubon memorabilia. Formal gardens accent the exterior of the house. The house is included on the National Register of Historic Places.

Chapter 9.

§ 901. H. (Amended)

Basis for Assistance. L&WCF assistance is provided on a 50/50 matching basis to individual projects which are submitted through the State Liaison Officer to the National Park Service for approval. Project costs shall be determined in accord with OMB Circular A-102 and A-87, the L&WCF Grants Manual and all claims shall be subject to verification by federal audit conducted in accordance with OMB Circular A-128.

§ 915. C. 1. (Amended)

Projects for the development of facilities on leased land are not eligible except for land leased from the federal government for 25 years or more and except as noted as follows. Leases from one public agency to another that include provisions which adequately safeguard the perpetual use requirement contained in the statute may be eligible for fund assistance. Such safeguards may include joint sponsorship of the proposed project or other agreement whereby the lessor would assume compliance responsibility for the fund-assisted area in the event of default by the lessee or expiration of the lease.

§ 915. C. 2. (Amended)

A copy of sponsor's deed to the land must accompany each project application where the sponsor already owns the land, along with a copy of title opinion, where available, and a letter of just compensation if purchased after January 2, 1972.

§ 915. D. (Amended)

Breakdown of estimated project costs. Note: (1) No contingency costs allowed. (2) Add \$200. for NPS permanent

plaque; another \$150. for temporary sign if project is over \$500,000. (3) Bottom line is 6.6 percent of total costs to cover state administrative charges. (4) At least 60 percent of the construction costs must be for construction of recreation elements, and no more than 40 percent may be expended on support facilities such as roads, parking, restrooms, to name a few.

§ 915. E. 6. (Amended)

Site or boundary map - for development projects must be dated and included in the application. It must clearly delineate that area to be included under the conversion provisions of Section 6(f) (3) of the Fund Act and Manual, part 685, by showing a starting point located at intersection of nearest identified roads, and including the dimensions of each side of the site boundary. If site is not located at street intersection, measure from nearest intersection to nearest corner of site for point of beginning. It must identify known outstanding rights and interests held by others which exist within the project area.

§ 919. C. 9. z. (Amended)

Office of Management and Finance and Budget Circulars A-102 and A-128. Provides uniform administrative requirements for grants-in-aid to state and local governments (see chapter 675).

Interested parties may submit written comments on the proposed rules through November 15, 1986, to Dr. Gerald Guidroz, Assistant Secretary, Office of State Parks, Drawer 1111, Baton Rouge, LA 70821.

Noelle LeBlanc
Secretary

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

Rule Title: General Rule Changes

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

There are no estimated implementation costs or savings to state or local governmental units because impact of these rules can be handled by existing staff.

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

There could be an effect on revenue collections of state governmental units by the Office of State Parks because of the following rule changes, namely the two week restriction on stays at campsites is waived from Nov. 1 - Feb. 28, a special discount for use of overnight facilities is established from Nov. 1 - Feb. 28, the deletion of the flat daily rate (and the retention of hourly rates) for assembly rooms, and the addition of the self-service fee system that may be used to collect user fees on areas normally served by an entrance control station. These procedural changes are proposed to stimulate more visitation and/or generate more overnight use. This could result in more revenues being collected by the state parks system; however, there are no statistics on which to base an evaluation and it is impossible to determine the fiscal impact of these rule changes.

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

The estimated costs and/or economic benefits that are anticipated by these proposed rules will be minimal, if any, because the rules primarily address the policies and procedures regarding the operation of state parks.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY-

MENT (Summary)

No effect on competition and employment is anticipated as a result of adopting these rules.

Noelle LeBlanc
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Culture, Recreation and Tourism
Office of State Parks**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Office of State Parks intends to revise the following rules and regulations which will have an economic impact or benefit. The revisions and changes herein refer to rules published in L.R. 12:2 (February 20, 1986).

Title 25

Cultural Resources

Part IV: Office of State Parks

Chapter 5. §503. H. 1. (Amended)

Group rental shelters are available at Chemin-A-Haut SP, Chicot SP, Cypremort Point SP, Fairview-Riverside SP, Fontainebleau SP and Lake Bistineau SP for a daily rental fee of \$30. Such shelters, when rented, are reserved exclusively for the use of the group or individual who is permitted for such use.

§503. K. 1. (Amended)

Annual Day-Use Permits allow a single, private non-commercial vehicle and its occupants entry to all state parks and are available at a cost of \$30 per year. The permit, to be permanently affixed to the vehicle, may be obtained by application and payment to the Office of State Parks, Drawer 1111, Baton Rouge, LA 70821. Permit applications are available at all state park areas. The permit is valid for a period of one year beginning January 1 and ending December 31.

§505. A. 1 (Part) (Amended)

Improved campsites rent for \$9 per night. Unimproved campsites rent for \$7 per night.

Interested parties may submit written comments on the proposed rules through November 15, 1986, to Dr. Gerald Guidroz, Assistant Secretary, Office of State Parks, Drawer 1111, Baton Rouge, LA 70821.

Noelle LeBlanc
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: State Parks Fee Changes**

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

There should be no additional implementation cost to the Office of State Parks to collect increased revenues as a result of these fee changes. Existing staff should be able to handle the associated workload. There will be no impact on local government units as a result of adopting these fee changes.

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

The Office of State Parks projects that because of the effective dates regarding the proposed fee changes, the revenue for fiscal year 1986-87 will increase by \$110,512. Thereafter, the annualized increase is estimated to be \$227,324. There will be no impact on local governmental units.

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

There is an overall additional cost to use the state parks' facilities, as per the itemized increases.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is anticipated.

Noelle LeBlanc
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Alternative Schools/Programs - Bulletin 741

In accordance with R.S. 49:950 et. seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the proposed revised standards for alternative schools/programs. (Complete text of revisions may be seen in the office of the State Board and Office of the *State Register*.)

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., December 8, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James Meza, Jr., Ed.D.
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Alternative Schools/Programs
Bulletin 741**

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. This is a revision of an existing policy and was rewritten to provide technical clarification.

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.

Joseph F. Kyle
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Bulletin 741
(Add New Standard)

In accordance with R.S. 49:950 et. seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following draft changes proposed by the State Department of Education to Bulletin 741 relative to a new standard to be inserted between 2.037.08 and 2.037.09 to read:

"Secondary teachers shall teach no more than two subjects during a class period."

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., December 8, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James Meza, Jr., Ed.D.
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Amend Bulletin 741**

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

There are no estimated implementation costs or savings to state governmental units. Monitoring 25 percent of LEAs in 1985-86 demonstrated that revised scheduling with no additional costs corrected those instances where more than two physical education classes were being taught at the same time.

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.

Joseph F. Kyle
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendments to Bulletin 741
Standards 2.087.02 and 2.087.03

In accordance with R.S. 49:950 et. seq., The Administrative Procedure Act, notice is hereby given that the board of Elementary and Secondary Education approved the following draft of changes proposed by the State Department of Education to Bulletin 741:

Standard 2.087.02 - reword to read:

"Each teacher of a state-required subject shall teach the skills and competencies found in each state curriculum guide."

Add a new standard between 2.087.02 and 2.087.03 to read:

"Planning by teachers shall reflect the use of the state curriculum guides."

Standard 2.087.03 - reword to read:

"Student performance standards established by the state shall be included in appropriate courses and levels."

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., December 8, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James Meza, Jr., Ed.D.
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Amend Bulletin 741**

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.

Joseph F. Kyle
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Office of the Governor Division of Administration Office of Risk Management

In accordance with R.S. 13:5114, notice is hereby given that the Division of Administration, Office of Risk Management, intends to propose the following changes in LAC 37:I. Chapter 3 relative to rules for the procurement of structured settlements:

Chapter 3. Structured Settlement Services

§301. Qualifying Criteria for Acceptable Structured Settlement Firms

- A...
- 1...
- 2...
- 3...
- 4...

5. It shall provide the following information:

- a. A copy of Louisiana agents/brokers license.
- b. Proof of coverage of \$1,000,000 for errors and omissions.

1. Name of carrier
2. Dates of coverage
c. A copy of the firm's audited financial statement. (If the firm is a division of a larger corporation, a copy of the corporate financial statement will satisfy this requirement).

Firms shall be responsible for the immediate notification to the Office of Risk Management if the license referred to in 5.a. expires or is terminated and if the policy referred to in 5.b. expires or is terminated. Additionally, the firm shall notify the Office of Risk Management within 30 days of change of carrier for the policy referred to in 5.b.

6. It shall be otherwise qualified to do business in the state of Louisiana generally and shall have promptly paid all taxes due to the state of Louisiana as provided by law.

§307. Selection of Structured Settlement firm for structured Settlement Services

A. Because the Code of Professional Responsibility for lawyers requires that they represent their respective clients with full competence and shall exercise their independent judgment in such representation and because structured settlement services are primarily in the nature of consulting negotiation services, the attorney actually representing a using agency in a particular legal action or claim shall request from the Office of Risk Management the designation of a firm from among those firms currently on the list of qualified structured settlement firms maintained by the Office of Risk Management, a structured settlement firm to render structured settlement services in such particular legal action and claim, when the circumstances indicate that a structured payment plan may be an appropriate way of resolving the particular legal action or claim and the services of a structured settlement firm are necessary or highly desirable from the attorney's point-of-view to assist in such resolution of the action or claim. Copies of any contracts or agreements with the structured settlement firm shall be maintained on file in the Office of Risk Management.

B...

§309. Qualifying Plan Offerors and Providers

A...

B. All annuities to be used in structured payment plans shall be purchased from plan offerors or providers which are insurance companies qualified to do business in Louisiana and which have, from the most recently issued best insurance reports, a rating of "A + " with a classification of "VI" or higher.

- C...
- D...
- E...
- F...

Interested persons may present their views on the proposed action, in writing until December 1, 1986, at the following address: Darrell Hunt, Executive Assistant Commissioner, Box 94095, Baton Rouge, LA 70804-9095. He is the person responsible for responding to inquiries about the proposed action.

Stephanie L. Alexander
Commissioner of Administration

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Structured Settlement Services

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

There will be no additional implementation costs as a result of adopting this policy.

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

To the extent that insurance companies with Best's Insurance Reports classifications between "VI" and "XII" will become eligible to provide structured settlements, and to the extent such structured settlements are provided to the State it seems reasonable that such agents/brokers and insurance companies will provide the settlement services at a profit.

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

There are no estimated costs and/or economic benefits to directly affect persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed changes will have no effect on employment. It is anticipated that an increased number of insurance companies qualifying to offer structured settlements will result in a more cost effective selection of structured settlement plans and options.

Allen Doescher
Assistant Commissioner

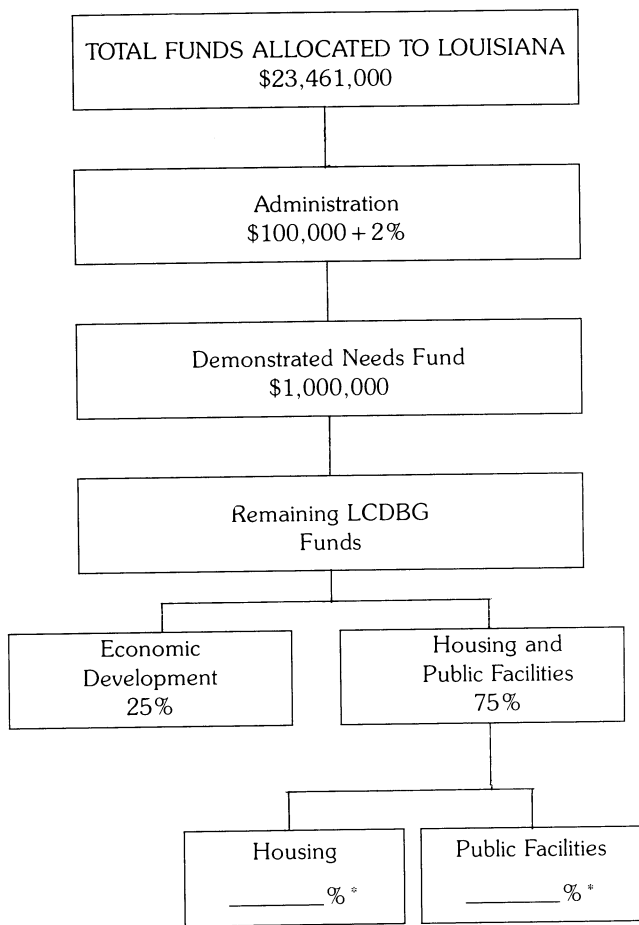
Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Division of Administration Office of State Planning

The Division of Administration will be amending the FY 1986 LCDBG Final Statement. The purpose of the amendment is to reflect an increase of \$4,000,000 in the FY 1986 LCDBG Program allocation from \$19,461,000 to \$23,461,000. The increase in federal funds is a result of enactment of the Urgent Supplemental Appropriations Act of 1986. Figure 1 of Section II. E. is revised as follows:

FIGURE I



*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.

Interested persons may comment on the proposed amendment in writing through December 1, 1986, at the following address: J. W. Vaughn, Assistant Commissioner, Division of Administration, Box 94095, Baton Rouge, Louisiana 70804.

Stephanie Alexander
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: FY 1986 LCDBG Final Statement**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Of the \$4,000,000, up to two percent (\$80,000) may be utilized by the state for administrative costs. This will require a state match of \$80,000 which will be allocated in the Division's budget.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

- There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

These funds will be awarded in accordance with the selection criteria established in the FY 1986 LCDBG Final Statement. The program is designed to serve low to moderate income persons in local communities; the proposed rule will have no impact on those persons.

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

The proposed rule will not create any changed effect on competition and employment.

Sally Clausen
Deputy Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Division of Administration
State Purchasing**

In accordance with the provisions of R.S. 39:1561 and Administrative Procedure Act, R.S. 49:950, the Division of Administration, State Purchasing is hereby giving notice of its intention to adopt the following Vendor Subscription Fees.

An annual subscription of \$50/\$25 (\$25 for certified minority vendors) will be charged vendors to become eligible to bid to the state of Louisiana. The fee covers the fiscal year period July through June and will not be prorated. Any fee paid where there is less than three months prior to the expiration of current fiscal year will be carried over and given full year credit.

This fee entitles the vendor to be on the Bid List for one fiscal year, automatically receive all State Purchasing bid solicitations in selected commodity categories, receive a "How to do Business with the State of Louisiana" book and includes registration fees for vendor seminars.

Comments on the proposed rule should be forwarded in writing to Hugh M. Carleton, C.P.P.O., C.P.M. Director of State Purchasing, Box 94095, Baton Rouge, LA. 70804-9095. Comments will be accepted until the close of business at 5 p.m. on November 1, 1986.

Stephanie Alexander
Commissioner

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation costs to any state or local governments. Existing staff will assume additional workload.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed vendor subscription fee will generate an estimated \$305,250 annually. The funds will be used to furnish vendors a "How to do Business with the State Of Loui-

siana" guide, fund vendor seminar registration and defray partial cost of the purchasing functions.

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

Currently there are 11,000 vendors on the bid list with State Purchasing. Projecting that 51 percent of the vendors are paying \$50 and 9 percent paying \$25 vendor subscription fee and remain bidders to the state, funds will be generated in the amount of \$305,250 annually. Should the percentage decrease or increase, the annual total will be adjusted accordingly.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

None.

Hugh M. Carleton
Director

Mark C. Drennen
Legislative Fiscal Officer

D. In all cases, the state agency or education institution actually making the award, either under open competitive bidding or under the set-aside provisions of this Title, may reject all bids if it is determined based upon reasons provided in writing that such action is in the best interest of the state. One reason, but not the only reason, for rejection of all bids when the contract has been set-aside under the set-aside provisions of this Title, shall be if prices obtained exceeded more than 15 percent of what could have been obtained via open-market competition.

Affidavit of Minority Status

STATE OF LOUISIANA:

PARISH OF _____:

BEFORE ME, the undersigned authority, personally came and appeared _____, who stated, under oath, that s/he is a citizen or lawful permanent resident of the United States and is of minority heritage as defined at La. R.S. 39:1952(12).

AFFIANT

SWORN TO AND SUBSCRIBED before me this ____ day of ____, 19__, at _____, Louisiana.

NOTARY

Affidavit of Recertification

STATE OF LOUISIANA:

PARISH OF _____:

BEFORE ME, the undersigned authority, personally came and appeared _____, who stated, under oath, that s/he is owner of a certified minority-owned business as provided at Chapter 19 of Subtitle III, of Title 39 of the Louisiana Revised Statutes as of the ____ day of _____, 19__, and that s/he appears herein for the purposes of attesting to the fact that all information contained in the original certification is still true and correct and that s/he remains the owner of the minority-owned business _____,

Name of Business

as appears in the files of the Office for Minority Business Enterprise.

AFFIANT

SWORN TO AND SUBSCRIBED before me this ____ day of ____, 19__, at _____, Louisiana.

NOTARY

NOTICE OF INTENT

Office of the Governor
Governor's Office for Minority Business Enterprise

Effective December 20, 1986, in accordance with the provisions of the Administrative Procedure Act, R. S. 49:950 et seq., the Office of the Governor, Office of Minority Business Enterprise proposes to amend LAC 19:111.1517 and LAC 19:111.1701 and the forms for use in the certification of minority status and recertification of minority-owned businesses.

Add Subsection D to §1517 as follows:

Chapter 15. Designation and Setting Aside of Procurement Activities for Minority-Owned Business Participation

§ 1517. Designation of a Minority Set-Aside Bid

D. In the event there are not three or more certified minority vendors in a specific category, but the Office of Minority Business Enterprise certifies that there are not three such minority-owned businesses in Louisiana that are certified, nor are there three such minority-owned businesses which could be certified in the state of Louisiana, then the bid may be designated as a set-aside for the exclusive participation of certified minority-owned business as long as one certified minority vendor exists in the category being bid. The bid(s) received must conform with §1701. D. relative to not exceeding 15 percent of what could have been obtained via open-market competition.

Amend § 1701 A. and D. as follows:

Chapter 17. Criteria for Procurement of Goods and Services

§ 1701. Criteria for Procurement of Goods and Services.

A. Bid Specifications for Chapter 17 goods and services: When the award of the contract for the purchase of goods and/or services has been set aside for minority-owned business participation, and at the time Invitations to Bid are released there are not at least three certified minority-owned businesses available to bid on the contract or class of contracts or class of contracts involved, or the contract has not been set-aside in accordance with §1517 D of these rules and regulations, the award shall be made on the basis of open competitive bidding under the Louisiana Procurement Code.

Interested persons may submit written comments on the proposed amendments to Clovier Torry, Governor's Office for Minority Business Enterprise, Box 94095, Baton Rouge, LA 70804-9095.

Maxine Cormier
Director

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Changes consist of new forms for certification and recertification (form #'s) and therefore have no fiscal impact. Any fiscal impact due to designation of set-asides for minority-owned businesses is not possible to compute due to the relativity of circumstances.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections due to these rule changes.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The proposed changes serve to detail and clarify procedures within an existing framework of authority; therefore, there would be no costs to directly affect persons or non-governmental groups. Benefits due to eligibility for set-aside contracts are not possible to compute at the present time.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed changes would increase the opportunity of minority vendors to participate in the bidding process.

Maxine Cormier
Director

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Office of the Governor
Governor's Special Commission
on Education Services
Education Majors Program**

In accordance with Act 583 of the Regular Session of 1986, the Governor's Special Commission on Education Services is proposing the following rules for adoption for the Education Majors Program. The program provides scholarships to eligible applicants who desire to obtain teaching degrees from Louisiana colleges and agree to teach in Louisiana schools upon graduation. These guidelines include procedures for eligibility and application (including a \$2.50 fee) and a promissory agreement specifying the recipient's obligation for repayment of the scholarship in the event he/she defaults on its conditions.

**GOVERNOR'S SPECIAL COMMISSION
ON EDUCATION SERVICES
EDUCATION MAJORS PROGRAM**

PROMISSORY NOTE

I, _____, hereinafter called the maker, promise to pay the Governor's Special Commission on Education Services, herein after referred to as GSCES, the sum of such amounts as may from time to time be advanced to me and endorsed in the schedule of advances below, together with all attorney's fees, other costs and charges necessary for the collection of any amount not paid when due.

SCHEDULE OF ADVANCES

	AMOUNT	DATE	SIGNATURE OF MAKER
1.	\$		
2.	\$		
3.	\$		
4.	\$		
5.	\$		
6.	\$		
7.	\$		
8.	\$		

The Maker further understands and agrees, and it is understood between the parties that:

I. Repayment of principal and interest thereon, shall be made over a period commencing six (6) months after the maker ceases to attend an institution of higher education, or a comparable institution outside the United States approved for this purpose, without first obtaining a Bachelor of Education degree and ending within the amount of time the maker has received monies under this program. Interest of fourteen (14) per centum per annum shall accrue from the beginning of such repayment period. Prepayment of principal together with interest thereon, shall be made in equal, quarterly, bi-monthly or monthly installments, as determined by GSCES.

II. The note is subject to the following conditions:

- (1). CANCELLATION
The obligation to repay this funds, evidence by this note shall be cancelled:
 - a). Upon submissions to GSCES of documentation of makers death.
 - b). Upon the acceptance by GSCES of the statement of a physician verifying the total and permanent disability of the maker.
 - c). If the maker undertakes service as a full time teacher in a public or other non-profit institution of learning approved by GSCES for this purpose, for each complete year of such service, the amount of this note shall be reduced at the rate of twenty (20) per centum of the total principal amount of the loan plus interest thereon. Once there has been a default on this note, the maker is not entitled to have this loan cancelled under this subsection unless authorized by GSCES..

(2). DEFERMENT

GSCES may defer makers duty to repay principal under the terms of this note if proof acceptable to GSCES is submitted by maker to evidence either of the conditions set forth below. Interest will continue to accrue during the deferment period.

- a). Inability on part of the maker to find full-time employment in the United States despite conscientious efforts to seek such employment. In no event shall a deferment under this section exceed one (1) year.
- b). Temporary total disability of maker as established by a sworn statement of a qualified physician, or temporary total disability of makers spouse, if so established, that maker is unable to secure employment because of the need to care for his/her spouse. In no event shall a deferment under this section exceed three (3) years.

(3). PREPAYMENT

The maker at his option and without penalty may prepay all or any part of the principal, plus the accrued interest thereon, at any time.

(4). ACCELERATION

In the event of a failure to meet a scheduled repayment of any of the installments due on this note, the entire indebtedness, including interest due and accrued thereon shall, at the option of GSCES, become immediately due and payable.

(5). LATE CHARGES

In the event the maker is delinquent in making a scheduled payment when due, a late charge of Five (\$5.00) Dollars or five (5) percent of the payment, (whichever is less) will be charged to the makers account. A payment is considered late when it is not received ten (10) days after its due date.

(6). VENUE

This contract is made in Baton Rouge, Louisiana and in the event legal proceedings are necessary to collect on this note, suit may be filed in East Baton Rouge Parish.

(7). MISCELLANEOUS

- a). The terms of this note shall be interpreted in accordance with the laws of the State of Louisiana.
- b). Maker agrees to advise GSCES promptly in writing of any change in name, address, or deferment status.

Signature _____ Date _____, 19 ____

Permanent Address _____

Co-Maker _____ Date _____, 19 ____

Permanent Address _____

CAVEAT: GSCES may require a co-maker on this promissory note. If a co-maker is required by GSCES, the obligation to pay the note shall be a primary obligation of the co-maker.

STATE OF LOUISIANA
GOVERNOR'S SPECIAL COMMISSION
ON EDUCATION SERVICES
SCHOLARSHIP/GRANT DIVISION
POST OFFICE BOX 44127
BATON ROUGE, LOUISIANA 70804
TELEPHONE 504-342-9435

**APPLICATION PROCEDURE
FOR EDUCATION MAJORS PROGRAM**

EACH RECIPIENT MUST FILE FOR FUNDS WITH THE DIRECTOR, SCHOLARSHIP/GRANT DIVISION, GOVERNOR'S SPECIAL COMMISSION ON EDUCATION SERVICES. APPLICATION MUST BE COMPLETE AND ON FILE IN THE SCHOLARSHIP DIVISION OFFICE BY DECEMBER 31, 1986. PLEASE READ THE GUIDELINES GOVERNING THE PAYMENT OF FUNDS PERTAINING TO RETAINING THE SCHOLARSHIP. SHOULD YOUR STATUS AS A RECIPIENT BE IN DOUBT, YOU SHOULD CONTACT THE DIRECTOR, SCHOLARSHIP/GRANT DIVISION, GOVERNOR'S SPECIAL COMMISSION ON EDUCATION SERVICES, IMMEDIATELY.

1. Complete application form.
2. Return the application to the Scholarship/Grant Division at the above address along with a copy of a seven-semester high school transcript, a college transcript when appropriate, a copy of ACT and/or SAT scores, an application processing fee of \$2.50 (please send a check or money order), and a statement of extra-curricular activities (number of years as a member of each and number of years as an officer of each) with signature of principal indicating all information is correct.
3. The Scholarship/Grant Division will review the application and scholastic records.
4. The Commission will determine the recipients, who will be notified by letter. Recipients for fall semester/quarter should receive notice before registration.
5. Deadline for applying for spring semester/quarter scholarships is December 31.
6. Fall funds are sent to the university for registration in the amount of \$1,000, spring funds are sent to the university in the amount of \$1,000 on receipt of Grade Reports and after Grade Reports from the previous semester/quarter have been processed.
7. The university will disburse the funds to the recipient.
8. Deadline for claiming spring funds is March 1. Any funds not claimed by these dates will be returned to the Scholarship/Grant Division.

YOU ARE ADVISED TO READ CAREFULLY AND RETAIN
THIS COPY FOR FUTURE REFERENCE.
EDUCATION MAJORS PROGRAM

The following requirements must be met:

1. Resident status - Applicant must be a resident of Louisiana for one year and a graduate of a Louisiana public or an approved private high school.
2. University selection - Must be a public or independent college or university in the State of Louisiana with a college of education.
3. Personal Qualifications - Applicant must demonstrate the ability to read and understand this information; desires to become a teacher, and has been accepted to enroll in a public or independent college or university in Louisiana.
4. Scholastic requirements - Must have minimum ACT score of 22 or minimum ACT score of 20 and minimum grade point average of 3.0 on a 4.0 scale or a minimum college grade point average of 3.0 on a 4.0 scale.

94 - 100 = A
87 - 93 = B
80 - 86 = C
70 - 79 = D

To retain the scholarship, a recipient must earn a 3.0 or better cumulative grade point average in a college of education curriculum. The recipient must be enrolled as a full-time student carrying AND EARNING 12 or more hours at a semester university or eight or more hours at a quarter university. PASS/FAIL, CLEP, and REMEDIAL courses do not meet this requirement and will be considered.

5. Intent to enroll at a university other than that stated on the application must be stated in writing to the Scholarship/Grant Division by the appropriate deadline. Failure to do so will result in permanent cancellation of the scholarship.
6. Only through approval by the Commission may a recipient fail to enroll for or drop from a regular school session (excluding summer sessions) and maintain the scholarship. The Commission must ascertain that there is justifiable reason or hardship before granting this approval.
7. The recipient may receive other financial aid provided by state funds.
8. Scholarship funds will be disbursed to a recipient over a period of time not to exceed four years unless approved by the Commission.
9. In the event state-appropriated funds are insufficient for full funding of this program, the Commission will determine distribution of available funds.

Interested persons may comment on the proposed rules to Mona H. Durham, Scholarship/Grant Division, Governor's Special Commission on Education Services, Box 44127, Baton Rouge, LA 70804, telephone (504) 342-9435.

Mona H. Durham
Director

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

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

Act 17 of 1986 appropriated \$540,000 for this program in 1986-87. Approximately one-half of that amount (\$270,000) would be expended during the remainder of 1986-87. Assuming full implementation, as planned, expenditures for fiscal year 1987-88 would be \$802,818 and for 1988-89, \$1,327,851.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Self-generated funds of \$25,000 per year will accrue to the Commission from the \$2.50 application fee. One-half of that amount (\$12,500) would be collected during the remainder of the 1986-87 fiscal year.

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

Applicants for the scholarship will each bear the cost of the \$2.50 application fee. Co-makers on each recipient's promissory note may bear the burden of repayment if the recipient defaults on the conditions of the scholarship. Recipients will receive scholarships of \$2,000 per year with a maximum of \$8,000 per recipient.

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

The purpose of the program is to encourage the graduation and employment of a greater number of teachers within Louisiana.

Mona H. Durham
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Office of the Governor
Governor's Special Commission on Education Services**

Rockefeller Scholarship Program

In accordance with R.S. 49:950 et seq., the Governor's Special Commission on Education Services proposes the following rules regarding aid in financing administrative costs associated with its scholarship program through self-generated revenues. In addition, the promissory note will more clearly specify the obligations of the recipient as to repayment in the event he/she defaults on the conditions of the scholarship. The requirement of a co-maker on the note will make repayment of defaulted scholarships more likely.

**GOVERNOR'S SPECIAL COMMISSION
ON EDUCATION SERVICES
ROCKEFELLER SCHOLARSHIP PROGRAM**

PROMISSORY NOTE

I, _____, hereinafter called the maker, promise to pay the Governor's Special Commission on Education Services, herein after referred to as GSCES, the sum of such amounts as may from time to time be advanced to me and endorsed in the schedule of advances below, together with all attorney's fees, other costs and charges necessary for the collection of any amount not paid when due.

SCHEDULE OF ADVANCES

	AMOUNT	DATE	SIGNATURE OF MAKER
1	\$		
2	\$		
3	\$		
4	\$		
5	\$		
6	\$		
7	\$		
8	\$		

The Maker further understands and agrees, and it is understood between the parties that:

I. Repayment of principal and interest thereon, shall be made over a period commencing six (6) months after the maker ceases to attend an institution of higher education, or a comparable institution outside the United States approved for this purpose, without first obtaining a degree in Wildlife, Forestry, Fisheries, or Marine Science, and ending within the amount of time the maker has received monies under this program. Interest of fourteen (14) per centum per annum shall accrue from the beginning of such repayment period. Prepayment of principal together with interest thereon,

shall be made in equal (or, if the maker so requests, in graduated installments determined in accordance with such schedule which may be approved by GSCES), quarterly, bi-monthly or monthly installments, as determined by GSCES.

II. The note is subject to the following conditions:

(1). CANCELLATION

The obligation to repay this funds, evidence by this note shall be cancelled:

- a). Upon submissions to GSCES of documentation of makers death.
- b). Upon the acceptance by GSCES of the statement of a physician verifying the total and permanent disability of the maker.
- c). Upon obtaining a degree at an approved institution of higher education in the field of Wildlife, Forestry, Fisheries, or Marine Science.

(2). DEFERMENT

GSCES may defer makers duty to repay principal under the terms of this note if proof exceptable to GSCES is submitted by maker to evidence either of the conditions set forth below. Interest will continue to accrue during the deferment period.

- a). Inability on part of the maker to find full-time employment in the United States despite conscientious efforts to seek such employment. In no event shall a deferment under this section exceed one (1) year.
- b). Temporary total disability of maker as established by a sworn statement of a qualified physician, or temporary total disability of makers spouse, if so established, that maker is unable to secure employment because of the need to care for his/her spouse. In no event shall a deferment under this section exceed three (3) years.

(3). PREPAYMENT

The maker at his option and without penalty may prepay all or any part of the principal, plus the accrued interest thereon, at any time.

(4). ACCELERATION

In the event of a failure to meet a scheduled repayment of any of the installments due on this note, the entire indebtedness, including interest due and accrued thereon shall, at the option of GSCES, become immediately due and payable.

(5). LATE CHARGES

In the event the maker is delinquent in making a scheduled payment when due, a late charge of Five (\$5.00) Dollars or five (5) percent of the payment, (whichever is less) will be charged to the makers account. A payment is considered late when it is not received ten (10) days after its due date.

(6). VENUE

This contract is made in Baton Rouge, Louisiana and in the event legal proceedings are necessary to collect on this note, suit may be filed in East Baton Rouge Parish.

(7). MISCELLANEOUS

- a). The terms of this note shall be interpreted in accordance with the laws of the State of Louisiana.
- b). Maker agrees to advise GSCES promptly in writing of any change in name, address, or deferment status.

SIGNATURE _____ DATE _____, 19__

PERMANENT ADDRESS _____

CO-MAKER _____ DATE _____, 19__

PERMANENT ADDRESS _____

CAVEAT: GSCES may require a co-maker on this promissory note. If a co-maker is required by GSCES, the obligation to pay the note shall be a primary obligation of the co-maker.

Interested persons may comment on the proposed rules to Mona H. Durham, Scholarship/Grant Division, Governor's Special Commission on Education Services, Box 44127, Baton Rouge, LA 70804, telephone (504) 342-9435.

Mona H. Durham
Director

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

Rule Title: Rockefeller Scholarship

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation costs to agency are negligible.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Self-generated funds of approximately \$250 per year will be collected through the application fee. To the extent the promissory note requirement aids in default collection, the Commission may experience an increase in default repayments.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Students who apply for this scholarship will bear the cost of the application fee. The co-maker requirement may shift some of the burden of default repayment onto these co-makers rather than the scholarship recipient.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Mona H. Durham
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Chiropractic Examiners**

Pursuant to R.S. 49:950, et seq., the Louisiana State Board of Chiropractic Examiners intends to adopt, amend, and repeal rules relative to procedures for disciplinary actions and inquiries, renewal fees for x-ray assistants and chiropractors, and the general practice of chiropractic. Inquiries may be made and the proposed rules may be viewed in their entirety at the office of Dr. John Masse', D.C. at 1200 Enterprise Boulevard, Lake Charles, LA 70601.

Interested persons may present their views at a public hearing on October 23, 1986, at 10 a.m., State Library, Main Auditorium, 760 Riverside Mall, Baton Rouge, LA 70804.

J.E. Stephenson, D.C.
Board Chairman

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

Rule Title: Chiropractic Terminology

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation costs (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 estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

J. E. Stephenson, D.C.
Board Chairman

Mark C. Drennan
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Dentistry**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq. and the Dental Practice Act, R.S. 37:760(8), notice is hereby given that the Louisiana State Board of Dentistry intends to adopt the following rules:

1. LAC Part XXXIII, Chapter 3. Dentists, § 301 (Listing as Dental Specialist) - Revise to delete any references to R.S. 37:775(14) and (15).

2. LAC Part XXXIII, Chapter 3. Dentists, § 302 (Re-use of toothbrush in a dental office is prohibited) Adds new provision providing that if dentist furnishes patient with a toothbrush in treatment process, it must be disposed of immediately and cannot be re-used.

3. LAC Part XXXIII, Chapter 3. Dentists, § 303 (Maintenance of records on prescriptions pursuant to R.S. 37:1204) - Adds new provision providing that if dentist supplies patient with necessary drugs and medicines for patient's use, then dentist shall be required to label medications and maintain prescription files on all such drugs, chemicals, or medications sold and/or dispensed to patient excepting bona fide samples dispensed at no cost.

4. LAC Part XXXIII, Chapter 8. Provisions pertaining to Informal Disposition of Complaints, § 801 (Informal Disposition of Complaints) Adds new provision providing for informal disposition of complaints to the extent it affects administrative procedures of the State Board of Dentistry.

5. LAC Part XXXIII, Chapter 9. Provisions pertaining to formal administrative procedures in accordance with R.S. 49:950 et seq. insofar as they are applicable.

Interested persons may submit written comments on the proposed changes within 10 days of the date of publication to the Louisiana State Board of Dentistry, Suite 2240, 1515 Poydras Street, New Orleans, Louisiana 70112, Attention: Secretary-Treasurer. A public hearing shall be conducted by a committee of the State Board on the proposed rules on October 30, 1986 at 5 o'clock p.m. at the offices of the State Board and any interested person may appear and participate in accordance with R.S. 49:953(2)(a).

Russell R. DiMarco, D.D.S.
Secretary-Treasurer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Provisions for Informal Disposition
of Complaints**

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

There will be no effect on implementation costs (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)

The rule will be written and included in the booklet containing the Dental Practice Act and the other rules and regulations adopted by the board.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Russell DiMarco, D.D.S.
Secretary-Treasurer

Mark C. Drennan
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Maintenance of records on prescriptions
pursuant to R.S. 37:1204**

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

There will be no effect on implementation costs (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)

The rule will be written and included in the booklet containing the Dental Practice Act and the other rules and regulations adopted by the board.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Russell DiMarco, D.D.S.
Secretary-Treasurer

Mark C. Drennan
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Re-use of toothbrush in
dental office prohibited**

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

There will be no estimated implementation costs (savings) to state or local governmental units.

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

There will be no estimated effect on revenue collections of state or local governmental units.

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

The rule will be written and included in the booklet containing the Dental Practice Act and the other rules and regulations adopted by the board.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no estimated effect of competition and employment.

Russell DiMarco, D.D.S.
Secretary-Treasurer

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Listing as Dental Specialist**

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

There will be no estimated implementation costs (savings) to state or local governmental units.

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

There will be no estimated effect on revenue collections of state or local governmental units.

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

The rule will be written and included in the booklet containing the Dental Practice Act and other rules and regulations adopted by the board.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no estimated effect on competition and employment.

Russell DiMarco, D.D.S.
Secretary - Treasurer

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Provisions for Formal Administrative
Procedures-Adjudication**

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

There will be no effect on implementation costs (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)

The rule will be written and included in the booklet containing the Dental Practice Act and other rules and regulations adopted by the Board.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Russell DiMarco, D.D.S.
Secretary - Treasurer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Examiners of Psychologists**

To Repeal LAC 46:LXIII.1501 through 1543 and to replace those sections with the following:

PART LXIII. PSYCHOLOGISTS

**CHAPTER 15. Rules For Disciplinary Action
Subchapter A. Applicability; Processing Complaints
§1501. Applicability**

A. These rules shall be applicable to any action of the Louisiana State Board of Examiners of Psychologists (board) to withhold, deny, revoke or suspend any psychologist license on any of the grounds set forth in R.S. 37:2360 or under any other applicable law, regulation or rule.

B. These rules shall not be applicable to the licensure of psychologists pursuant to R.S. 37:2356, unless licensure is denied on one of the grounds set forth in R.S. 37:2360.

C. Unless otherwise provided by law, the board may delegate its authority and responsibility under these rules to a committee of one or more board members, to a hearing officer, or to other persons.

§1503. Complaints

A. A complaint is defined as the receipt of any information by the board indicating that there may be grounds for disciplinary action against a psychologist under the provisions of R.S. 37:2360 or other applicable law, regulation or rule.

B. Complaints may be initiated by the board, by any licensed psychologist or by any other person.

C. Upon receipt of information of a possible violation, the board may initiate and take such action as it deems appropriate.

D. Upon receipt of complaints from other persons, the board will forward its complaint form. Ordinarily, the board will not take additional action until the form is satisfactorily completed.

1. Except under unusual circumstances, the board will take no action on anonymous complaints.

2. If the information furnished in the written complaint form is not sufficient, the board may request additional information before further consideration of the complaint.

E. All complaints received shall be assigned a sequentially ordered complaint code which shall be utilized in all official references.

F. The board shall determine whether the complaint warrants further investigation.

§1505. Investigation

A. If the board determines that a complaint warrants further investigation, the board shall notify the licensee or applicant against whom the complaint has been made (hereinafter referred to as "respondent"). The notice to the respondent shall include the following:

1. notice that a complaint has been filed;

2. a short and plain statement of the nature of the complaint;

3. a reference to the particular sections of the statutes, rules or ethical standards which may be involved;

4. copies of the applicable laws, rules and regulations of the board, and

5. A request for cooperation in obtaining a full understanding of the circumstances.

B. The respondent shall provide the board, within 30 days, a written statement giving the respondent's view of the circumstances which are the subject of the complaint.

C. The board may conduct such other investigation as it deems appropriate.

D. During the investigation phase, the board may communicate with the complainant and with the respondent in an effort to seek a resolution of the complaint satisfactory to the board without the necessity of a formal hearing.

Subchapter B. Conduct of Formal Hearing

§1511. Formal Hearing

A. If, after completion of its investigation, the board determines that the circumstances may warrant the withholding, denial, revocation or suspension of a psychologist's license, the board shall initiate a formal hearing.

B. The formal hearing shall be conducted in accordance with the adjudication procedures set forth in the Louisiana Administrative Procedure Act (R.S. 49:950 et seq.).

C. Upon completion of the adjudication hearing procedures set forth in the Louisiana Administrative Procedure Act, the board shall take such action as it deems appropriate on the record of the proceeding. Disciplinary action under R.S. 37:2350 requires the affirmative vote of at least four of the members of the board.

D. The form of the decision and order, application for rehearing and judicial review shall be governed by the provisions of the Louisiana Administrative Procedure Act.

E. The board shall have the authority at anytime to determine that a formal hearing should be initiated immediately on any complaint. The complaint and investigation procedures set forth above shall not create any due process rights for a respondent who shall be entitled only to the due process provided under the Louisiana Administrative Procedure Act.

§1513. Impaired Psychologist Procedure

A. At any time during the investigation and hearing process, the board, at its sole discretion, shall have the authority to offer the respondent the opportunity to participate in the impaired psychologist procedure.

B. If the board determines that a respondent should be offered the opportunity to participate in the impaired psychologist procedure, the board shall give written notice to the respondent of the following two options:

1. The respondent may acknowledge "impairment" in a form provided by the board, and submit to evaluation and treatment as set forth below, or

2. The respondent may reject the opportunity to participate in the impaired psychologist procedure, and the board will continue to process the complaint in accordance with the procedures set forth above.

C. If the respondent elects to participate in the impaired psychologist procedure, disciplinary action against the respondent shall be suspended so long as respondent cooperates fully in his/her evaluation and treatment as set forth below.

D. The impaired psychologist procedure shall include the following:

1. The respondent shall acknowledge his/her "impairment" on a form provided by the board, and the respondent shall agree to submit to an evaluation.

2. The respondent may be required to provide the board with proof that he/she has arranged appropriate referrals of patients or that he/she is receiving supervision from another psychologist who is aware of the impairment.

3. The respondent shall submit to an evaluation by an appropriate professional selected by the board. Unless waived by the board and the the respondent, the evaluator shall not be either an associate of or a professional in direct competition with the respondent, and the evaluator will not treat the respondent if

the evaluation yields positive findings. The respondent must agree to pay the evaluator for the evaluation.

4. The evaluator will be requested to render an opinion within 24 hours of the evaluation regarding whether the respondent appears to be impaired by some condition which may benefit from intervention. Such impairment is defined to include only the Axis I and/or Axis III diagnosis of the current Diagnostic and Statistical Manual of Mental Disorders. (Presently that manual is the Third Edition and will hereinafter be referred to as DSM III). As subsequent Diagnostic and Statistical Manuals are anticipated, Axis I diagnoses are operationally defined as "Clinical Syndromes, Conditions Not Attributable to a Mental Disorder That Are a Focus of Attention or Treatment, and Additional Codes,"* and Axis III diagnoses are operationally defined as "Physical Disorders and Conditions"* (*American Psychiatric Association; Desk Reference to the Diagnostic Criteria from Diagnostic and Statistical Manual of Mental Disorders, Third Edition, Washington, D.C., APA, 1982, pg. 5).

5. If the above respondent is found not to be impaired as defined above, the impaired psychologist procedure is terminated, and the board may renew disciplinary action.

6. If the respondent is found to be impaired as defined above, the respondent shall have the option of undergoing treatment provided by a qualified professional. The treatment plan must be approved by the board, and may include the protections set forth in Subpart 2 above. The treatment plan and protections may be revised from time to time as permitted or required by the progress of the respondent. Treatment will be at the expense of the respondent.

7. If the respondent rejects the recommendation for treatment or fails to cooperate fully with a treatment plan and other protections approved by the board (including any revisions thereof), disciplinary action may be renewed.

8. Upon successful completion of the treatment plan, based upon such reasonable evaluation as the board may require and upon determination that the respondent has the status and ability to function professionally without supervision, the disciplinary action based upon the former complaint shall be terminated, and no further action shall be taken with respect to that complaint.

Interested persons may comment on the proposed notice of intent in writing until November 20, 1986, at the following address: Norman J. Bregman, Ph.D., Chair, Board of Examiners of Psychologists, Box 14782, Baton Rouge, LA 70898.

Norman J. Bregman, Ph.D.
Chairman

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Rules for Disciplinary Action

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

There is no estimated implementation costs (savings) to state or local governmental units.

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

There is no estimated effect on revenue collections of state or local governmental units.

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

There is no estimated costs and/or economic benefits to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Norman J. Bregman, Ph.D.
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Practical Nurse Examiners**

Notice is hereby given that the Louisiana State Board of Practical Nurse Examiners, under the authority vested by R.S. Title 37, Chapter II, Nurses, Part II, Practical Nurses, Section 961-979, plans to amend LAC 46:XLVII. Chapter 3, the administrative rules and minimum requirements relating to practical nursing education and licensure to practice in the state of Louisiana at its regular meeting on January 23, 1987.

The complete text of the proposed rule appears in the Emergency Rule Section of this issue of the *Louisiana Register*.

Interested persons may direct inquiries to the Louisiana State Board of Practical Nurse Examiners, Tidewater Place, 1440 Canal Street, Suite 2010, New Orleans, LA., 70112, (504) 568-6480. Written comments will be received through December 31, 1986.

Terry L. DeMarcay
Executive Director

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

**Rule Title: Practical Nursing Education
and Licensure to Practice in Louisiana**

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

No measurable costs (savings) to State or Local Governmental Units

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

Unable to estimate at this time. Revenue would only be in keeping with the Louisiana Administrative Procedure Act, R.S. 49:954, G,(5): No subpoena shall be issued until the party who wishes to subpoena the witness first deposits the agency a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671 and also R.S. 37:978 as amended in 1986.

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

See II.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Terry L. DeMarcay
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Department of Health and Human Resources
Office of Family Security**

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

Funding was appropriated by the Louisiana State Legislature effective July 1, 1986 to provide Case Management Services to ventilator assisted individuals. The Medical Assistance Program has developed program policy and payment standards which will allow federal financial participation in the funding of Case Management Services under Title XIX of the Social Security Act. Such funding will become available upon implementation of Case Management Services which are provided in accordance with Title XIX requirements. Without federal financial participation the cost for these services must be financed entirely by the State of Louisiana.

Under this rule, Case Management Services will be provided to ventilator assisted individuals subject to Title XIX limitations necessary to receive federal financial participation. Provision of such services will allow recipients to receive life sustaining treatment outside the hospital setting. This rule will provide the necessary framework and services needed to move patients to less restrictive environments and improve the quality of life without increasing state expenditures for Medicaid services.

The Office of Family Security has declared an Emergency Rule in the Medical Assistance Program to allow federal funding of Case Management Services under Title XIX (Medicaid) effective September 1, 1986. Emergency Rulemaking was promulgated in accordance with LA R.S. 49:953 B and published in the *Louisiana Register*, Vol. 12, No. 9, Dated September 20, 1986.

PROPOSED RULE

OPTIONAL TARGETED CASE MANAGEMENT SERVICES

Case Management is defined as Individualized Planning, and Service Coordination. Individualized planning shall include: case finding; intake; eligibility determination for case management services; interdisciplinary assessment process [which disciplines and services best address the recipient's needs]; integrating spoken and written information; managing and resolving conflict; developing placement resources; establishing rapport with the individual and family including personal contact; and supportive counseling. Service coordination shall include: translating clinical findings into services; determining which services and connections are needed; learning generic and specialized settings in the community; negotiating with service providers; observing and monitoring recipient progress and the services provided; communicating with providers and recipients including training ordered by the ID Team; linking recipients to services that meet their needs; and being aware of resources (Food Stamps, SSI, Medicaid, etc.).

This service will be reimbursed when provided to ventilator assisted individuals subject to the limitations specified below.

1. The following conditions must be met for services to be reimbursed:

A. A recipient of services must be age 21 or younger at the time that service is provided.

B. A recipient of services must be "ventilator assisted":

(1) Requires a mechanical medical aid for a period greater than three months because of chronic respiratory failure or insufficiency and

(2) Requires the use of a mechanical medical aid to augment respiratory function for all or part of each day.

C. A recipient may receive services on an inpatient or outpatient basis.

D. Providers of case management services under this provision will not be reimbursed for specific services provided to individuals in institutional settings when those services are included in the per diem rate for the institution.

E. The maximum number of units of service to be reimbursed by the state for each ventilator assisted individual in a calendar month is 292.

2. Standards for Participation

The provider of case management services must:

A. Enter into a contractual agreement with the Office of Family Security;

B. Be under the aegis of a major hospital;

C. Have two or more documented years providing case management services to ventilator assisted individuals;

3. Standards for Payment

In order to be reimbursed by the state, the provider of case management services must:

A. Insure that the services are provided by either a masters degreed Social Worker licensed to practice in the State or a Registered Nurse who is licensed to practice in the State;

B. Insure that services are provided according to an individualized plan of care;

C. Insure that only one individual who is an employee of the case management agency is assigned as the primary case manager for each client;

D. Insure that the one case manager for each client under this provision visits the client on site in his place of residence at least once per month for the first three months of service and in each alternate service setting at least once per month for the first three months of service; such visits shall occur at least quarterly thereafter.

E. Insure that the individual assigned as the case manager has at least weekly contact with the client or his/her legal representative and that these contacts are documented in progress notes;

F. Insure that the case manager assigned to serve the client as well as any other employee of the case management provider providing services keep sufficient records to document the services being provided under this provision;

G. Abide by the provisions of the Provider Agreement entered into with the state;

H. Insure that appropriate physician consultation is available to each case manager at all times;

I. Insure that the maximum case load for a case manager does not exceed 25 cases;

J. Insure that each recipient has freedom of choice with regard to providers of any service.

4. General Provisions

A. Providers of case management services will be reimbursed on a unit of service basis. A unit of service retrospective rate will be established for each provider which is based on the cost of providing case management services.

B. Reimbursement will be based on allowable cost not to exceed \$4.40 per unit of service.

C. Rates for these services will be set by the DHHR Audit Section in accordance with the guidelines prescribed by HIM-15, the rate setting guide for Louisiana, and the requirements of State licensure standards for case management providers.

D. A unit of service will be defined for each provider as 15 minutes.

E. Providers of case management services will be required by the state to maintain time sheets which are completed by their case managers to document the units of service they have provided. These time sheets, which must contain the dates and times of service provision, will be submitted to the State as an attachment to each claim for payment for the services encom-

passed by the time sheet.

F. The maximum number of units of service to be reimbursed by the state for each ventilator assisted individual in a calendar month is 292.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge La 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on November 5, 1986 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge La, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: MAP/Case Management Services**

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

Case management services for ventilator assisted individuals will result in state expenditures of \$110,486 in FY 86-87; \$142,491 in FY 87-88; and \$141,858 in FY 88-89. Expenditures for case management services were included in the agency's appropriation for FY 86-87.

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

Federal matching revenues for provision of case management services for ventilator assisted individuals under Title XIX will increase state revenues by \$207,733 in FY 86-87; \$273,784 in FY 87-88; and \$272,567 in FY 88-89.

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

The value of services provided to eligible recipients under Title XIX is projected to be \$318,219 in FY 86-87; \$416,275 in FY 87-88; and \$414,425 in FY 88-89.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment resulting from this proposed rule.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Effective December 20, 1986, the Department of Health and Human Resources proposes to put into effect the rules of

operation for the Louisiana Department of Health and Human Resources, Louisiana Commission for the Deaf.

Act 629 of the 1980 Regular Session of the General Assembly authorizes the Department of Health and Human Resources to adopt these rules.

A copy of said rules of operation are available for review in the Office of the Assistant Secretary, Office of Human Development.

Interested persons may submit written comments on the proposed rule within 15 days of the date of publication at the following address: Wayne C. Heap, Assistant Secretary, Office of Human Development, Box 44367, Baton Rouge, LA 70804.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Rules of Operation of the
Louisiana Commission for the Deaf**

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

No effect is anticipated because the Division of Rehabilitation Services, Louisiana Commission for the Deaf expects to serve the same number of clients as present.

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

No effect is anticipated because the Division of Rehabilitation Services, Louisiana Commission for the Deaf expects to serve the same number of clients as present.

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

No effect is anticipated.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect is anticipated.

Wayne C. Heap
Assistant Secretary

Mark C. Drennan
Legislative Fiscal Officer

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 changes to the policies and guidelines for Section 1122 capital expenditure reviews to be effective December 20, 1986. The proposed changes will be made to the Rule published in Volume 11, Number 4 of the *Louisiana Register*, and to LAC 48:12503. It will:

A) add two criteria to the "Criteria for Expedited Review" (p.8) which will read as follows:

13. Sale or transfer of 25 to 50 percent of the ownership of an entity owning a Section 1122 approval.

14. Other proposals for expedited review may be submitted for consideration. Such proposals may be granted for expedited review if no useful public purpose would be served by a full review.

B) Within the section on "Expenditures and Changes Subject to Review," on page six, the second paragraph will be deleted and a new subsection added.

Page six will now read as follows:

A relocation of a previously approved and licensed facility within the same service area is subject to full review without a reevaluation of need. Other criteria will be reevaluated.

A lease of an approved, unconstructed facility is prohibited for Section 1122 purposes. Upon construction of the facility, the proposed lease shall be subject to review.

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

Public Law 98-369 provides that the valuation of an asset after a change of ownership shall be the lesser of the allowable acquisition cost of such asset to the first owner of record on or after June 1, 1984, or the acquisition cost of such asset to the new owner. This will affect the establishment of an appropriate allowance for depreciation and interest in capital indebtedness and (if applicable) a return on equity capital with respect to an asset of a health care facility which has undergone a change of ownership.

Sales, Transfers, and Other Transactions Which May Result in Changes in Ownership of Section 1122 Approvals, or Section 1122 Approved Facilities

A proposal to sell a Section 1122 approved facility is subject to review.

A proposal to sell or transfer less than 25 percent of the ownership of the legal entity owning a Section 1122 approval is not reviewable under Section 1122, but shall be reported promptly to the Division of Policy, Planning and Evaluation.

A proposal to sell or transfer 25 percent to 50 percent of the stock in a corporation owning a Section 1122 approval is subject to review.

A proposal to sell or transfer 25 percent to 50 percent of the ownership interest in a partnership (or other legal entity) owning a Section 1122 approval is subject to review.

A proposal to sell or transfer a majority (over 50 percent) interest in a corporation whose only or major asset is a Section 1122 approval shall be considered a sale of the Section 1122 approval, which is prohibited and invalidates the Section 1122 approval. Such majority transfers are also precluded for other legal entities owning a Section 1122 approval (partnerships, individuals, etc.).

Alternatives To Full Review Process

Under the following circumstances, DPPE may elect not to conduct a full review.

Election Not to Review

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

1. Renovations to meet Life Safety Codes.

2. Capital expenditures for emergency situations.

C) In the section on "Procedures for Requests for Adjustment to Long Term Care Resource Goals" (p.16), the first paragraph will be revised to require seven copies of the application rather than 10, as is currently required.

Interested persons may submit written comments on the proposed change until November 15, 1986 at the following ad-

dress: 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 Expedited Review Changes

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No implementation costs or savings are anticipated.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No impact on revenue collections is anticipated.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
No costs or benefits are anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No effect on competition or employment is anticipated.

Sandra L. Robinson, M.D., M.P.H. Mark C. Drennan
Secretary and State Health Officer 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, proposes to adopt the following rule pursuant to R.S. 40:33 and R.S. 40:38.1 and pertaining to issuance of certified copies of birth certificates by clerks of District Courts.

Proposed Rule

Certified copies of birth certificates referenced above shall refer only to those copies certified by the state registrar as set forth in R.S. 40:33 et seq. To protect the integrity of vital records and ensure their proper use, birth certificates shall be issued by clerks of district courts in accordance with provisions set forth hereinunder:

1. All record searches and certifications shall be accomplished by vital records personnel.
2. All requests for certified certificates transmitted by clerks of court shall include fees as prescribed by R.S. 40:40 and proof of entitlement as prescribed by R.S. 40:41C.
3. Services to clerks of court shall be limited to sale of certified copies of birth certificates. Only the certification provided by the state registrar shall appear on any document, in turn, sold by the clerks of court.
4. Copies of documents released to clerks of court for sale shall not be filed, recopied or maintained by clerks of court for reissue or resale at a later date.
5. Requests and fees will be accepted from couriers of the clerks of court for pick up by said couriers within 24 hours. This stipulation is predicated upon requests submitted in reasonable quantities that can be handled without compromising other mandated services. The state registrar may consider other processes mutually agreed upon with clerks of court which do not violate

R.S. 40:33 et seq.

6. Clerks of court shall submit on their stationery a signed agreement indemnifying the state, the department and its employees harmless from any liability arising out of authorized or unauthorized access to vital records.

Interested persons may submit written comments on the proposed rule to Daneta Daniel Bardsley, Ed.D., Office of Preventive and Public Health Services, Box 60630, New Orleans, LA 70160, phone (504) 568-5052.

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

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

**Rule Title: Birth certificate copies
issued by clerks of court**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs to be considered.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This rule will not affect revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There are no estimated costs and/or economic benefits to directly affect persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated impact on competition and employment.

Daneta Daniel Bardsley
Assistant Secretary

Mark C. Drennan
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 base engineering consultation fee as contained in the regulations for the Fluoridation Program found in the *Louisiana Register*, Vol. II, No. 12, page 1158, I.B. (December 20, 1985).

The current consultation fee will be changed as follows:

I. Health Activities:

B. Health will provide funds for the payment for the services of a consulting engineer for the design and supervision of the installation of the fluoridating system, a fee of \$3,000 or 12 percent of the contract (excluding chemical costs) whichever is greater will be allowed.

Interested persons may submit comments on the proposed changes at the following address: Daneta Daniel Bardsley, 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: Fluoridation Program**

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

The cost to the state of funding for engineering services to design smaller community water fluoridation system will increase by \$5,000 in 1986-87 and \$8,000 in subsequent years. The state pays all fluoridation costs of participating communities through the Preventive Block Grant which is 100 percent Federal Funds. There is no additional cost to local governments.

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

There is no effect on revenue collection of state or local governments.

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

Consulting engineers or engineering firms designing a fluoridation system for a smaller public water supply will receive an additional \$1,000 for their services.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Increasing the minimum payment for designing smaller fluoridation systems will make it a more desirable project to consulting engineers.

Sandra L. Robinson, M.D., M.P.H. Secretary and State Health Officer
Mark C. Drennan 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 somatic cell count standard for Grade A Raw Milk for Pasteurization as prescribed by §7:091 Sanitary Code, state of Louisiana.

The current standard will be changed as follows: 7:091 Grade A Raw Milk for Pasteurization Somatic Cell Count Individual Producer Milk: Not to exceed 1,000,000 per ml.

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

Dr. Daneta Daniel Bardsley
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Sanitary Code Chapter 7 Amendments**

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)

This rule will not affect revenue collections.

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

The rule will have no cost or economic benefit to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated impact on competition or employment.

Daneta Daniel Bardsley
Assistant Secretary

Mark C. Drennan
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of the Secretary, proposes to adopt the following rule in accordance with R.S. 17:2354.4 enacted by Act 416 (The Anatomical Gift Act) of the 1986 Legislative Session. (LAC 48:XI. Chapter 25) The proposed regulations will establish standards related to the procurement of anatomical gifts needed for transplant, therapy, research and educational purposes.

§2501. Definitions

For purposes of these regulations, the terms contained herein are defined as follows:

A. *Designated representative.* The designated representative is an individual appointed by the hospital administrator to discharge the responsibility of making the request for consent to an anatomical gift.

B. *Suitable candidate.* A suitable candidate for an organ donation is one who is certified by the attending physician, at or immediately before the time of death to be suitable for any organ or tissue donation based on acceptable medical standards, and who has been released by the coroner in those instances required by law. As a general guideline, the physician or hospital designated representative should contact the appropriate organ or tissue procurement agency to confirm the acceptability of the candidate. A suitable candidate for an organ donation is one who is identified as an acceptable donor of organs, and who is determined by a physician or physicians to have sustained irreversible cessation of all functions of the brain, including the brain stem. As a general guideline, candidates who exhibit any of the following characteristics may be assumed to be unacceptable for organ donation:

- Over seventy years of age.*
- Dead on arrival**
- Prolonged cardiac arrest (longer than 20 minutes without a good return of pulse and blood pressure)
- Active transmissible disease
- Septicemia

C. *Death,* as used in these regulations, has the same meaning as R.S. 911: A person will be considered dead if in the announced opinion of a physician, duly licensed in the state of Louisiana based on ordinary standards of approved medical

practice, the person has experienced an irreversible cessation of spontaneous respiratory and circulatory functions. In the event that artificial means of support preclude a determination that these functions have ceased, a person will be considered dead if in the announced opinion of a physician, duly licensed in the state of Louisiana based upon ordinary standards of approved medical practice, the person has experienced an irreversible total cessation of brain function. Death will have occurred at the time when the relevant functions ceased. In any case when organs are to be used in a transplant, then an additional physician, duly licensed in the state of Louisiana and not a member of the transplant team, must make the pronouncement of death.

* The hospital should contact the organ procurement agency if it requires assistance in determining the "suitability" of a donor.

** D.O.A. Donors may be acceptable for cornea/tissue donations. Individual tissue banks will provide guidelines for suitability.

D. *Administrator* means the chief operating officer of the hospital.

E. *Hospital* means any institution, place, building or agency, public or private, whether for profit or not, devoted primarily to the maintenance and operation of facilities for ten or more individuals for the diagnosis, treatment, or care of persons admitted for overnight stay or longer who are suffering from illness, injury, infirmity, or deformity or other physical condition for which obstetrical, medical, or surgical services would be available and appropriate. The term hospital does not include the following:

- a) Physicians' offices or clinics where patients are not regularly kept as bed patients for 24 hours or more;
- b) Nursing homes as defined by and regulated under the provisions of R.S. 40:2009.1 through R.S. 40:2009.12;
- c) Persons, schools, institutions, or organizations engaged in the care and treatment of mentally retarded children and which are required to be licensed by the provisions of R.S. 28:562 through R.S. 28:566.

F. *Organ Procurement Agency (OPA)* means an organization which is designated by the HCFA under the end stage renal disease facility regulations to perform or coordinate the performance of the following services:

- procurement, preservation or transportation of donated kidneys; maintenance of systems to locate prospective recipients of provided organs.

The OPA may also perform these services for extrarenal vital organs.

G. *Tissue bank* as used under this part, refers to any organization which retrieves or banks bone, skin, dura mater or any other human tissue, including eyes and corneas.

H. *Curator* - a person authorized by law or appointed by a court of competent jurisdiction to administer the affairs of an interdicted adult in accordance with the provisions of Title IX, Book I of the Louisiana Civil Code.

I. *Tutor* - a person authorized by law or appointed by a court of competent jurisdiction to administer the affairs of or act as guardian for a minor in accordance with the provisions of Chapter 1, Title VIII, Book I of the Louisiana Civil Code.

J. Department of Health and Human Resources (DHHR) is the Louisiana Department of Health and Human Resources.

K. The Department of Health and Human Services (DHHS) is the federal Department of Health and Human Services.

L. HCFA is the Health Care Financing Administration of DHHS.

§2503. Designated Representative

The designated representative is the individual appointed by the hospital administrator to discharge the responsibility of making the request for consent to an anatomical gift. The designated representative must be a professional who has completed an approved training program. Staff appropriate to serve as designated representatives include physicians, nurses, transplant coordinators, professional administrative staff, case managers, social workers, discharge planners, clergy, organ procurement agency staff, or designated representatives employed by other hospitals and engaged through written cooperative agreements.

§2505. Training Program

A. Designated representatives must complete a training program approved by DHHR. Such programs shall be provided by organ procurement agencies under the auspices of DHHR until such time as a Unified Organ Procurement Agency for the state of Louisiana is formed. At that time, the Unified Organ Procurement Agency will have responsibility for providing the DHHR approved training to potential designated representatives, and update or refresher courses as necessary.

B. The content of the training program shall address, at a minimum:

1. the current nature and structure of the program in Louisiana;
2. the nature of consent and the legal requirements for informed consent;
3. relevant state and federal legislation;
4. medical issues in organ and tissue donation;
5. identification of "suitable candidates";
6. procedures for notification and involvement of the organ procurement agency or tissue bank;
7. documentation of consent and completion of the certificate of request;
8. social, cultural and emotional considerations of dealing with bereaved families, social, cultural, ethical and religious factors affecting attitudes toward organ donation;
9. procedures for declaring death, collecting and preserving organs and tissues; the explanation of these procedures to the decedent's family;
10. obtaining coroner's consent;
11. obtaining consent from the family.

§2507. Retrieval Agencies

A. Organ procurement agencies and tissue banks in Louisiana shall apply to DHHR to be placed on the list of agencies authorized to receive donations under this Section. Such agencies shall be operated on a non-profit basis.

B. An organ procurement agency must be designated by the HCFA under the end stage renal disease facility regulations to perform or coordinate the performance of the following services: - procurement, preservation or transportation of donated kidneys; maintenance of systems to locate prospective recipients of provided organs.

C. Organ procurement agencies may also participate in the procurement, preservation or transportation of extra-renal organs, and other usable body tissue. Organ procurement agencies shall be associated with transplant centers that are members of the United Network for Organ Sharing (UNOS) and the South-Eastern Organ Procurement Foundation (SEOPF).

D. A tissue bank is a program which engages in the procurement, preservation or transportation of bone, skin, eyes, dura mater or any other usable body tissue.

§2509. Procedures for Obtaining Consent

A. When a death occurs in a hospital to a person deter-

mined to be a suitable candidate for organ or tissue donation, the hospital administrator or designated representative shall request of the appropriate person(s) identified in Subsection E of this section to consent to the donation of any part of the decedent's body as an anatomical gift.

B. The hospital must request consent for the donation when a suitable candidate is identified, except when it has reason to believe such donation would be contrary to the decedent's intentions or religious beliefs, or to the intentions or beliefs of the persons described in Subsection E.

C. When a suitable candidate is identified and the hospital

1) elects not to pursue consent because of circumstances identified in B (above), or

2) the family does not give consent, the designated representative shall complete the certificate identified in Subsection H and forward a copy to the OPA.

D. The hospital or its designated representative must make reasonable efforts to locate the next of kin identified in Subsection E and to request consent. "Reasonable efforts" shall include, in priority order:

- face to face contact,
- telephone contact,
- any other effort suitable to logistical and medical considerations.

"Reasonableness" shall also be determined within the timeframes, relevant to the retrieval and transportation of the organ(s) or tissues to be donated. When the designated representative has exhausted all reasonable efforts within the timeframes available for the useful retrieval of the anatomical gifts, and has not obtained consent, he shall complete the certificate identified in Subsection H. The hospital shall forward a copy of the certificate to the organ procurement agency. The completed certificate for any anatomical gift request shall be included in the decedent's medical records.

E. Persons qualified to give consent, are, in priority order:

- 1) the spouse, if one survives, if not,
- 2) an adult son or daughter,
- 3) either parent,
- 4) an adult brother or sister,
- 5) the curator or tutor of the person of the decedent at the time of death,
- 6) any other person authorized or under obligation to dispose of the body of the decedent.

Consent or refusal need be obtained only from the person in the highest priority class available, after best efforts have been made to contact persons in a higher priority class. If there is more than one person in a class available, then consent to the donation must be made by all members of that class currently available.

The hospital or designated representative shall document the consent through signature on the consent certificate, through telephone confirmation taped, transcribed or other documentation as appropriate.

F. Upon approval of the donation as identified in Subsections A and E (above), the hospital administrator or designated representative shall notify an appropriate organ procurement agency or tissue bank from the list of agencies authorized to receive donations under this Section and shall cooperate in the procurement of the anatomical gift.

G. Pursuant to Subsections A, C, D, and E, above, the hospital or designated representative shall complete the certificate of request form prepared by DHHR. When the hospital or designated representative obtains, or exhausts attempts to obtain consent, a copy of the certificate shall be forwarded to the organ procurement agency within three working days. The certificate

shall be attached to the decedent's medical record.

H. The certificate of request form shall include, at a minimum, the following elements:

- 1) the name of the patient;
- 2) the date and time of death;
- 3) the cause (diagnoses) of death;
- 4) the name and affiliation of the person(s) making the request;
- 5) a statement indicating that the request was made;
- 6) an indication of what organs/tissues were requested;
- 7) an indication of for which request consent was granted or denied.,
- 8) the name of the person granting or refusing the request, and his relationship to the decedent;
- 9) the name of the OPA notified;
- 10) an indication of which organs and tissues were procured;
- 11) the signature of an appropriate witness.

I. Organ procurement agencies, or the statewide Unified Organ Procurement Agency, upon formation of such agency, shall report annually to DHHR on the status of the organ procurement and transplant program. This report shall be due by March 31 of each year.

§2511. Coordination Between Hospitals and Procurement Agencies

A. When a suitable candidate for an organ donation has been identified, the hospital shall engage the services of an appropriate organ procurement agency, and that organ procurement agency shall engage an appropriate tissue bank, if necessary, to coordinate retrieval activities. When the candidate is suitable for donation of tissues only, the hospital will notify the tissue bank directly and proceed with retrieval activities.

B. The organ procurement agency shall have a written letter of agreement with each hospital in its service area by July 1, 1987.

The letter of agreement shall identify, at a minimum, the following:

- criteria for identification of "suitable candidates",
- procedures for engagement of the services of the organ procurement agency,
- procedures for identification of costs and charges of retrieval-related expenses, and
- timeframes for the effectiveness of the agreement and update(s) of the agreement.

C. Tissue banks shall develop written letters of agreement with the hospitals in their service area by July 1, 1987. The letter of agreement shall identify, at a minimum:

- criteria for identification of "suitable candidates",
- procedures for engagement of the services of the agency,
- procedures for identification of costs and charges of retrieval-related expenses, and procedures for billing for those expenses, and
- timeframes for the effectiveness of the agreement and update(s) of the agreement.

D. Organ procurement agencies and the tissue banks in their service areas shall develop written letters of agreement by July 1, 1987. These letters of agreement shall identify, at a minimum:

- criteria for identification of "suitable candidates",
- procedures for engagement of the services of the agency,
- procedures for identification of costs and charges of retrieval-related expenses, and procedures for billing for those expenses, and

- timeframes for the effectiveness of the agreement and update(s) of the agreement.

§2513. Authorized List

Organ procurement agencies, tissue banks, and other retrieval organizations in Louisiana shall apply to DHHR by January 1, 1987 to be placed on a list of agencies authorized to receive donations under this Section. Such agencies shall provide proof of their non-profit status at the time of application. Organ procurement agencies shall be affiliated with transplant centers that are members of the United Network for Organ Sharing (UNOS) and the South-Eastern Organ Procurement Foundation (SEOPF). Tissue banks shall adopt standards for excision, preparation, storage and distribution that meet those provided by the American Association of Tissue Banks, the South-Eastern Organ Procurement Foundation, or any other nationally recognized standard of practice. A statement identifying the adherence to such standards shall be provided at the time of application. Eye banks shall adopt medical standards promulgated by the Eye Bank Association of America or any other nationally recognized standard of practice. A statement of adherence to such standards shall be provided at the time of the application.

Interested persons may submit written comments to James Bardsley, Ph.D., DHHR Executive Management Consultant, Box 3776, Baton Rouge, LA 70821. He is the person responsible for responding to comments on the proposed rule.

A public hearing on the proposed rule will be held on November 6, 1986 in the State Library Auditorium at 760 Riverside North, Baton Rouge, LA beginning at 9:30 a. m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing at said hearing.

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Required Request for Anatomical Gifts

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

The Louisiana Department of Health and Human Resources will expend between \$500 and \$1000 annually for printing of the certificate of consent.

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

There is no effect on state or local revenue collections as a result of this Act.

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

There is no estimable effect relating to costs or economic benefits.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Sandra L. Robinson, M.D., M.P.H. Mark C. Drennan
Secretary and Staff Health Officer Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources, Office of the Secretary, Civil Rights Bureau proposes to amend the following rule: "Equal Delivery of Services and Discrimination in Service Provision." The proposed rule is in accordance with the Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000 et seq.) Title 45 of the Code of Federal Regulations, Part 80, Section 504 of the Rehabilitation Act of 1973 and in accordance with those provisions of federal and state laws which prohibit discrimination in the delivery of services funded through DHHR Block Grants (P.L. 97-35 and R.S. 49:673).

Services And/Or Benefits Complaint Policy And Procedures Policy Statement on Equal Delivery of Services

The Department of Health and Human Resources (DHHR) reaffirms its policy for the equal delivery of services and will administer all programs and conduct its business, either directly or indirectly or through contractual or other arrangements in accordance with Title VI of the Civil Rights Act of 1964. (42 U.S.C. 2000 et seq.), Title 45 of the Code of Federal Regulations, Part 80, as amended through July 5, 1973, Section 504 of the Rehabilitation Act of 1973 as amended (29 U.S.C. 706) and in accordance with those provisions of federal and state law which prohibit discrimination in the delivery of services funded through Block Grants (P.L. 97-35 and R.S. 49:673), and the Agency's Statement of Compliance.

No person shall, on the ground of race, color, national origin, or handicap be excluded from participation in; be denied the benefits of, or be subjected to discrimination under any program or activity conducted in this agency. The Department of Health and Human Resources will take appropriate action to insure that the above will be implemented at all levels of administration.

The secretary, Department of Health and Human Resources, has overall responsibility for the policy and program development under Title VI of the 1964 Civil Rights Act and Section 504 of the Rehabilitation Act of 1973. Responsibility for the coordination and implementation has been placed with the director of the Civil Rights Bureau.

Any person who believes that he or she, or any specific class of persons, has been subjected to discrimination covered by Title VI or Section 504 of the Rehabilitation Act of 1973, as amended, may without fear of reprisal or coercion, file a written complaint with the director, Civil Rights Bureau at 200 Riverside Mall, Suite 118, Baton Rouge, LA 70821, or the Dallas Regional Office for Civil Rights, 1200 Main Tower, Dallas, TX 75202.

It is the policy of the Department of Health and Human Resources to resolve all complaints alleging discrimination based on age, race, color, sex, handicap, religion, national origin and/or political belief in the provision of any agency services. Any person who believes that he or she or any specific class of persons have been subjected to discrimination in any agency program, may personally or by a representative file a written complaint. The identity of the complainants will be kept confidential except to the extent necessary for conducting of the investigation. Any act or acts of intimidation or retaliation against any individual making a complaint shall be prohibited.

Applicability

The policy shall apply to all DHHR offices providing financial, social or health care services. The policy shall also apply to any agency providing these services directly or indirectly or

through contractual or other arrangements in accordance with those provisions of federal and state laws which prohibit discrimination in the delivery of services. This complaint procedure carries out the regulations for: Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 and Federal Block Grants (P.L. 97-35) administered by DHHR.

Standards

1. A complaint may be filed with DHHR - Civil Rights Bureau, DHHS - Office of Civil Rights or USDA at the following addresses:

Department of Health and Human Resources, Office of the Secretary, Civil Rights Bureau, 200 Riverside Mall, Suite 118, Baton Rouge, LA 70821.

Department of Health and Human Services, Regional Office for Civil Rights, 1200 Main Tower, Suite 1900, Dallas, Texas 75202.

U. S. Department of Agriculture, Office of the Secretary, Washington, DC 20250.

Those complaints in the Food and Nutrition Service Program (FNS) (administered by the Office of Family Security), including Food Stamps, that allege discrimination but have other programmatic problems will be referred to the Appeals Section, DHHR, Office of the Secretary.

Those Civil Rights complaints received by the Appeals Section, DHHR, Office of the Secretary, will be referred to the Civil Rights Bureau.

2. The complaint must be filed no later than 180 days from the date of the alleged discriminatory act or acts.

3. The complaint must describe the type of discrimination alleged, indicate when and where such discrimination took place, and describe all pertinent facts and circumstances surrounding the alleged discrimination.

4. After determining that the complaint falls within the jurisdiction of DHHR, Office of Civil Rights, the Director of Civil Rights Bureau, DHHR, will initiate a prompt and thorough investigation of the complaint.

5. The complainant must be given a status report within 30 days of receipt of the complaint.

6. DHHR, Civil Rights Bureau, will maintain records to show the nature of the complaint; the details of the investigation, and the action taken.

7. Quarterly reports of complaints will be submitted to the secretary, DHHR.

8. All complaint records will be available for review by DHHS, USDA and other responsible federal officials.

Procedures

1. All complaints will be acknowledged within five working days of receipt of complaint.

2. The complaint investigation will include but not be limited to the following steps (a minimum of steps a, b, and d must be followed in all investigations):

a. Interviewing the complainant to get all details of the complaint;

b. Interviewing community leaders and others who would be in a position to provide further information;

c. Contacting the office of the facility complained against to secure information about the complaint incident and the overall arrangement for providing services, and

d. Obtaining copies of any appropriate documents, records or statistics which would support or rebut the complaint.

3. After the investigation, the investigator for Civil Rights Bureau will determine the validity of the complaint and advise the complainant and agency complained against in writing of the determination.

4. If it is concluded that the complaint is valid, necessary

steps must be taken by the office's assistant secretary of agency administrator to correct the discriminatory practice within a designated period of time and to prevent any recurrence of such practices.

** The Civil Rights Bureau shall submit to Food and Nutrition Service a report on each Food Stamp discrimination complaint. The report shall contain the findings of the investigation and, if appropriate, the corrective action planned or taken.

Steps 2 and 3 of the procedure will be completed within 60 days from receipt of a complaint, or within such additional time as may be allowed by the Civil Rights Bureau for good cause shown. In the written notice of the decision, the complainant shall be advised that if he/she is not satisfied with the decision, it may be appealed to DHHS, Office of Civil Rights, USDA or other appropriate federal regulatory agencies.

Interested persons may submit written comments through November 7, 1986, to the Director, Civil Rights Bureau, 200 Riverside Mall, Suite 118, Baton Rouge, LA 70821. George Clark is the person responsible for responding to inquiries regarding this proposed rule.

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Equal Delivery of Services

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

There are no anticipated costs or savings connected with the implementation of this proposed rule.

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

None is anticipated.

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

There are no anticipated costs and/or economic benefits to directly affect persons or non-governmental groups. This proposed rule may provide a system of relief to persons subjected discrimination.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

None is anticipated.

George Clark
Director

Mark C. Drennan
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Natural Resources Office of the Secretary

Under the authority of the State and Local Coastal Resources Management of 1978 R. S. 49:213.11 and in accordance with the provisions in R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend:

1. Rules and procedures for Coastal Use Permits Part IB; Part II; Part III A, B, E, G; Part IVB; Part VA, B, C, D; Part VIA, B; Part VIIA, B, C, D, E.

2. Rules and procedures for the development, approval, modification, and periodic review of Local Coastal Management Programs Part IV; Part V; Part VI; Part VII; Part IX.

3. Special Areas -B(1), C

4. Procedural Rules for the Hearing of Appeals by the Louisiana Coastal Commission (deleted)

5. Definitions —

A. *Administrator*: The administrator of the Coastal Management Division within the Louisiana Department of Natural Resources.

The purpose of these proposed amendments is to incorporate changes made in the enabling legislation to, provide further guidances to applicants for coastal use permits, and clarify the permitting procedures, especially those related to the handling of permits applications in parishes with an approved coastal management program.

All interested persons are invited to submit written comments on the proposed amendments. Comments must be submitted by October 22, 1986 to the Coastal Management Division, Department of Natural Resources, Box 44487, Baton Rouge, LA 70804.

Part I. Rules and Procedures for Coastal Use Permits

B. Permit Requirement

(2) The following shall be considered as uses of state or local concern subject to the requirement of Subsection (1) above:

p. Activities previously authorized by Corps of Engineers permits for which time extensions are being sought or which have expired.

B. Activities on lands five feet or more above sea level or within fastlands.

(2) However, if a proposed activity exempted from permitting in Subsection B(1), above, will result in discharges into coastal waters, or significantly change existing water flow into coastal waters, then the person proposing the activity shall notify the secretary or his designee and provide such information regarding the proposed activity as may be required by the secretary or his designee in deciding whether the activity is a use subject to a coastal permit.

(4) The secretary or his designee shall determine whether a coastal use permit is required for a particular activity. A coastal use permit will be required only for those elements of the activity which have direct and significant impacts on coastal waters.

(5) The secretary or his designee shall determine whether any activity subject to this section requires a coastal use permit shall be appealable pursuant to the provisions of §213.11(D) of the Act and the regulations adopted pursuant thereto. Provided, however, that in the event of an appeal by the person conducting or proposing to conduct the activity, the burden of proof shall be on the secretary or his designee. In the event of an appeal by any other person, the burden of proof shall be on the appellant.

C. Emergency Uses

(1) Coastal Use permits are not required in advance for conducting uses necessary to correct emergency situations.

(2) Prior to undertaking such emergency uses, or as soon as possible thereafter, the person carrying out the use shall notify the secretary or his designee and the local government, if the use is conducted in a parish with an approved local program, and give a brief description of the emergency use and the necessity for carrying it out without a coastal use permit.

(3) As soon as possible after the emergency situation arises, any person who has conducted an emergency use shall report on the emergency use to the approved local program or to the secretary or his designee. A determination shall be made as to whether the emergency use will continue to have direct and significant impacts on coastal waters. If so, the user shall apply

for an after-the-fact permit. The removal of any structure or works occasioned by the emergency and the restoration of the condition existing prior to the emergency use may be ordered if the permit is denied in whole or in part.

H. Blanket Exemption

(1) No use or activity shall require a coastal use permit if:

a. The use or activity was lawfully commenced or established prior to the implementation of the coastal use permit process; provided that all necessary authorizations have not expired and are still in effect; or

b. The secretary or his designee determines that it does not have a direct or significant impact on coastal waters; or

c. The secretary or his designee determines one is not required pursuant to Part VII of these rules.

A. General Requirements

Any person seeking to obtain a coastal use permit is required to file a complete application. The Coastal Management Division and approved local parish program offices will provide the application forms and instructions, including example plats and interpretive assistance, to any interested party. The staffs of the Coastal Management Division and approved local parish programs shall be available for consultation prior to submission of an application and such consultation is strongly recommended. The finished application and any necessary application fees may be submitted to either the state Coastal Management Division or the approved local parish program office. Application forms may be periodically revised to obtain all information necessary for review of the proposed project.

D. Submittal and Processing of Applications

(1) Applications for permits may be submitted to the secretary or his designee or to the local coastal permitting agent or his designee if the proposed project is located in a parish with an approved local coastal program.

(2) When an apparently complete application for a permit is received at the state level or the approved local program level, the permitting body shall immediately assign an identification number to that application, acknowledge receipt thereof, and advise the applicant of the number assigned to it.

(3) Application submittal at the parish level for parishes with approved programs.

(a) Applications will undergo review by the local CZM permitting agent or his designee to determine if the application is of state or local concern. This determination should be made within two working days of receipt.

(b) Regardless of whether it is of state or local concern, the complete application and the parish's determination must be forwarded to the secretary of the DNR for processing.

(c) If the project is deemed to be of local concern and is confirmed by the secretary or his designee, the parish will process the application according to the procedures and guidelines in the approved parish program.

(d) If the project is deemed to be of state concern and concurred by the secretary or his designee, the application will be processed by the CMD.

(e) The DNR will notify the parish of its decision concerning state or local determination within two working days.

(4) Submittal at the state level when dealing with parishes with approved local programs.

(a) Permit applications submitted to the secretary of DNR or his designee will be reviewed and a determination whether the project is of state or local concern will be made by the secretary or his designee within two days of receipt.

(b) If it is of state concern, a copy of the determination and the permit will be forwarded to the parish permitting agent for review and comment. It will then be processed by CMD/DNR.

(c) Should the permit be deemed to be of local concern, that determination and the application will be forwarded to the parish for processing according to the guidelines and procedures of the parish local program.

E. Public Notice and Consideration of Public Comment

(1) For applications of state concern, the CMD/DNR has a cooperative agreement with the COE/NOD to issue a Joint Public Notice (JPN) of permit applications for activities within the jurisdiction of both agencies. The secretary or his designee will issue the JPN.

(2) If the application is of state concern but the COE does not recognize the need for a permit, the CMD/DNR will issue public notice.

(3) For proposed uses of local concern in parishes with approved local programs, the COE/NOD will write a separate public notice to be printed and distributed by the CMD/DNR. The parish will issue a separate public notice in a manner consistent with their approved program.

(5) The notice shall contain the nature and location of the proposed coastal use.

(6) The notice shall be issued within 10 working days of receipt of an apparently complete application.

(11) The secretary or his designee shall issue monthly a list of permits issued or denied during the previous month. This list will be distributed to all persons who receive the public notices.

F. Public Hearings on Permit Applications

(3) Public hearing(s) are appropriate when there is significant public opposition to a proposed use, or there have been requests for legislators or from local governments or other local authorities, or in controversial cases involving significant economic, social, or environmental issues. The secretary or his designee or local government with an approved program has the discretion to require hearings in any particular case.

H. Decisions on Permits

(2) Recommendation by parish on uses of state concern - For permit applications of state concern, parishes with approved local programs are encouraged to make recommendations to the Secretary of DNR or his designee concerning goals, policies and objectives of the project area contained in the local program. Coastal use permit decisions must be consistent with the approved local program, and all local government comments will be given substantial consideration R. S. 49:213.11. The final decision on permit recommendations and/or conditions rests with the secretary or his designee. A copy of the executed permit will be forwarded to the parish.

Part IV. Modification, Suspension or Revocation of Permits

B. Suspensions

(c) the permittee has failed or refused to comply with any lawful order or request of the permitting body.

PART V. General Permits

A. General

(1) The secretary or his designee may, after compliance with the procedures set forth in Part III D and E, issue general permits for certain clearly described categories of uses requiring coastal use permits. After a general permit has been issued, individual uses falling within those categories will not require full individual permit processing unless the secretary or his designee determines, on a case-by-case basis, that the public interest requires full review.

B. Reporting

(1) Each person desiring to commence work on a use subject to a general permit must give notice to the secretary or his designee and receive written authorization prior to commencing work. Such authorization shall be issued within 30 days of receipt of the notice.

(2) Such notice shall include:

(b) Such descriptive material, maps and plans as may be required by the secretary or his designee for that general permit.

C. Conditions of General Permits

(1) The secretary or his designee shall prescribe such conditions for each general permit as may be appropriate.

(2) A general permit may be revoked if the secretary or his designee determines that such revocation is in the public interest and consistent with the coastal management program.

D. Local General Permits

(1) A local government with an approved local program may issue general permits for uses of local concern under its jurisdiction pursuant to the above procedures. Such general permits shall be subject to approval by the secretary or his designee. PART VI. Determination As To Whether Uses Are Of State Concern Or Local Concern.

A. Filing of Applications with a Local Government with an approved local program

(2) The determination and a brief explanation of the rationale behind the determination shall be forwarded to the secretary or his designee within two working days of receipt of the apparently complete application, pursuant to Part III D(4).

(3) The secretary or his designee shall review the decision and rationale and shall let it stand or reverse it. If the secretary or his designee reverses the local decision, notice, including a brief explanation of the rationale for the reversal shall be sent to the local government within two working days of the application from the local government.

(4) The appropriate permitting body for the use, as determined by the secretary or his designee shall thereafter be responsible for the permit review process. The secretary's or his designee's determination is binding unless and until reversed by the Courts.

b. Filing application with the secretary or his designee

(1) Within two working days of the filing of an apparently complete application with the secretary or his designee the secretary or his designee shall make a determination as to whether the use is one of state concern or local concern based on the criteria set forth in Subsection C below. Notice shall be given to affected local programs of the determination whether the use is a use of state or local concern. The secretary or his designee shall give full consideration to program comments or objections to any such determination in making future determinations.

Part VII. Determination As to Whether a Coastal Use Permit is Required.

A. Request By Applicant

(1) Any person who proposes to conduct an activity may submit a request in writing to the secretary or his designee for a formal finding as to whether the proposed activity is a use of state or local concern within the coastal zone subject to the coastal use permitting program. The person making the request shall submit with the request a complete application for a coastal use permit and shall provide such additional information requested by the secretary or his designee as may be appropriate.

B. Finding Without a Request

(1) In reviewing a permit application for which no request has been submitted, the secretary or his designee may find after full consideration of the application, likely impacts of the proposed use, comments received, and applicable rules, regulations and guidelines, that a coastal use permit is not required. If he finds that no permit is required, the secretary or his designee shall notify the applicant and give public notice. (See also Part VIII. Procedural Rules for Reconsideration of actions of the Secretary.

(2) A local government with an approved program may request that the secretary or his designee review an application

for a use of local concern and make a determination as to whether a coastal use permit is required, pursuant to the procedures provided for in Subsection B(1) above. The secretary or his designee shall notify the local government of his decision.

C. Decisions

(1) Only the secretary or his designee may determine that coastal use permit is not required. A permit shall not be required if the proposed use or activity will not occur within the boundary of the coastal zone, does not have a direct and significant impact on coastal waters, or is exempt from permitting by Part I of these rules or by Section 213.12 (B) or (C), Section 213.13 (A) or Section 213.15 of the Act.

D. Actions After Decision

(2) If the determination is that a coastal use permit is not required, the requestor or the applicant may proceed to carry out the activity. Provided that the secretary or his designee shall not be stopped from subsequently requiring a permit or issuing cease and desist orders if it is found that the activity as implemented is significantly different from that shown on the request or application, does in fact have a direct or significant impact on coastal waters, or otherwise requires a coastal use permit. Other civil or criminal sanctions shall not be available in the absence of fraud, ill practices, deliberate misrepresentation or failure to comply with any cease and desist or other lawful order of the secretary.

E. Appeal

(1) The determination shall be subject to appeal pursuant to Part III, D (8) of these rules. The burden of proof shall be on the appellant. In the event of an appeal of a decision that a permit is required, the processing of the permit application shall be interrupted pending a final decision by the court. In the event of an appeal of a decision that a permit is not required, implementation of the use or activity shall be suspended pending a final decision.

Part IX. Federal Consistency

A. The CMD/DNR shall be responsible for all federal consistency reviews pursuant to section 307 of the CZMA of 1972, as amended, and 15 C.F.R. part 930. In the cases of activities permitted as uses of local concern by parishes with approved local coastal programs, the CMD/DNR will consider the parish permit decision as programmatic concurrence.

B. The CMD/DNR reserves the right to withdraw this programmatic concurrence or amend the list of federal licenses and permits subject to federal consistency review at any time in the future, consistent with the procedures set forth in 15 CFR 930.53 (d).

C. The CMD will receive copies of all applications submitted to parish governments with approved programs. These actions will be reviewed by CMD to ensure compliance with the policies, goals and guidelines.

Rules and Procedures For the Development, Approval, Modification and Periodic Review of Local Coastal Management Programs

I. Letter of Intent

Parishes intending to apply for grants to prepare a local coastal management program (LCMP) shall notify the secretary of DNR or his designee by sending a letter of intent approved by the parish Police Jury or Council.

IV. Program Approval

Local programs may be submitted for approval after promulgation of these rules and the state guidelines. The following procedures shall apply:

A. Fifteen copies of the complete proposed local program shall be submitted to the secretary or his designee. The local government shall have additional copies available for distribution upon request. The secretary shall, within fifteen days of the filing

of a complete program give public notice of the submittal of the proposed local program, of the availability of copies of the program for public review and of the date, time and place of a public hearing on the program and request public comment. The secretary or his designee shall give full consideration to all comments received.

B. The secretary or his designee shall, within 90 days of the giving of public notice, either approve the local program or notify the local government of the specific changes which must be made in order for it to be approved. The secretary's or his designee's decision may be appealed pursuant to R.S. 49:213.6.

C. In order to approve the local program, the secretary or his designee must find that:

1) the program is consistent with the state guidelines and with the policies and objectives of the Act;

2) the program submitted for approval contains all the elements required by Section III above and that the materials submitted are accurate and are of sufficient specificity to provide a basis for predictable implementation of the program;

3) that the proposed program, and the policies, objectives, and priorities of use in the program, are of a sufficient comprehensiveness and specificity to address the identified resource-use conflicts and are consistent with the goals of the Act, the objectives of the LCRP, and the policies of the coastal use guidelines;

4) Full opportunity has been provided for federal, state, local and municipal governmental bodies and the general public to participate in the development of the program pursuant to Section III-H above;

5) The local government has included within the program all applicable ordinances and regulatory or management programs which affect the coastal zone; that these authorities are of sufficient scope and specificity to regulate uses of local concern; that the regulatory program meets all requirements for procedures and time frames established by the Act and regulations of the department; that sufficient authority is provided to enforce the local program, including provisions for those penalties provided by R. S. 49:213.17 of the Act, and that the program has met all substantive requirements of the Act and the regulations adopted pursuant thereto.

D. In reviewing a local program for consistency with the state guidelines the secretary, acting jointly with the secretary of the Department of Wildlife and Fisheries, may make reasonable interpretations of the state guidelines, insofar as they affect that particular program, which are necessary because of local environmental condition or user practices. Local programs that may be inconsistent in part with the state guidelines may be approved notwithstanding the conflicts if the secretaries find that:

a. the local environmental conditions and/or user practices are justified in light of the goals of R.S. 49:213.2 the objectives of the LCRP and the policies of the state guidelines;

b. approval would result in only minimal and inconsequential variance from the objectives and policies of the Act and the guidelines; and

c. the local program provides special methods to assure that the conflicts remain minimal and inconsequential.

E. The local program shall become effective when approved by the secretary or his designee, and is officially adopted by the local government.

V. Modifications

C. An alteration or modification shall become effective when approved by the secretary or his designee and officially adopted by the local government. If a proposed alteration or modification is not approved, the provisions of the previously approved program shall remain in effect unless specifically rejected by the governing body of the parish.

VI. Periodic Review of Programs

B. The Secretary or his designee shall review the approved local programs to determine the extent to which the implementation of the local program is consistent with and achieving the objectives of the state and local programs.

VII. Funding of Local Programs

A. All funds provided to local governments by the department for program development or implementation shall be subject to the following:

2. Such financial assistance shall be on a matching fund basis. The required local match shall be determined by the secretary or his designee.

3. Eligibility of a local government for such financial assistance shall be determined by the secretary or his designee pursuant to these rules and the contractual requirements of the department.

B. Planning and Development Assistance funding shall be subject to the following:

1. Funding for planning and development of local programs shall be available. The level of such funding shall be at the discretion of the secretary or his designee and as provided for herein. A base level of funding will be made available to each parish in the coastal zone which does not have an approved program. Any unutilized allocated funds will be available for use by other parishes at the discretion of the secretary or his designee for special planning and development projects.

D. Implementation Assistant funding shall be subject to the following:

2. The secretary or his designee shall establish and modify, as appropriate, a reasonable allocation formula utilizing objective criteria regarding the coastal zone of the parish including:

3. Each parish with an approved program shall be assured of a base level of funding, with additional funding based upon the allocation formula. Any unutilized implementation funds will be available, at the discretion of the secretary or his designee, for use by other parishes for special planning, implementation or management projects.

4. Implementation funds may only be used to implement the approved local program, carry out planning for or development of approvable alterations or modifications in the local program, and to update or revise the data base utilized by the local program.

Public Hearings

F. Conduct of Hearings

(4) All public hearings shall be recorded verbatim. Copies of the transcript will be available for public inspection and purchase at the Coastal Management Division Office.

Special Areas

B. Nominations

(1) An area may be nominated for designation as a special area by any person, local government, state agency or the secretary or his designee.

C. Administrative Review

(1) The secretary or his designee shall review proposals for their suitability and consistency with the coastal management program.

(2) If he finds that a proposal is suitable and consistent with the coastal management program, the secretary or his designee may, with the advice and assistance of affected local programs, prepare a draft "Proposal for a Special Area." The proposal shall consist of the delineation of the area to be designated, the guidelines and procedures for management, and priorities of uses.

(3) Public notice announcing a public hearing on the proposal shall be given and published in a newspaper of general circulation in the affected parishes. Copies of the proposal may

be obtained from the administrator upon request and copies shall be made available for public review at the offices of the Coastal Management Division offices of local programs, and at public libraries in affected parishes. Notice and copies of the proposals shall be sent to appropriate governmental bodies.

(4) After the public hearing and consideration of all comments received at or before the hearing, the secretary or his designee shall determine whether to designate the area proposed, or a part of it or an approximately similar area, and adopt the guidelines and procedures for management and priorities of uses. Public notice of the secretary or his designee decision shall be given.

All interested persons so desiring shall submit oral or written data, views, comments or arguments to Joel L. Lindsey, Coastal Management Division, Department of Natural Resources, Box 4487, Baton Rouge, LA 70804-4487, (504) 342-7591.

B. Jim Porter
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Coastal Resources Management

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

There will be no additional cost or savings to state or local governmental units as a result of these rule changes because the existing staff can handle the related workload.

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

These rule changes will have no impact on revenue collections of state or local governmental units because no additional fees will be charged to applicants.

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

There will not be additional cost to applicants or non-governmental groups as a result of these rule changes. Some affected persons may benefit by the direct appeal of the secretary's decision to the courts as opposed to appealing to the Coastal Commission. Such action could reduce legal expenses to the applicants.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no impact on competition and employment as a result of these changes because no new staff will be needed to administer the change in rules.

C.G Groat
Assistant to the Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Public Safety and Corrections Board of Pardons

Pursuant to Act 490, which has become R.S. 15:572 et seq., and in compliance with the mandate established by §572.4 thereof, which provides, in part, that the Pardon Board shall:

"Adopt written rules, regulations and procedures for consideration of clemency applications by January 1, 1980, . . . to be adopted in accordance with the procedures of R.S. 49:953(A)(1) and (2) . . .", the following rules, having been adopted by the Louisiana Board of Pardons on October 8, 1979, will govern the processing of applications for pardon, commutation of sentence, or restoration of citizenship. It is specifically provided that rules previously adopted and adhered to, unless included herein, are void.

**Title 22. Corrections, Criminal Justice
and Law Enforcement
Part V. Board of Pardons**

Chapter 1. Applications

§101. Filing Procedure

A. To constitute a complete application for pardon, commutation of sentence or restoration of citizenship, an application must comply with two basic requirements:

1. Submit a petition setting forth the name of applicant, date of birth, offense, parish where tried, judicial district, sentence and date, length of time served, reason for requesting clemency, and relief desired. The petition shall be signed and dated and shall contain a prison address (if applicant is incarcerated) and a home address. There is no requirement that the petition be in any particular form or length, so long as it is legible and contains the items mentioned. In the case of a request for pardon or restoration of citizenship, all previous convictions for which applicant was not pardoned must be listed.

2. Before considering the application for pardon or commutation of sentence, notice of intent to apply to the board for pardon or commutation of sentence shall be published on three separate days within a thirty-day period of time, without cost to the state, in the official journal of the governing authority of the parish where the offense occurred for which the person was convicted. For the purpose of compliance with this rule, the board will accept an application received within one year of the date of the appearance of the advertisements. The applicant shall provide the board with proof of publication as evidenced by a certificate furnished by said newspaper.

§103. Hearing Dates

A. The board's regular meeting days are Mondays, Tuesdays, and Wednesdays. It shall also meet at such other times as the chairman may determine necessary for the purpose of reviewing and taking action upon applications pending before it and to transact such other business as it deems necessary.

§105. Notice of Hearings

A. Before considering the application for pardon or commutation of sentence for any person, the board shall give written notice of the date and time at which the application will be heard and considered, at least 30 days prior to the hearing to the following:

1. The district attorney and sheriff of the parish in which the applicant was convicted.
2. The applicant.
3. The victim who has been physically or psychologically injured by the applicant, and the victim's spouse or next of kin, unless the injured victim or his spouse or next of kin advises the board, in writing, that such notification is not desired.
4. The spouse or next of kin of a deceased victim when the offender responsible for the death is the applicant, unless the spouse or next of kin advises the board, in writing, that such notification is not desired.
5. Any other interested persons.

B. The district attorney, injured victim, spouse or next of kin, and any other persons who desire to do so shall be given a reasonable opportunity to attend the meeting and be heard.

§107. Discretionary Powers of the Board

A. An application may be considered by the board any time after it is received, but no application will be considered by the board until it deems the application to be complete.

B. In determining which cases are ready to be heard, the board may, in its discretion, refuse to grant a hearing of an applicant who has not served one-fifth of his sentence. In cases of life sentences and sentences of 45 years or longer, the applications may be heard at the discretion of the board. Additionally, the board may refuse a hearing to an applicant because of his past criminal record or his poor conduct while incarcerated. However, if good cause is shown, nothing in this article shall prevent the board from hearing the types of cases mentioned hereinabove. In any matter not specifically covered by these rules, the board shall have discretionary powers to act.

§109. Employment and Residence Agreements

A. To demonstrate good faith, an applicant should provide the board with both an employment and a residence agreement. However, neither an employment nor a residence agreement is required, but both are encouraged. The agreements shall inform the board of the applicant's plans for the present and/or future.

§111. Denials

A. The board, upon denying an application, shall, within 21 working days, inform the applicant of the denial. No new application will be accepted until one year has elapsed from the date of denial.

Interested persons may submit written comments to Marian Hirsch, Board of Pardons, 654 Main Street, Baton Rouge, LA 70801.

Lawrence Hand, Sr.
Vice Chairman

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

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

There will be no costs or monetary impact upon the Board of Pardons or the State of Louisiana.

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)

The applicant must now pay for the placement of three advertisements whereas he previously had to place only one advertisement in the paper.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Lawrence Hand, Sr.
Vice Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Public Safety and Corrections Liquefied Petroleum Gas Commission

In accordance with the provisions of R.S. 49:950, the Administrative Procedure Act, and R.S. 40:1846 relative to the authority of the Liquefied Petroleum Gas Commission to make and enforce rules and regulations, notice is hereby given that the commission proposes to adopt the following changes to its rules and regulations. The commission will hold a public hearing November 20, 1986, 7901 Independence Boulevard, Field House, Classroom 8, 8:30 a.m. Written comments will be accepted through November 10, 1986, and should be sent to Lionel T. Ortego at Box 66209, Baton Rouge, LA 70896. All interested persons will be afforded an opportunity to be heard at the public hearing.

1. Amend and reenact Section Class I (m) to read:

Where fuel is used direct from cargo tank an approved valve with proper excess flow device shall be used. Connector to vehicle's engine shall be approved for such use and protected from mechanical injury.

2. Amend and reenact Class VII (f)(2)(b) to read:

Where fuel is used direct from cargo tank an approved valve with proper excess flow device shall be used. Connector to vehicle's engine shall be approved for such use and protected from mechanical injury.

3. Amend and reenact Section 6.1 (b) to read:

Use of fuel from cargo containers: Fuel may be used from cargo containers. The use of fuel from cargo containers to operate stationary engines is permitted providing wheels are securely blocked.

Lionel T. Ortego
Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: L.P. Gas Comm. Rules and Regulations

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of these regulations will not cause any additional cost or savings to be incurred by state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of these regulations will not affect revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Economic cost or benefits of implementation of these rule changes are unpredictable but would be positive.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Implementation of these rule changes would not affect competition or employment.

Lionel T. Ortego
Director

Mark C. Drennan
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Revenue and Taxation Excise Taxes Section

Under the authority granted by R.S. 47:831C, the secretary of the Louisiana 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).

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 governing 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 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) *Hazardous waste treatment facility* means any facility or location where any method, technique, or process, including neutralization or incineration, designed to change the physical or chemical character or composition of any hazardous waste so as to neutralize such waste or so as to render such waste non-hazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous; however, a "treatment facility" shall be treated in the same manner as a "disposal facility" if it receives hazardous waste from outside companies or stores the hazardous waste in excess of 90 days before the waste is treated to render it nonhazardous.

(c) *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 $100\% - 30\% = 70\%$ 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 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 $(100\% - 30\%) - 4\% = 66\%$. In this example the taxable dry weight would be 66 percent of the total weight of the waste.

(c) Any method which has received prior approval from the Department of Environmental Quality may be used to determine the dry-weight of the hazardous 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 factor 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 40 tons or less for the taxable quarter.

2. When a taxpayer files a consolidated return covering several generation sites, the 40-ton limit is to be applied on a per-site basis.

3. The 40-ton limit applies to each waste. The total tons of all wastes which are substantially the same must be combined in determining if the forty-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; however, if the standard conversion factors are used as a deliberate means to avoid paying a higher amount of tax, then the use of the standard conversion factors will be disallowed and the actual dry-weight determination will 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 dis-

posal methods for which standard conversion factors have been established, and their associated factors.

Landfill	.75, i.e., total weight \times .75 = dry weight
Landfarm	.25, i.e., total weight \times .25 = dry weight
Impoundments	.05, i.e., total weight \times .05 = dry weight
Injection wells	.02, i.e., total weight \times .02 = dry weight

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 the 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 \$5 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 \$10 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 di-

rectly 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 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 twentieth 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 dollars, 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 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 required 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 Louisiana Department of Revenue and Taxation Building, 330 North Ardenwood Drive, Baton Rouge, LA.

Written comments will be accepted by L. Kent LaPlace through the close of business, November 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: Excise Taxes**

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. These rules are the first comprehensive codification of existing departmental policies for administration of this tax.

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

Mark C. Drennan
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Transportation and Development
Office of Highways**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the attached fee schedule that will apply to use of aircraft owned and operated by the Department of Transportation and Development, all in accordance with the provisions of R.S. 2:6 and 36:509F(3).

Pursuant to the authority vested in the Office of the Secretary by R.S. 2:6 and 36:509F(3), the Department of Transportation and Development will publish a revision to the *State of Louisiana Flight Operations Manual*, in order to establish a new fee schedule for use of DOTD aircraft.

The following changes will be reflected in the *Flight Operations Manual* and published following publication of the rule:

4. All passengers in aircraft owned and operated by the DOTD shall be billed for air travel in accordance with the following fee schedule:

a. Official state business charges: agencies shall be charged for aircraft use in accordance with the following rates as recommended by the secretary of Transportation and approved by the governor:

Twin Engine Turbo Prop - \$300 per agency flight hour to destination and return.

Twin Engine (Reciprocating Engine) - \$120 per agency flight hour to destination and return.

Single Engine \$60 - per agency flight hour to destination and return.

Rotary Wing Single Engine - \$300 per agency flight hour to destination and return.

A minimum charge of \$100 per agency flight will be collected for all flights which generate less than \$100 in per hour charges. A \$15 per hour, per pilot, per agency charge will be collected for ground waiting times.

The revised rates will become effective immediately following publication of the rule.

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this Notice of Intent to: G. L. Ray, P.E., Maintenance Systems Engineer, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245.

Robert G. Graves
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Aircraft Use Fee Increase**

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

There will be a one-time cost of \$500 in operating expenses in connection with revision, publication, and redistribution of the *Flight Operations Manual*

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

When DOTD increased its flight fee from \$100 per hour to \$200 per hour in April, 1986 the portion of hours flown that were reimbursed decreased from 43 percent to 32 percent. At the \$300 per flight hour rate the portion of flight hours that would be reimbursed is projected to decrease further to 27 percent. Total DOTD flight hours are projected to decrease from 1,850 in 1985-86 to 1,500 in 1986-87. If total flight hours hold at this figure in 1986-87 and future fiscal years, the new rate will generate an additional \$20,000 in 1986-87, over the amount the \$200 per hour would generate.

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

There are no estimated costs or economic benefits to directly effected persons or non governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Robert G. Graves
Secretary

Mark C. Drennan
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Transportation and Development Office of Public Works

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et. seq. notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the following fee schedule, effective October 20, 1986, that will apply to the engineering services it provides to drainage or subdrainage district, gravity drainage, or gravity subdrainage district, levee board or any political subdivision, other than state or federally funded projects, all in accordance with the provisions of R.S. 38:6 as amended by Act 110 of 1986.

ENGINEERING SERVICE FEE SCHEDULE

INITIATING FEE

An initiating fee of \$2,000 shall be sent to the department with any request for an engineering study from any drainage or subdrainage district, any gravity drainage or gravity subdrainage district, or any levee board or any political subdivision.

ENGINEERING STUDY FEE

On completion of the study, the requesting agency will be charged an engineering study fee of two percent of the estimated project cost or a minimum of \$2,000 less the original \$2,000 initiating fee. On projects that are found to be not feasible and no recommendation of a construction project is made, the \$2,000 initiating fee will be returned.

PROJECT DESIGN FEE

In addition to the engineering study fee, the requesting agency will be charged a Project Design Fee of four percent of the estimated project cost that is payable at the time the project design is requested.

CONSTRUCTION FEE

The requesting agency will be charged a construction fee of two percent of the construction cost that is payable at the time successful bids on the project are accepted.

In the event a project is state or federally funded within three years from the date of recommendation, the initiating fee and the engineering study fee will be returned and there will be no project construction fee.

Specifically excluded from the engineering service fee are the following:

1. statewide flood control projects;
2. soil conservation service projects;
3. routine engineering and surveying assistance provided to drainage or subdrainage district, any gravity drainage or gravity subdrainage district, or any levee board or any political subdivision, etc. not associated with a project undertaken by the affected agency;
4. any engineering study or project design begun prior to enactment of this fee.

All interested persons, so desiring, shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this rule to: Eugene P. Waquespack, Chief Maintenance and Operations Engineer, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245.

Robert G. Graves
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Engineering Service Fees

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO

STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

DOTD Public Works estimates that the proposed fees will be paid approximately one third by police juries, one third by levee districts, and the remaining one-third by drainage districts.

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

DOTD Public Works expects to collect \$20,000 in 1986-87, \$160,000 in 1987-88 and \$160,000 in 1988-89.

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

None

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

None

Robert G. Graves
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of the Treasury Board of Trustees of the State Employees Group Benefits Program intends to amend the Plan Document as follows:

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

"(C). On the last day of the month in which the dependent ceases to be an eligible dependent of the covered employee as defined in this contract;"

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 December 1, 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: Art. 2, Section II (C)

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

Implementation costs relative to this rule change will be minimal, however, the exact cost, if any, is indeterminable.

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

Revenue collections of state or local governmental units will not be effected by this rule change.

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

Estimated costs of directly affected persons or non-

governmental groups will not be impacted. The economic benefits will be impacted to the extent that group health and accident insurance is extended to the end of the month in which dependency status terminates.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be effected.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend its election rules as follows:

I. Uniform Election Dates

A. Elections for the Board of Trustees will be conducted as follows:

B. First Monday in March - Group Benefits submits nomination sheets to agency's designated Invoice Coordinator.

C. First Monday in April - Nomination cut-off date - Completed petitions for candidacy must be received in the Baton Rouge office of the Executive Director of the State Employees Group Benefits Program no later than 4:30 p.m.

D. Second Monday in April - Drawing at State Employees Group Benefits Program office in Baton Rouge to determine the position each candidate will have on the ballot. All candidates are invited to attend or send a representative.

E. Prior to first Monday in May, ballots will be sent to proper authority for distribution.

F. Second Monday in June - COB - Deadline for receiving ballots in State Employees Group Benefits Program office.

G. Third Monday in June - All ballots counted.

H. Election results promulgated at next Board of Trustees meeting following the counting of ballots.

II. Elected Membership of Board of Trustees

A. Elections will be held during the appropriate year, to elect one Board member for a four-year term from the ranks of the following:

1. The Department of Transportation and Development.
2. The Department of Health and Human Resources.
3. The Office of the Governor and the Division of Administration.

4. The personnel of the public institutions of higher education.

5. The teachers and other personnel of the elementary and secondary education system of the State.

6. The retired state employees.

7. All other employees participating in the Program (at large candidates) that are not teachers and other personnel of the elementary and secondary education system, personnel of the public institutions of higher education, personnel of the Department of Health and Human Resources, the Office of the Governor and the Division of Administration, or a retired state employee.

B. Candidate Eligibility.

1. A candidate for a position on the Board of Trustees

must be a participant in the Program as of the specified membership date.

2. If elected, the board member must continue to be a participant in the Program during his tenure on the board.

C. Election Procedures.

1. Petitions for Candidacy.

- a. To become a candidate, a person must be nominated by petition of 25 or more participants in the State Employees Group Benefits Program from the ranks of the employees they will represent.

- b. The petitioning participants' signature must be accompanied by their Social Security Number.

- c. Petitions for candidacy must be received in the Baton Rouge office of the executive director of the State Employees Group Benefits Program no later than 4:30 p.m. on the first Monday in April of the year an election is to be held. The State Employees Group Benefits Program shall verify that each candidate is a participant in the Program and a member of the category of employees from which he is to be elected. The State Employees Group Benefits Program shall also verify that each person signing the petition for candidacy is a participant in the Program and eligible to vote for the candidate whose petition he signed.

2. Ballot Preparation and Distribution.

- a. Ballot positions of candidates will be determined by a drawing.

- b. All candidates will be notified of the time and place of the drawing.

- c. All candidates or his/her representative may attend the drawing.

- d. Except for state retirees, ballots and information sheets on candidates will be distributed to each assigned Group Benefits Invoice Coordinator (agency contact) for distribution.

3. Balloting Procedure.

- a. All participants enrolled in the Group Benefits Program on the specified membership date are eligible to vote.

- b. A ballot will be distributed to all eligible active employee Group plan participants by the Group Benefits Invoice Coordinator. All eligible persons voting for the retiree representative will be mailed a ballot.

- c. Each eligible plan member may cast only one vote for any candidate listed on the ballot.

- d. Ballots must be returned in envelope provided.

- i. Signature of the voting member must appear on the official ballot envelope for comparison with the records of the system.

- ii. Envelopes containing more than one ballot will not be accepted.

- iii. Ballots must be received no later than 4:30 p.m. in the office of the State Employees Group Benefits Program on the second Monday in June in the year in which an election is held.

- iv. The sealed, postmarked or stamped-received envelope will be placed in the ballot file for opening by the Ballot Counting Committee, thus assuring that only members vote and an absolute secret ballot is maintained.

4. Ballot Counting.

- a. The ballots will be counted by the Ballot Counting Committee.

- b. The Ballot Counting Committee shall be composed of employees of the State Employees Group Benefits Program, appointed by the Executive Director.

- c. The Ballot Counting Committee and all candidates will be notified of the time and date fixed for tallying the ballots.

- d. The Ballot Counting Committee will be responsible for the opening, preparation, and counting of the ballots.

- e. All candidates or his/her representative may observe

the ballot counting procedure.

5. Election Results.

a. The Executive Director will certify the election results to the Board of Trustees.

b. The Board of Trustees will announce the election results at the first regularly scheduled Board meeting following the election.

c. The Board of Trustees will notify the successful candidates of their election.

d. The Board of Trustees will certify the election results to the Secretary of State.

III. Selection of Minority Members to the Board of Trustees

A. Two members of a minority race, as defined below, who are state employees and participants in the State Employees Group Benefits Program will be appointed to the Board pursuant to R.S. 42:872 and these rules.

B. The following groups of persons are hereby designated as a minority.

1. Black - Not of hispanic origin. Persons having origin in any of the black racial groups of Africa.

2. Hispanic - Persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish cultures or origin regardless of race.

3. American indian or Alaskan Native - Persons having origins in any of the original peoples of North America who maintain cultural identification through tribal affiliation or community recognition.

4. Asian or Pacific Islander - Person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Sub-continent or the Pacific Islands.

C. Any interested person meeting the requirements of Rule 1 may apply for appointment to the Board by forwarding to the chairman of the board:

1. A petition signed by at least 25 state employees who are participants in the State Employees Group Benefits Program. The State Employees Group Benefits Program shall verify that each candidate is a participant in the Program and that each person signing the petition for candidacy is a state employee and a participant in the Program; and

2. A resume outlining the experience and qualifications of the minority applicant.

D. The petition and resume must be sent to: Chairman, Board of Trustees, State Employees Group Benefits Program, Baton Rouge, LA.

E. All applications for appointment must be received prior to the close of business on March 31, of the year in which the incumbent minority members' terms end.

F. The Board, or any Committee thereof, may interview any or all of the applicants for membership on the Board of Trustees.

G. Minority board members shall be appointed to serve a term of four years.

IV. Filling of Vacancies

Vacancies occurring on the Board of Trustees shall be filled in accordance with law.

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 December 1, 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: Election Rules

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

Changes to the election rules will have no economic or fiscal impact on state or local governmental units.

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

Revenue collections of state or local governmental units will not be effected by these rule changes.

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

These rule changes will not impact costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition or employment will not be impacted by these rule changes.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend the Plan Document as follows:

Substitute the following for the language contained in the first paragraph under Article 3, Section I (G), page 28: "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:"

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 December 1, 1986, at the following address: 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: Article 3, Section I (G.)

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

State or local governmental units will not experience any cost increase as a result of the implementation of this rule change.

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

Revenue collections of state or local governmental units will not be affected by this rule change.

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

The estimated costs and/or economic benefits to those directly affected persons or non-governmental groups will not be impacted. This rule change merely clarifies existing verbage and assures that occupational disease, accident or injury not covered by Workman's Compensation benefits is covered by the State Employees Group Benefits Program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Compensation and employment will not be effected by this rule.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

No additional costs to implement.
II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Will increase revenue collection by approximately \$720,000. per year.

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

Will cost the companies involved (those not currently paying royalty) an extra \$.20/cubic yard for fill material removed from state owned water bottoms.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Will result in fair competition between dredging companies by eliminating illegal operations that have consistently underbid the legal operators.

Mary Mitchell
Chief Fiscal officer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Louisiana Wildlife and Fisheries Commission under its authority as provided in R. S. 56:6(24) announces its intent to update, reinstate and promulgate rules for the regulation of the dredging of fill sand and fill material from waters of the state of Louisiana. It is the intent of the commission to initiate rule making at its regularly scheduled meeting in November, 1986.

The rules and regulations under consideration are as follows:

1. To reaffirm and reenact the currently imposed royalty rate:

Sand, screened \$0.22 per cubic yard
Gravel, screened and washed \$0.60 per cubic yard
Gravel and sand, unscreened \$0.40 per cubic yard
Fill materials and/or fill sand \$0.20 per cubic yard

2. To abolish the fill material agreement and establish a permit system.

3. To establish a permit fee of \$50.

4. To reaffirm the requirement of the \$75,000 performance bond and reduce the \$18,000 minimum guarantee to \$5,000.

5. To establish permit enforcement rules.

6. To establish rules for permit denial or revocation.

7. To define a permitted site.

Copies of the proposed rules can be viewed at the Department of Wildlife and Fisheries, 7389 Florida Boulevard, Bon Marche Mall, Baton Rouge. Mary Mitchell is the person responsible for responding to inquiries concerning the intended action.

Mary Mitchell
Chief Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Fill material permitting**

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

Administrative Code Update

ADMINISTRATIVE CODE UPDATE

**Administrative Code Update
July 1986 through September 1986**

<u>Vol.</u>	<u>Title:Part Section</u>	<u>Effect</u>	<u>Location</u>
1	LAC 35:1.1787	Amended	LR 12:419 (July 1986)
1	LAC 35:XIII.11201	Adopted	LR 12:419 (July 1986)
2	LAC 7:XI.7901	Amended	LR 12:493 (August 1986)
2	LAC 7:XXXI.16112	Amended	LR 12:498 (August 1986)
2	LAC 7:XXI.11701	Amended	LR 12:498 (August 1986)
2	LAC 7:XXI.11733	Amended	LR 12:500 (August 1986)
2	LAC 7:XXI.11735	Amended	LR 12:504 (August 1986)
2	LAC 7:XXI.11737	Amended	LR 12:502 (August 1986)
2	LAC 7:XXI.11739	Amended	LR 12:502 (August 1986)
2	LAC 7:XXI.11768	Adopted	LR 12:503 (August 1986)
2	LAC 7:XXXVI.17701	Adopted	LR 12:503 (August 1986)
2	LAC 7:XXI.11735	Amended	LR 12:598 (August 1986)
3	LAC 46:LXVII.1201	Adopted	LR 12:509 (August 1986)

3	LAC 46:LXVII.1509	Amended	LR 12:509 (August 1986)
3	LAC 46:LXVII.1517	Amended	LR 12:509 (August 1986)
3	LAC 46:LXVII.1519	Amended	LR 12:509 (August 1986)
3	LAC 46:LXVII.2701	Amended	LR 12:509 (August 1986)
3	LAC 46:LXVII.2717	Amended	LR 12:509 (August 1986)
3	LAC 46:LXVII.6521	Amended	LR 12:509 (August 1986)
3	LAC 46:LXVII.6525	Amended	LR 12:509 (August 1986)
3	LAC 46:LXVII.Chapter 67	Adopted	LR 12:509 (August 1986)
3	LAC 46:XLIX.Chapter 7	Amended	LR 12:511 (August 1986)
3	LAC 46:XLV.Chapter 23	Adopted	LR 12:513 (August 1986)
3	LAC 46:XLV.Chapter 31	Adopted	LR 12:522 (August 1986)

Potpourri

POTPOURRI

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has changed the effective date of a Rule in Aid to Families with Dependent Children Program. The Notice of Intent, published in the *Louisiana Register* (Vol. 12, No. 8, page 557) dated August 20, 1986, had an effective date of November 1, 1986. The final rule, published concurrently with this Potpourri, is effective January 1, 1987.

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

POTPOURRI

Department of Natural Resources Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56:700.1 through 56:700.5, and regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980, notice is given that 53 claims amounting to \$64,205.59 were received during the month of September, 1986.

The following claims are the subjects of public hearings to be held at the locations indicated:

Wednesday November 5, 1986, at 3:00 p.m. in the L.S.U. Cooperative Extension Service Office, Greater Lafourche Port Commission Building, Highway 308, Galliano, LA.:
Claim No. 86-3350

Jefferson Lasseigne, of Galliano, LA, while trawling on the vessel, "TEE JEFF," in Barataria Pass, at approximate LORAN-C readings of 28,576.2 and 46,857.5, Jefferson Parish, encountered an unidentified submerged obstruction on May 24, 1986. Causing damage and/or loss. Amount of Claim: \$139.43

CLAIM NO. 86-3415

Gerald J. Cheramie, of Grand Isle, LA, while trawling on the vessel, "MON CHERAMIE," in the Gulf of Mexico, in the middle of Grand Isle, Jefferson Parish, encountered an unidentified submerged obstruction on June 9, 1986. Causing damage and/or loss. Amount of Claim: \$2,104.72

CLAIM NO. 86-3421

Tommy Cheramie, of Tommy Cheramie, Inc., Cut Off, LA, while trawling on the vessel, "TOMMY CHERAMIE," in the Gulf of Mexico, at approximate LORAN-C readings of 28,568.2 and 46,864.5, Jefferson Parish, encountered an unidentified submerged obstruction on June 3, 1986. Causing damage and/or loss. Amount of Claim: \$1,269.37

CLAIM NO. 86-3430

Emery Eymard of Seaman Blues, Inc., while trawling on the vessel "RAMBLIN MAN," in Chandeleur Sound, at approximate LORAN-C readings of 29,148.0 and 46,940.4, encountered an unidentified submerged obstruction on June 6, 1986. Causing damage and/or loss. Amount of Claim: \$1,412.70

CLAIM NO. 86-3438

Alvin Charpentier, of Captain Alvin, Inc., Cut Off, LA, while trawling on the vessel, "CAPTAIN ALVIN," in Breton Sound, at approximate LORAN-C readings of 29,148.5 and 46,940.2, St. Bernard Parish, encountered an unidentified submerged obstruction on June 9, 1986. Causing damage and/or loss. Amount of Claim: \$1,494.08

CLAIM NO. 86-3446

Curt Terrebonne, of Cut Off, LA, while trawling on the vessel, "LADY OF FATIMA," in the Gulf of Mexico, about two miles southwest of Belle Pass, Lafourche Parish, encountered an unidentified submerged obstruction on April 21, 1986. Causing damage and/or loss. Amount of Claim: \$339.45

CLAIM NO. 86-3447

Curt Terrebonne, of Cut Off, LA, while trawling on the vessel, "LADY OF FATIMA," in the Gulf of Mexico, about 1/2 mile south of Penrod Slip, Lafourche Parish, encountered an unidentified submerged obstruction on May 18, 1986. Causing damage and/or loss. Amount of Claim: \$901.

CLAIM NO. 86-3477

Jacob Jennings, of Galliano, LA, while trawling on the vessel, "LA 3632 BD," in the Gulf of Mexico, 1/2 mile off of Belle Pass, Lafourche Parish, encountered submerged rocks on June 18, 1986. Causing damage and/or loss. Amount of Claim: \$285.95

CLAIM NO. 86-3492

Gary Terrebonne, Jr., of Larose, LA, while trawling on the vessel, "BETTY T.," in East Timbalier Bay, north of Wrong Name Pass, Lafourche Parish, encountered an unidentified submerged obstruction on June 30, 1986. Causing damage and/or loss. Amount of Claim: \$448.16

Claim No. 86-3509

Henry Charpentier, of Capt. Henry, Inc., while trawling on the vessel, "CAPT. HENRY," in Bayou Lafourche, Lafourche Parish, encountered an unidentified submerged obstruction on

June 26, 1986. Causing damage and/or loss. Amount of Claim: \$1,656.67

CLAIM NO. 86-3515

Randy J. Adams of Galliano, LA, while trawling on the vessel, "SUNSHINE LADY," in the Gulf of Mexico, at approximate LORAN-C readings of 27,326.5 and 46,942.5, Vermilion Parish, encountered an unidentified submerged obstruction on July 7, 1986. Causing damage and/or loss. Amount of Claim: \$452.70

CLAIM NO. 86-3546

Gary Callais, of Galliano, LA, while trawling on the vessel, "CHARLOTTE ANN," East of Shell Keys, at approximate LORAN-C readings of 27,493.2 and 46,918.8, Vermilion Parish, encountered an unidentified submerged obstruction on July 5, 1986. Causing damage and/or loss. Amount of Claim: \$1,967.95

CLAIM NO. 86-3547

Mervin Ledet, Sr., of Mervin Ledet, Inc., Galliano, LA, while trawling on the vessel "KEY LARGO," in the Gulf of Mexico, off SW Pass, St. Mary Parish, encountered an unidentified submerged obstruction on July 1, 1986. Causing damage and/or loss. Amount of Claim: \$418.98

CLAIM NO. 86-3614

Calvin A. Cheramie, of Galliano, LA, while trawling on the vessel, "MR. FOX," in Lake Borgne, St. Bernard Parish, encountered an unidentified submerged obstruction on July 7, 1986. Causing damage and/or loss. Amount of Claim: \$202.70

CLAIM NO. 86-3620

Kearn Chouest, of L&K, Inc., Galliano, LA, while trawling on the vessel, "L&K," in Lake Borgne, at approximate LORAN-C readings of 28,926.3 and 47,023.8, St. Bernard Parish, encountered an unidentified submerged obstruction on July 21, 1986. Causing damage and/or loss. Amount of Claim: \$1,204.87

CLAIM NO. 86-3385

Harris Griffin, of Golden Meadow, LA, while trawling on the vessel, "CAPT. HARRIS," in the Gulf of Mexico, South of Oyster Bayou, Terrebonne Parish, encountered an unidentified submerged obstruction on May 5, 1986. Amount of Claim: \$1,534.69

CLAIM NO. 86-3386

Harris Griffin, of Golden Meadow, LA, while trawling on the vessel, "CAPT. HARRIS," in the Gulf of Mexico, at approximate LORAN-C readings of 11,664.9 and 28,320.7, Lafourche Parish, encountered an unidentified submerged obstruction on May 13, 1986. Causing damage and/or loss. Amount of Claim: \$1,611.49

CLAIM NO. 86-3395

Rodney Eymard, Inc., of Galliano, LA, while trawling on the vessel, "RODNEY'S ANGELS," in the Gulf of Mexico, 1/4 mile east of Grand Isle water tower, Jefferson Parish, encountered an unidentified submerged obstruction on May 16, 1986. Causing damage and/or loss. Amount of Claim: \$614.58

Claim No. 86-3396

Rodney Eymard, Inc., of Galliano, LA, while trawling on the vessel, "RODNEY'S ANGELS," in Barataria Bay, two miles east of Queen Bess Island, Jefferson Parish, encountered an unidentified submerged obstruction on May 28, 1986. Causing damage and/or loss. Amount of Claim: \$2,344.78

CLAIM NO. 86-3493

Jessie Verdin, of Cut Off, LA, while trawling on the vessel, "LADY CATHERINE," in Lake Borgne, at approximate LORAN-C readings of 28,923.1 and 47,030.4, St. Bernard Parish, encountered an unidentified submerged obstruction on June 8, 1986. Causing damage and/or loss. Amount of Claim: \$2,520.33

CLAIM NO. 86-3494

Jessie Verdin, of Cut Off, LA, while trawling on the vessel, "LADY CATHERINE," in Lake Borgne, near the Rigolets, St. Bernard Parish, encountered an unidentified submerged obstruction on June 24, 1986. Causing damage and/or loss. Amount of Claim: \$1,709.81

CLAIM NO. 86-3512

Albert J. Verdin, Jr., of Grand Isle, LA, while trawling on the vessel, "DADDY'S PRIDE," in Barataria Pass, Jefferson Parish, encountered an unidentified submerged obstruction on June 12, 1986. Causing damage and/or loss. Amount of Claim: \$761.02

CLAIM NO. 86-3513

Albert J. Verdin, Jr., of Grand Isle, LA, while trawling on the vessel, "DADDY'S PRIDE," in the Gulf of Mexico, south side of Coopabell Pass, Jefferson Parish, encountered an unidentified submerged obstruction on June 15, 1986. Causing damage and/or loss. Amount of Claim: \$1,522.04

CLAIM NO. 86-3514

Albert J. Verdin, Jr., of Grand Isle, LA, while trawling on the vessel, "DADDY'S PRIDE," in Barataria Pass, Jefferson Parish, encountered an unidentified submerged obstruction on July 5, 1986. Causing damage and/or loss. Amount of Claim: \$2,505.47

CLAIM NO. 86-3524

Joseph S. Verdin, of Galliano, LA, while trawling on the vessel, "TONY JOE," in the Gulf of Mexico, close to Four Bayous, Jefferson Parish, encountered an unidentified submerged obstruction on June 7, 1986. Causing damage and/or loss. Amount of Claim: \$117.

CLAIM NO. 86-3525

Joseph S. Verdin, of Galliano, while trawling on the vessel, "TONY JOE," in the Gulf of Mexico, inside waters off of Four Bayou Pass, Jefferson Parish, encountered an unidentified submerged obstruction on June 9, 1986. Causing damage and/or loss. Amount of Claim: \$870.38

CLAIM NO. 86-3526

Joseph S. Verdin, of Galliano, while trawling on the vessel, "TONY JOE," in the Gulf of Mexico, off of Four Bayou Pass, Jefferson Parish, encountered an unidentified submerged obstruction on June 10, 1986. Amount of Claim: \$870.38

CLAIM NO. 86-3527

Joseph S. Verdin, of Galliano, LA, while trawling on the vessel, "TONY JOE," in the Gulf of Mexico, Barataria Pass, Jefferson Parish, encountered an unidentified submerged obstruction on July 2, 1986. Causing damage and/or loss. Amount of Claim: \$785.94.

Claim No. 86-3597

Joseph S. Verdin, of Galliano, LA while trawling on the vessel, "TONY JOE," in the Gulf of Mexico, Four Bayou Pass, Jefferson Parish, encountered an unidentified submerged obstruction on July 11, 1986. Causing damage and/or loss. Amount of Claim: \$210.

CLAIM NO. 86-3598

Joseph S. Verdin, of Galliano, LA, while trawling on the vessel, "TONY JOE," in the Gulf of Mexico, Barataria Pass, Jefferson Parish, encountered a submerged pontoon on July 14, 1986. Causing damage and/or loss. Amount of Claim: \$995.97

CLAIM NO. 86-3599

Joseph S. Verdin, of Galliano, LA, while trawling on the vessel, "TONY JOE," in the Gulf of Mexico, east side of Barataria Pass, Jefferson Parish, encountered an unidentified submerged obstruction on July 19, 1986. Causing damage and/or loss. Amount of Claim: \$785.97

Thursday, November 6, 1986, at 10 a.m., in the Police Jury Office, 8201 West Judge Perez Drive, in Chalmette, LA.:

CLAIM NO. 86-3458

Elton J. Buras, Sr., of Belle Chase, LA, while trawling on the vessel, "CAPTAIN LOUIS," in The Gulf of Mexico, Main Pass Area, Plaquemines Parish, encountered an unidentified submerged obstruction on June 19, 1986. Causing damage and/or loss. Amount of Claim: \$1,218.10

CLAIM NO. 86-3468

Opeo H. Frey of New Orleans, LA, while trawling on the vessel, "SOUTH WIND," in Lake Pontchartrain, 600 yards straight out of Chef Pass, Orleans Parish, encountered a submerged tree on June 2, 1986. Causing damage and/or loss. Amount of Claim: \$219.

CLAIM NO. 86-3474

Mark and Darryl Eymard, of Buras, LA, while trawling on the vessel, "CAPT. DARRYL," in Breton Sound, North West of Bird Island, at approximate LORAN-C readings of 28898.4 and 46900.8, Plaquemines Parish, encountered an unidentified submerged obstruction on May 21, 1986. Causing damage and/or loss. Amount of Claim: \$1,690.28

CLAIM NO. 86-3479

Robert W. Kenney, of Kenney Seafood Inc., Slidell, LA, while trawling on the vessel, "PAPPY," in Lake Pontchartrain, at approximate LORAN-C readings of 28770.1 and 47043.1, Orleans Parish, encountered an unidentified submerged obstruction on July 1, 1986. Causing damage and/or loss. Amount of Claim: \$75.

CLAIM NO. 86-3483

Loyde Duncan, of Boothville, LA, while trawling on the vessel, "JACKIE," in West Bay, Mouth of Tiger Pass, Plaquemines Parish, encountered an unidentified submerged obstruction on June 20, 1986. Causing damage and/or loss. Amount of Claim: \$650.

CLAIM NO. 86-3484

Wilson Assavedo, of St. Bernard, LA, while trawling on the vessel, "CAPT. SHAWN," in Lake Borgne, off Point Machette, St. Bernard Parish, encountered an unidentified submerged obstruction on June 16, 1986. Causing damage and/or loss. Amount of Claim: \$820.

CLAIM NO. 86-3488

August M Bertoniere, of Metairie, LA, while trawling on the vessel, "PRINCESS," in Lake Pontchartrain, Orleans Parish, encountered an unidentified submerged obstruction on June 17, 1986. Causing damage and/or loss. Amount of Claim: \$906.50

CLAIM NO. 86-3499

Scott P. Lopez, of St. Bernard, LA, while trawling on the vessel, "LADY PAMELA," in Breton Sound, one mile North of the rocks at the end of the Ship Channel, St. Bernard Parish, encountered a submerged sunken boat on July 27, 1986. Causing damage and/or loss. Amount of Claim: \$2,235.

CLAIM NO. 86-3504

Craig A. Zimmer, of New Orleans, LA, while trawling on the vessel, "CRAB ASS," in Lake Borgne, St. Bernard Parish, encountered a submerged piling on July 5, 1986. Causing damage and/or loss. Amount of Claim: \$1,485.51

CLAIM NO. 86-3532

Mark A. Barbe, of New Orleans, LA, while trawling on the vessel, "LA 71 X4," in Lake Pontchartrain, between South Point and Little Woods, Orleans Parish, encountered an unidentified submerged obstruction on July 7, 1986. Causing damage and/or loss. Amount of Claim: \$650.

CLAIM NO. 86-3544

Rodney Weiskopf, Sr., of Braithwaite, LA, while trawling on the vessel, "KURT N. GENE," in Point Chico, St. Bernard Parish encountered an unidentified submerged obstruction on July 10, 1986. Causing damage and/or loss. Amount of Claim: \$1,627.79

CLAIM NO. 86-3553

Gary Kelly, of St. Bernard, LA, while trawling on the vessel, "LIL PEANUT," in Breton Sound, St. Bernard Parish, encountered an unidentified submerged obstruction on July 7, 1986. Causing damage and/or loss. Amount of Claim: \$1,100.

CLAIM NO. 86-3554

Maurice Bertoniere, of Metairie, LA, while trawling on the vessel, "RE-MI," in Lake Pontchartrain, Orleans Parish, encountered an unidentified submerged obstruction on July 7, 1986. Causing damage and/or loss. Amount of Claim: \$3,323.42

CLAIM NO. 86-3560

Andrew Mandina, of Belle Chasse, LA, while trawling on the vessel, "AUNT BEANIE," in American Bay, outside of Cox Bay, Plaquemines Parish, encountered a submerged beacon on July 5, 1986. Causing damage and/or loss. Amount of Claim: \$600.

CLAIM NO. 86-3563

Terry P. Ryan, of Metairie, LA, while trawling on the vessel, "CAPTAIN RYAN," in Lake Pontchartrain, Orleans Parish, encountered an unidentified submerged obstruction on July 11, 1986. Causing damage and/or loss. Amount of Claim: \$778.20

CLAIM NO. 86-3570

Roland G. Navarro, of St. Bernard, LA, while trawling on the vessel, "VALLEY LIGHT," North of Point Chicot, at approximate LORAN-S readings of 29,130.5 and 46,970.1, Plaquemines Parish, encountered an unidentified submerged obstruction on June 15, 1986. Causing damage and/or loss. Amount of Claim: \$816.33

CLAIM NO. 86-3575

Raymond Gilham, of Metairie, LA, while trawling on the vessel, "LA 2201 AP," in Lake Pontchartrain, 400 yards west of Airport Runway, Orleans Parish, encountered an unidentified submerged obstruction on July 17, 1986. Causing damage and/or loss. Amount of Claim: \$1,037.90

CLAIM NO. 86-3576

August E. Despaux, Jr. of Barataria, LA, while trawling on the vessel, "THERESA ANNE," in Barataria Bay, Jefferson Parish, encountered an unidentified submerged obstruction on July 3, 1986. Causing damage and/or loss. Amount of Claim: \$372.36

CLAIM NO. 86-3581

Dennis J. Coulon, of Barataria, LA, while trawling on the vessel, "MISS DENISE," in the Gulf of Mexico, at approximate LORAN-C readings of 28,561.7 and 46,862.6, Jefferson Parish, encountered an unidentified submerged obstruction on May 28, 1986. Causing damage and/or loss. Amount of Claim: \$1,843.14

CLAIM NO. 86-3588

Irvin J. Blanchard, Sr., of Yscloskey, LA, while trawling on the vessel, "MR. RANDOLPH," in Breton Sound, St. Bernard Parish, encountered an unidentified submerged obstruction on July 12, 1986. Causing damage and/or loss. Amount of Claim: \$1,539.68

CLAIM NO. 86-3593

Wallace Perez, of St. Bernard, LA, while trawling on the vessel, "LADY LORRAINE," in Breton Sound, St. Bernard Parish, encountered a submerged pipe on July 23, 1986. Causing damage and/or loss. Amount of Claim: \$720.63

CLAIM NO. 86-3594

Peter Gerica, of New Orleans, LA, while trawling on the vessel, "MISS LUCY," in Lake Pontchartrain, near northdraw, Jefferson Parish, encountered an unidentified submerged obstruction on July 24, 1986. Causing damage and/or loss. Amount of Claim: \$500.

CLAIM NO. 86-3595

Gary Jeanfreau, of St. Bernard, LA, while trawling on the vessel, "MR. VINCENT," in Island Bay, St. Bernard Parish, encountered an unidentified submerged obstruction on April 15, 1986. Causing damage and/or loss. Amount of Claim: \$346.50

CLAIM NO. 86-3603

John S. Domingo, of St. Bernard, LA, while trawling on the vessel "CAPT. JOHN," in East Lake Pontchartrain, at approximate LORAN-C readings of 28,894.5 and 47,056.0, Orleans Parish, encountered an unidentified submerged obstruction on July 19, 1986. Causing damage and/or loss. Amount of Claim: \$730.74

CLAIM NO. 86-3636

Eugene J. Morales, Sr., of St. Bernard, LA, while trawling on the vessel, "MARK GENIE," in Black Bay, one mile outside Mozambique, St. Bernard Parish, encountered an unidentified submerged obstruction on August 7, 1986. Causing damage and/or loss. Amount of Claim: \$819.37

CLAIM NO. 85-2514 (RESCHEDULED)

Bertrand R. Hutchinson, of Empire, LA, while trawling on the vessel, "CAPT. BERTRAND," in Breton Sound, at approximate LORAN-C readings of 28,967.9 and 46,901.3, Plaquemine Parish, encountered an unidentified submerged obstruction on June 14, 1985. Causing damage and/or loss. Amount of Claim: \$1,150.

CLAIM NO. 85-2515 (RESCHEDULED)

Bertrand R. Hutchinson, of Empire, LA, while trawling on the vessel, "CAPT. BERTRAND," in Alligator Point, Plaquemines Parish, encountered an unidentified submerged obstruction on July 2, 1985. Causing damage and/or loss. Amount of Claim: \$1,150.

CLAIM NO. 86-3364

George A. Barisich, of Barisich, Inc., Violet, LA, while trawling on the vessel, "FJG," St. Joe Channel, at approximate LORAN-C readings of 29,110.3 and 47,057.5, St. Tammany Parish, encountered an unidentified submerged obstruction on May 21, 1986. Causing damage and/or loss. Amount of Claim: \$372.80

CLAIM NO. 86-3460

George A. Barisich, of Barisich, Inc., Violet, LA, while trawling on the vessel, "FJG," in Lake Pontchartrain, at approximate LORAN-C readings of 28,683.6 and 47,047.4, Orleans Parish, encountered a submerged log on June 19, 1986. Causing damage and/or loss. Amount of Claim: \$754.95

CLAIM NO. 86-3549

George A. Barisich, of Barisich, Inc., Violet, LA, while trawling on the vessel, "FJG," in Lake Borgne, at approximate LORAN-C readings of 29,002.1 and 47,047.9, St. Bernard Parish, encountered an unidentified submerged obstruction on July 13, 1986. Causing damage and/or loss. Amount of Claim: \$717.15

CLAIM NO. 86-3374

Terry J. Nunez, of St. Bernard, LA, while trawling on the vessel, "LOVELY LADY," in the Gulf of Mexico, four miles east of Point Fortune, St. Bernard Parish, encountered an unidentified submerged obstruction on June 1, 1986. Causing damage and/or loss. Amount of Claim: \$925.

CLAIM NO. 86-3496

Terry J. Nunez, of St. Bernard, LA, while trawling on the vessel, "LOVELY LADY," in Breton Sound, at approximate LORAN-C readings of 28,955.8 and 46,917.9, St. Bernard Parish, encountered submerged concrete stones on July 2, 1986. Causing damage and/or loss. Amount of Claim: \$925.

CLAIM NO. 86-3417

Stephen F. Woodard, of Port Sulphur, LA, while trawling on the vessel, "NANCY M.," in Lake Pontchartrain, Orleans Par-

ish, encountered an unidentified submerged obstruction on June 13, 1986. Causing damage and/or loss. Amount of Claim: \$434.50

CLAIM NO. 86-3578

Stephen F. Woodard, of Port Sulphur, LA, while trawling on the vessel, "NANCY M.," in Lake Pontchartrain, west side of causeway, Jefferson Parish, encountered an unidentified submerged obstruction on July 15, 1986. Causing damage and/or loss. Amount of Claim: \$530.74

CLAIM NO. 86-3475

Michael A. Lobue of New Orleans, LA, while trawling on the vessel, "LADY STACY," in Lake Pontchartrain 1-1/2 miles from Lake Front, Orleans Parish, encountered an unidentified submerged obstruction on June 5, 1986. Causing damage and/or loss. Amount of Claim: \$425.

CLAIM NO. 86-3627

Michael A. Lobue, of New Orleans, LA, while trawling on the vessel, "LADY STACY," in Lake Pontchartrain one mile off Causeway from south shore, Orleans Parish, encountered an unidentified submerged obstruction on July 19, 1986. Causing damage and/or loss. Amount of Claim: \$499.95

CLAIM NO. 86-3533

Frederick J. Seither, Jr., of Metairie, LA, while trawling on the vessel, "DREAMBOAT," in Lake Pontchartrain, west side of Causeway Bridge, Jefferson Parish, encountered an unidentified submerged obstruction on June 1, 1986. Causing damage and/or loss. Amount of Claim: \$132.95

CLAIM NO. 86-3534

Frederick J. Seither, Jr., of Metairie, LA, while trawling on the vessel, "DREAMBOAT," in Lake Pontchartrain, west side of Causeway Bridge, Jefferson Parish, encountered an unidentified submerged obstruction on June 9, 1986. Causing damage and/or loss. Amount of Claim: \$740.

CLAIM NO. 86-3535

Frederick J. Seither Jr., of Metairie, LA, while trawling on the vessel, "DREAMBOAT," in Lake Pontchartrain, two miles north of Lake Front Airport, Orleans Parish, encountered an unidentified submerged obstruction on July 1, 1986. Causing damage and/or loss. Amount of Claim: \$756.

CLAIM NO. 86-3536

Frederick J. Seither, Jr., of Metairie, LA, while trawling on the vessel, "DREAMBOAT," in Lake Pontchartrain, four miles west of the north shore, Jefferson Parish, encountered an unidentified submerged obstruction on July 13, 1986. Causing damage and/or loss. Amount of Claim: \$815.

CLAIM NO. 86-3564

Herny Martinez, of St. Bernard, LA, while trawling on the vessel, "MICHELE MARIE," in Oak River, 2,000 feet from beacon, Plaquemines Parish, encountered an unidentified submerged obstruction on July 16, 1986. Causing damage and/or loss. Amount of Claim: \$770.28

CLAIM NO. 86-3565

Henry Martinez, of St. Bernard, LA, while trawling on the vessel, "MICHELE MARIE," in Bayou Terrebonne, St. Bernard Parish, encountered an unidentified submerged obstruction on July 8, 1986. Causing damage and/or loss. Amount of Claim: \$407.07

Wednesday, November 19, 1986, at 10:30 a. m., in the Louisiana State University Cooperative Extension Service Office, 511 Roussel Street, Houma, LA.:

CLAIM NO. 86-3204 (RESCHEDULED)

Milton A. Matherne, Sr., of Houma, LA, while trawling on the vessel, "MISS LOLA," in the Gulf of Mexico, 1-1/2 miles west of Grand Calliou Bay, Terrebonne Parish, encountered an unidentified submerged obstruction on March 16, 1986. Causing damage and/or loss. Amount of Claim: \$2,198.10

CLAIM NO. 86-3208 (RESCHEDULED)

Hugh P. Valure, of H. P. Valure Trawling Co., Inc., Houma LA, while trawling on the vessel "SPILEN," in the Gulf of Mexico, near Oyster Bayou, at approximate LORAN-C readings of 27,816.9 and 46,869.3, Terrebonne Parish, encountered a submerged tree on March 18, 1986. Causing damage and/or loss. Amount of Claim \$575.

CLAIM NO. 86-3301 (RESCHEDULE)

Dwayne Boudwin, of Houma, LA, while trawling on the vessel, "BAYOU BELLE," in the Gulf of Mexico, East of Wine Island Pass, Terrebonne Parish, encountered an unidentified submerged obstruction on May 10, 1986. Causing damage and/or loss. Amount of Claim: \$740.

CLAIM NO. 86-3340

Anthony P. Nettleton, Sr., of Montegut, LA, while trawling on the vessel, "BAD TO THE BONE," in the Humble Canal, south side of Wonder Lake, Terrebonne Parish, encountered a submerged pipe on May 21, 1986. Causing damage and/or loss. Amount of Claim: \$2,544.

CLAIM NO. 86-3384

Joseph Roy Dion, of Dulac, LA, while trawling on the vessel, "ROY AND JOBY," between S. W. Pass and Freshwater Bayou, at approximate LORAN-C readings of 27,326.0 and 46,943.5, Vermilion Parish, encountered a sunken boat on May 21, 1986. Causing damage and/or loss. Amount of Claim: \$1,624.25

CLAIM NO. 86-3387

Harold Dick, of Denham Springs, LA, while trawling on the vessel, "SPEG'S SPECIAL," in Lake Borgne, north-northeast of rig, St. Bernard Parish, encountered an unidentified submerged obstruction on May 19, 1986. Causing damage and/or loss. Amount of Claim: \$746.60

CLAIM NO. 86-3400

Hilda Authement, of Chauvin, LA, while trawling on the vessel, "LA 489 AF," in the Gulf of Mexico, Pass Des Iles, Terrebonne Parish, encountered an unidentified submerged obstruction on June 8, 1986. Causing damage and/or loss. Amount of Claim: \$5,000.

CLAIM NO. 86-3445

Cecil P. Authement, of Montegut, LA, while trawling on the vessel, "PINGO," in Lake Barre, at the end of Bayou Terrebonne, Terrebonne Parish, encountered an unidentified submerged obstruction on June 12, 1986. Causing damage and/or loss. Amount of Claim: \$795.

CLAIM NO. 86-3467

Roxanne Sevin, of Chauvin, LA, while trawling on the vessel, "GLENN," in Lake Pelto, Terrebonne Parish, encountered an unidentified submerged obstruction on June 24, 1986. Causing damage and/or loss. Amount of Claim: \$1,314.40

CLAIM NO. 86-3574

R. L. Bratcher, of Baton Rouge, LA, while trawling on the vessel, "BUSY BEE 11," in Lake Pontchartrain, Madisonville side of Causeway, St. Tammany Parish, encountered a submerged pipe on July 25, 1986. Causing damage and/or loss. Amount of Claim: \$470.

CLAIM NO. 86-3585

Sterling P. Authement, of Bourg, LA, while trawling on the vessel, "MADGE ANN," in Caillou Island, at approximate LORAN-C readings of 28,178.2 and 46,842.8, Terrebonne Parish, encountered an unidentified submerged obstruction on June 10, 1986. Causing damage and/or loss. Amount of Claim: \$841.11

CLAIM NO. 86-3659

Jerry J. Acosta, Sr., of Morgan City, LA, while trawling on the vessel, "LUCKY STRIKE," in the Gulf of Mexico, Grand Cheniere, Cameron Parish, encountered an unidentified sub-

merged obstruction on August 12, 1986. Causing damage and/or loss. Amount of Claim: \$2,073.24

CLAIM NO. 86-3399

Houston Trahan, of Chauvin, LA, while trawling on the vessel, "REBECCA LYNN," in Lake Pelto, Terrebonne Parish, encountered an unidentified submerged obstruction on June 12, 1986. Causing damage and/or loss. Amount of Claim: \$1,129.83

CLAIM NO. 86-3451

Houston Trahan of Chauvin, LA, while trawling on the vessel, "REBECCA LYNN," in the Gulf of Mexico, 1/2 mile south of Wine Island, Terrebonne Parish, encountered an unidentified submerged obstruction on June 18, 1986. Causing damage and/or loss. Amount of Claim: \$1,129.83

CLAIM NO. 86-3405

James Bergeron, of Chauvin, LA, while trawling on the vessel, "SWEET LORAINNE," in the Gulf of Mexico, 3/8 off beach at Grand Isle, Jefferson Parish, encountered an unidentified submerged obstruction on May 19, 1986. Causing damage and/or loss. Amount of Claim: \$131.28

CLAIM NO. 86-3406

James Bergeron, of Chauvin, LA, while trawling on the vessel, "SWEET LORAINNE," in the Gulf of Mexico, at approximate LORAN-C readings of 28,885.0 and 46,850.3, Jefferson Parish, encountered a submerged log on May 19, 1986. Causing damage and/or loss. Amount of Claim: \$110.

CLAIM NO. 86-3407

James Bergeron, of Chauvin, LA, while trawling on the vessel, "SWEET LORAINNE," in Gulf of Mexico, at approximate LORAN-C readings of 28,882.6 and 46,851.0, Jefferson Parish, encountered a submerged log on May 21, 1986. Causing damage and/or loss. Amount of Claim: \$133.44

CLAIM NO. 86-3408

James Bergeron, of Chauvin, LA, while trawling on the vessel, "SWEET LORAINNE," in the Gulf of Mexico, at approximate LORAN-C readings of 28,599.2 and 46,871.2, Jefferson Parish, encountered an unidentified submerged obstruction on June 9, 1986. Causing damage and/or loss. Amount of Claim: \$216.96

CLAIM NO. 86-3409

James Bergeron, of Chauvin, LA, while trawling on the vessel, "SWEET LORAINNE," in the Gulf of Mexico, at approximate LORAN-C readings of 28,599.8 and 46,868.5, Jefferson Parish, encountered an unidentified submerged obstruction on June 10, 1986. Causing damage and/or loss. Amount of Claim: \$475.81

CLAIM NO. 86-3516

Joseph G. Verdin, of Dulac, LA, while trawling on the vessel, "MATHILDA LYNN," in Barataria Pass, west side of Beacon 8, Jefferson Parish, encountered an unidentified submerged obstruction on June 13, 1986. Causing damage and/or loss. Amount of Claim: \$1,621.56

CLAIM NO. 86-3517

Joseph G. Verdin, of Dulac, LA, while trawling on the vessel, "MATHILDA LYNN," in Barataria Pass, west side of Beacon 12, Jefferson Parish, encountered an unidentified submerged obstruction on June 16, 1986. Causing damage and/or loss. Amount of Claim: \$2,058.22

Thursday, November 20, 1986, at 10 a.m., in the Lafitte Town Hall, Lafitte, LA.:

CLAIM NO. 86-3325

Alan J. Cheramie, of Lafitte, LA, while trawling on the vessel, "ALAN MICHELE," in Barataria Pass, at approximate LORAN-C readings of 28,572.9 and 46,938.2, Jefferson Parish, encountered an unidentified submerged obstruction on May 18, 1986. Causing damage and/or loss. Amount of Claim:

\$938.

CLAIM NO. 86-3434

Orval H. Kalb, of Westwego, LA, while trawling on the vessel, "MRS. MONA," in Bayou St. Dennis, Jefferson Parish, encountered an unidentified submerged obstruction on June 2, 1986. Causing damage and/or loss. Amount of Claim: \$1,650.
CLAIM NO. 86-3444

Tue Duc Pham, of Avondale, LA, while trawling on the vessel "ST. PETER," at approximate LORAN-C readings of 27,414.4 and 46,909.8, Lafourche Parish, encountered an unidentified submerged obstruction on June 9, 1986. Causing damage and/or loss. Amount of Claim: \$5,000.
CLAIM NO. 86-3465

Garrell Adam, of Lafitte, LA, while trawling on the vessel, "LA 3930 AZ," in Bayou Perot, Jefferson Parish, encountered an unidentified submerged obstruction on June 23, 1986. Causing damage and/or loss. Amount of Claim: \$698.97
CLAIM NO. 86-3470

David Savoie, of Harvey, LA, while trawling on the vessel, "MASTER CHRIS," in the Gulf of Mexico, at approximate LORAN-C readings of 28,487.5 and 46,848.9, Jefferson Parish, encountered a submerged sunken boat on June 14, 1986. Causing damage and/or loss. Amount of Claim: \$739.48
CLAIM NO. 86-3487

Malcolm A Despaux of Barataria, LA, while trawling on the vessel, "LOUISIANA QUEEN," in Grand Isle Pass, at approximate LORAN-C readings of 28,561.1 and 46,862.5, Plaquemines Parish, encountered an unidentified submerged obstruction on June 29, 1986. Causing damage and/or loss. Amount of Claim: \$2,830.52
CLAIM NO. 86-3501

Alexie A. Hebert, of Westwego, LA, while trawling on the vessel, "LA 5015 BM," in Lake Salvador, Jefferson Parish, encountered submerged pilings on June 19, 1986. Causing damage and/or loss. Amount of Claim: \$760.
CLAIM NO. 86-3503

Alan Cheramie, of Lafitte, LA, while trawling on the vessel, "BAD COMPANY," in Grand Isle, Jefferson Parish, encountered a sunken boat on July 4, 1986. Causing damage and/or loss. Amount of Claim: \$75.
CLAIM NO. 86-3569

Keith E. Trosclair, of Marrero, LA, while trawling on the vessel, "LADY NELLIE," in the Gulf of Mexico, at approximate LORAN-C readings of 28,561.1 and 46,862.9, Jefferson Parish, encountered an unidentified submerged obstruction on July 13, 1986. Causing damage and/or loss. Amount of Claim: \$491.
CLAIM NO. 86-3586

Phong Xuan Nguyen, of Avondale, LA, while trawling on the vessel, "CAPT. ROBERT," in Terrebonne Bay, Terrebonne Parish, encountered an unidentified submerged obstruction on July 14, 1986. Causing damage and/or loss. Amount of Claim: \$3,340.30
Claim No. 86-3592

Johnnie W. Guillie, of Lafitte, LA, while trawling on the vessel, "LIL JOHNNIE," in Barataria Waterway, Jefferson Parish, encountered an unidentified submerged obstruction on July 15, 1986. Causing damage and/or loss. Amount of Claim: \$933.60
CLAIM NO. 86-3611

Malcolm J. LeBlanc, Sr. of Lafitte, LA, while trawling on the vessel, "SOUTHERN NIGHTS," in the Gulf of Mexico, at approximate LORAN-C readings of 27,995.7 and 46,830.1, Terrebonne Parish, encountered an unidentified submerged ob-

struction on July 22, 1986. Causing damage and/or loss. Amount of Claim: \$774.70

CLAIM NO. 86-3309

Lester C. Arcement, of Lafitte, LA, while trawling on the vessel, "CHARLIE'S ANGELS," in the Gulf of Mexico, Wine Island, at approximate LORAN-C readings of 28,137.4 and 46,827.0, Lafourche Parish, encountered an unidentified submerged obstruction on May 8, 1986. Causing damage and/or loss. Amount of Claim: \$971.55
CLAIM NO. 86-3443

Lester C. Arcement, of Lafitte, LA, while trawling on the vessel, "CHARLIE'S ANGELS," in North Pass, at approximate LORAN-C readings of 29,130.9 and 46,831.7, Plaquemines Parish, encountered an unidentified submerged obstruction on July 6, 1986. Causing damage and/or loss. Amount of Claim: \$375.
CLAIM NO. 86-3392

Floyd A. Robin, of Lafitte, LA, while trawling on the vessel "LADY BEA," in Barataria Bay, near Grand Isle, Jefferson Parish, encountered an unidentified submerged obstruction on June 5, 1986. Causing damage and/or loss. Amount of Claim: \$655.
CLAIM NO. 86-3528

Floyd A. Robin, of Lafitte, LA, while trawling on the vessel, "LADY BEA," in Barataria Bay, Jefferson Parish, encountered an unidentified submerged obstruction on June 19, 1986. Causing damage and/or loss. Amount of Claim: \$520.
CLAIM NO. 86-3478

Danny Buras, of Marrero, LA, while trawling on the vessel, "LA 1504 AZ," in Lake Pontchartrain, approximately two miles north of the Industrial Canal, Orleans Parish, encountered an unidentified submerged obstruction on June 23, 1986. Causing damage and/or loss. Amount of Claim: \$450.
CLAIM NO. 86-3559

Danny Buras, of Marrero, LA, while trawling on the vessel, "LA 1504 AZ," in Lake Pontchartrain, north side of Causeway bridge, Jefferson Parish, encountered an unidentified submerged obstruction on July 17, 1986. Causing damage and/or loss. Amount of Claim: \$475.
CLAIM NO. 86-3555

Lawrence J. Adams, Jr., of Marrero, LA, while trawling on the vessel, "LUCKY STAR," in Lake Pontchartrain, east of Lake Front Airport, Orleans Parish, encountered an unidentified submerged obstruction on June 18, 1986. Causing damage and/or loss. Amount of Claim: \$761.95
CLAIM NO. 86-3556

Lawrence J. Adams, Jr., of Marrero, LA, while trawling on the vessel, "LUCKY STAR," in Lake Pontchartrain, west side of Causeway, Jefferson Parish, encountered an unidentified submerged obstruction on July 7, 1986. Causing damage and/or loss. Amount of Claim: \$614.95
CLAIM NO. 86-3557

Lawrence J. Adams, of Marrero, LA, while trawling on the vessel, "LUCKY STAR," in Lake Pontchartrain, at Lake Front Airport off of Cat Walk, Orleans Parish, encountered an unidentified submerged obstruction on June 10, 1986. Causing damage and/or loss. Amount of Claim: \$1,630.

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, LA 70804, and must be postmarked no later than seven days after the hearing(s).

B. JIM PORTER
SECRETARY

**CUMULATIVE INDEX
(Volume 12, Number 10)**

1986

<i>Pages</i>	<i>Issue</i>
1— 80	January
85— 147	February
153— 200	March
209— 273	April
281— 352	May
361— 405	June
413— 466	July
477— 576	August
585— 643	September
653— 736	October

AGRICULTURE AND FORESTRY DEPARTMENT

Agricultural and Environmental Sciences, Office of

- Advisory Commission on Pesticides, 87R
- Agricultural Commodities Commission, 120N
- Commission administration, 120N, 287R
- Definitions, 120N, 287R
- Fees, 120N, 287R
- Financial statement, 120N, 287R
- Grading/sampling commodities, 120N, 287R
- Grain dealers, 120N, 287R
- Grain inspections, 120N, 287R
- License suspension/revocation, 120N, 287R
- Self-insurance fund, 586ER
- Dairy Stabilization Board, 122N, 498R
- Horticulture Commission
 - Floristry exams, 143P, 460P, 468P
- Quarantine Programs (State Entomologist)
 - Apiary, 568P
 - Quarantined areas, 189P, 269P
- Seed Commission, 603N
- Structural Pest Control Commission
 - Constructive recycling by commercial applicators of unused portions of pesticides and/or rinsate, 37N, 85ER, 285R
 - Containment system, 37N, 85ER, 285R
 - Management of unused portions of pesticides and/or rinsate of pesticides, 37N, 85ER, 285R
 - Pesticide containers, 37N, 85ER, 285R
 - Pesticide waste requirements, 37N, 85ER, 285R
 - Wood infestation, 37N, 85ER, 285R

Agricultural Finance Authority

- Production Loan Program, 209ER

Agricultural Industry Board

- Ethanol production, 368N, 503R

Agro-Consumer Services, Office of

- Dairy Stabilization Board, 604N

Animal Health Services, Office of

- Diseases, 249N
- Livestock Sanitary Board, 123N, 498R
 - Brucellosis Test, 123N, 289R
 - Brucellosis Test, cattle reacting to, 123N, 289R
 - Cattle sale by livestock dealers, 372N, 498R
 - Definitions, 123N, 289R, 598R
 - LAC Title change, 123N, 289R
 - Quarantine period, 123N, 289R

- Pet Turtles, 7ER, 37N, 224R

Fertilizer Commission

- Fertilizers, sale of, 331N, 493R

Forestry Commission

- Stumpage values, 568P

Management and Finance, Office of Central Registry, 693N

Marketing, Office of

- Agricultural Products Processing Develop. Law, 588ER
- Farm Youth Loans, 539N
- Fruits and Vegetables, 538N

CIVIL SERVICE DEPARTMENT

Civil Service Commission

- Classification and pay, 331N
- Commuting area, 363ER, 375N
- Displacement rights, 375N
- Funeral leave, 373N
- Furloughs, 414ER, 447N
- Holiday compensation, 373N
- Layoff measures, 332N
- Leave cancellation/continuance, 373N
- Order of layoffs, 363ER, 375N
- Pay rate upon employment, 373N
- Preferred employment list, 375N
- Probationary period, 373N
- Resignations, 373N
- Service ratings, unsatisfactory, 375N

Ethics for Elected Officials, Board of

- Overtime compensation, 169N
- Pay reductions, layoff procedures, 124N
- Personal Financial Disclosure Form, 9R

COMMERCE DEPARTMENT

Architectural Examiners, Board of

- Examination applications, 124N
- Per diem, 124N

Certified Public Accountants, Board of

- Amendments to LAC 46:XIX, 87R

Commerce and Industry, Office of

- Capital Companies Tax Credit, 479ER, 547N, 664R
- Corporate Headquarters Tax Equalization, 483ER, 540N, 659R
- Enterprise Zone, 480ER, 541N, 660R
- Industrial Tax Equalization, 480ER, 542N, 661R
- Industrial Tax Exemption, 481ER, 544N, 662R
- Industry Assistance, 482 ER, 545N, 663R
- Local Economic Devel. Support, 483ER, 546N, 664R
- Restoration Tax Abatement, 484ER, 548N, 665R
- Tax exemption/energy conservation property, 484ER, 549N, 666R

Contracts, Licensing Board for

- Additional classification, 604N
- Contractor, definition, 606N
- Federal Projects, 605N, 606N
- License fee, 604N
- License requirements, 606N

Racing Commission

- Cancelled claiming race, 11R
- Day, 607N

CR—Committee Report

E—Errata EO—Executive Order ER—Emergency Rule

L—Legislation N—Notice of Intent P—Potpourri

PPM—Policy and Procedure Memorandum R—Rule

Drug which affects performance; guarding horse, 11R
Duties/responsibilities, 693N
Examinations, 40N, 289R
Horsemen's bookkeeper, 11R
Jockey fee schedule, 12R
Licensing of other employees, 39N, 290R
Maximum daily doubles per race card, 39N, 289R
Medication; reporting to stewards, 11R
No medication in two-year olds, 11R
Pre-race testing, 154ER, 173N, 211ER, 332N, 419R
Super Six, 11R
Twin Trifecta, 211ER, 251N, 285ER, 419R
Use of appliance to start, 694N

Real Estate Commission

Broker license, 376N, 509R
Escrow accounts, 376N, 509R
Escrow deposits, 694N
License transfers/terminations, 376N, 509R
Real estate schools, 376N, 509R
Timeshares, 376N, 509R

CULTURE, RECREATION AND TOURISM DEPARTMENT

Black Culture, Division of

Grant guidelines, 88R

Cultural Development, Office of

Arts Program, 607N

State Museums, Office of

Accessions/Deaccessions, 89R
Admission fees, 89R

State Parks, Office of

Amendments, 89R
Basis for assistance, 695N
Commercial boats, 695N
Facility projects, 695N
Fee changes, 90R, 697N
Repromulgates rules, 90R
Reservation/rates, 695N

Tourism, Office of

Matching Funds, 13R

EDUCATION DEPARTMENT

Elementary and Secondary Education, Board of

Bulletin 741, 13R, 550N, 697N, 698N, 698N
Bulletin 996, 155R
Bulletin 1706, Teacher aids, 551N
Certification, foreign teachers, 363ER, 379N, 598R
Child nutrition, 251N, 420R
Comp Ed, 251N, 420R
Computer literacy, 333N, 511R
Curriculum standards, 252N, 420R
Driver Education, 552N
ECIA repayments, 447N
Elementary program of studies, 448N, 552N, 667R
English, lang. arts, math, curriculum guide, 551N
Librarian certification, 91R
Migrant Education State Plan (FY '87), 253N, 420R
NTE Education Administration/Supervision Test, 415ER, 448N, 667R
Noncertified school personnel, 90R, 485ER, 553N
Nonpublic school standards, 40N, 125N, 225R, 290R
Nutrition Program Managers, 251N, 420R
Piano instruction, 550N
Policy 5.00.50. f, 378N, 598R
RIF policy, 125N, 290R
School bus loading/unloading, 333N

Severe/profound impairment certification, 91R
Special Education Plan, FY87, 127N, 290R
Summer school standards, 212ER, 253 N, 420R
Temporary employment, 485ER, 554N
Textbook adoption time frame, 14R
Textbook publishers, 14R
Transfer high school students to adult ed., 254N, 421R
Transportation handbook, 449N, 598R, 667R
Vo-Tech fee, extension courses, 609N
Vo-Tech fee schedule, 254N, 415ER, 449N, 667R
Vo-Tech, increases instructors to establish dept. heads, 608N

Vo-Tech sabbatical leave, 449N, 668R
Vo-tech bus transportation, 485ER
Vo-Tech student suspension/expulsion, 14R
Vo-Tech tuition, 91R
World geography curriculum guidelines, 14R

Southern University Board of Supervisors

Bylaws, 128N, 290R
Fees, 306R

ELECTIONS AND REGISTRATION DEPARTMENT

Elderly/handicapped voting, 128N, 225R

ENVIRONMENTAL QUALITY DEPARTMENT

Air Quality and Nuclear Energy, Office of

Air Quality Division

Asbestos Abatement entity certification, 609N
Asbestos from demolitions/renovations, 189CR, 229R
Dispersion techniques, 174N, 306R, 350CR
Fee schedule, 173N, 306R, 350CR, 450N, 638CR, 668R

Nuclear Energy Division

Fee schedule, 450N, 638CR, 674R

Solid and Hazardous Waste, Office of

Hazardous Waste Division

Alternate Technologies Research/Development Trust
Fund, 40N, 175N, 318R, 350CR
Fee schedule, 451N, 638CR, 676R
Generation site, 610N
Manifest fees, 176N, 319R, 350CR

Solid Waste Division

Fee schedule, 452N, 638CR, 676R

Water Resources, Office of

Fee schedule, 452N, 638CR, 677R
Pollution control fee system, 177N, 321R, 351CR
Public hearing, 460P

EXECUTIVE ORDERS

EWE 85-88—Grants private activity bond allocations, 1
EWE 85-89—Grants private activity bond allocations, 1
EWE 85-91—Grants private activity bond allocations, 1
EWE 85-92—Amends Executive Orders EWE 85-51, 85-53, 85-65, 85-89, 85-70, 85-71, 85-72, 85-73, 85-74, 85-76, 85-77, 85-81 and 85-84, 2
EWE 85-93—Method for allocation of private activity bonds subject to a volume limitation, 3
EWE 85-94—Application for private activity bonds, 6
EWE 86-1—Rescinds EWE 85-41, directing National Guard to assist in protective action against Southern Pine Beetle, 6
EWE 86-2—Amends EWE 85-92, 85
EWE 86-3—Appoints member pro tem in place of secretary of Department of Environmental Quality, 85

EWE 86-4—Surplus of all under-utilized state vehicles, 153
 EWE 86-5—Grants private activity bond allocations, 153
 EWE 86-6—Budget cuts effective March 1, 1986, 153
 EWE 86-7—Amends EWE 85-30, Ad Valorem Taxation Study Commission, 154
 EWE 86-8—Directs state officers or employees against whom a suit is filed to comply with R.S. 13:5108.1, 209
 EWE 86-9—Modifies method for allocation of private activity bonds, 281
 EWE 86-10—Directs Office of Telecommunications Management to coordinate and supervise procurement of telecommunications and communications systems, 284
 EWE 86-11—Grants private activity bond allocations, 284
 EWE 86-12—Directs the restoration to sale certain properties, 361
 EWE 86-13—Grants private activity bond allocations, 361
 EWE 86-14—Rescinds EWE 85-60, Establishing the Governor's Louisiana Housing Commission, 361
 EWE 86-15—Grants private activity bond allocations, 362
 EWE 86-16—Grants private activity bond allocations, 362
 EWE 86-17—Grants private activity bond allocations, 413
 EWE 86-18—Directs Department of Natural Resources to disburse overcharge funds from the judgment of United States vs. Exxon Corporation, 413
 EWE 86-19—Grants private activity bond allocations, 413
 EWE 86-20—Grants private activity bond allocations, 414
 EWE 86-21—Community Development Block Grant Program, 477
 EWE 86-22—Housing development grants, 477
 EWE 86-23—Grants private activity bond allocations, 478
 EWE 86-24—Creates Governor's Commission on Black on Black Crime, 478
 EWE 86-25—Appoints Concordia Bank and Trust Co. corporate trustee of the Harry S. Moss Trust for prevention and cure of heart diseases, 585
 EWE 86-26—Directs the restoration to sale certain state land, 585
 EWE 86-27—Provides energy crisis intervention to eligible low-income households, 585
 EWE 86-28—Members to be appointed to Governor's Hispanic - American Affairs Commission, 653
 EWE 86-29—Directs the promotion of an Awareness Campaign to maintain the state's natural beauty, 653
 EWE 86-30—Members to be appointed to Governor's Commission on Black on Black Crime, 653

GOVERNOR'S OFFICE

Architects Selection Board

Application procedure, 15R

Division of Administration

Equipment lease-purchase, 128N, 231R
 Fee schedule for copies, 132N, 229R
 PPM 33, Request for positions, 131N, 229R
 PPM 40, State group insurance, 132N, 230R
 PPM 53, Risk management - Responsibilities/rights, 133N, 230R
 Payroll deductions, 611N
 Property Assistance Agency, 92R, 334N, 334N, 677R
 Purchasing - Vendor fees, 554N, 654ER, 700N
 Repeals Policy and Procedure Memoranda, 15R
 Risk Management, Office of, 43N, 234R, 699N
 State Planning, Office of, 699N
 Telecommunications Management, 15R

Elderly Affairs, Office of

GOEA Policy Manual, 415ER, 453N, 599R
 Program income, 255N, 366R
 State Plan on Aging, 255N, 364ER, 366R, 511R

Governor's Special Commission on Education Services

Application fee, 654ER
 Education majors, 702N
 Rockefeller Scholarship, 704N
 T.H. Harris Scholarship fee, 615N

Law Enforcement and Administration of Criminal Justice, Commission on

Crime Victim Assistance, 42N
 Juvenile, justice, delinquency prevention, 92R

Minority Business Enterprise

Goods and services procurement, 701N
 Set aside bid, 701N

Women's Services, Office of

Family violence standards, 335N, 677R

HEALTH AND HUMAN RESOURCES DEPARTMENT

Cancer and Lung Trust Fund Board

Proposal deadlines, 639P

Chiropractic Examiners, Board of

Disciplinary procedures, 705N
 Fees, 705N
 General Practice, 705N

Dentistry, Board of

Administrative procedures, 706N
 Complaints disposition, 706N
 Dental specialist listing, 706N
 Prescription records, 706N
 Prohibits re-use of toothbrush, 706N

Electrolysis Examiners, Board of

Meetings scheduled, 144P

Embalmers and Funeral Directors, Board of

Examination, 144P, 568P
 Penalty, 555N, 677R

Examiners for Speech Pathology and Audiology

Application period, 615N

Family Security, Office of

AFDC Program
 Married or emancipated child, 557N, 678R, 731P
 Need Standard, 617N
 Work referral policy, 115R
 Enrolled Dentists, 460P
 Food Stamp Program
 Increased earned income, 285ER, 337N, 423R
 Interest income annualization, 222ER, 336N, 423R
 Job search, 256N, 366R
 Mental health centers, 222ER, 257N
 Policy changes, 486ER, 618N
 Self-employment losses, 222ER, 257N, 366R
 Voluntary quit, 8ER, 115R
 Medical Assistance Program
 Adoption subsidy, 338N, 421R
 Bed reservation limits, 134N, 243R
 Carve Out Units capped, 137N, 243R
 Case management, 593ER, 709N
 Clinical laboratory services, 417ER, 561N, 679R

CR—Committee Report

E—Errata EO—Executive Order ER—Emergency Rule

L—Legislation N—Notice of Intent P—Potpourri

PPM—Policy and Procedure Memorandum R—Rule

Durable medical equipment limitation, 47N, 155R
EPSDT services, 416ER, 558N, 678R
Eyeglass Program, 619N, 656ER
Hospital Program rate freeze, 558N, 678R
Inpatient hospital services, 418ER
Lock-in, 135N, 244R
Long Term Care/Home and Community Based Services
CAP rate, 47N, 155R
Medicaid for disabled Widows/Widowers, 657ER
Neonatal/Pediatric/burn/transplant inpatient service
reimbursement, 8ER
Personal care needs allowance, 22R
Pharmacy dispensing fee, 415ER, 563N
Pharmacy Program, additional drugs, 594ER, 620N,
679R
Physician reimbursement, 621N
Rescinds rate freeze for skilled nursing/intermediate care
facilities, 404P
SNF, ICF/I and ICF/II, 418ER, 559N, 679R
SSI maximum resource limits, 22R
Standards for payment, 48N, 155R, 340N, 385N, 424R,
529R, 619N
Third party liability claims, 416ER, 561N, 679R
Transportation-non-emergency, 560N, 679R
Transportation program, 384N, 416ER, 417ER, 417ER,
528R, 619N
Transportation provider choice, 562N, 680R
Transportation provider, rates, 563N, 680R
Statewide Income/Eligibility Verification Systems,
454N, 599R
Support Enforcement Program
IV-D application fee, 115R
IV-D IRS full service application fee, 115R
IV-D Medical support, 134N, 245R
Third party liability, 144P

Human Development, Office of

Adoption Subsidy, 338N
Deaf Commission, 710N
Division of Rehabilitation Services, 460P
Interpreter service, 345N

Management and Finance, Office of

Insurance carrier requirement, 594ER
Section 1122
Capital expenditure review, 385N, 529R
Cost containment criterion, 178N, 321R
Guidelines, 191P
Review criteria, 23R, 564N, 680R, 711N
State Health Plan, 387N, 530R

Medical Examiners, Board of

Athletic trainers, 335N, 522R
Midwives, 213ER, 336N, 513R
Physical therapist, 616N
Physician/surgeon licensing, 212ER, 336N, 485ER,
528R, 555N, 616N
Occupational therapist licensing, 555N
Respiratory therapist licensing, 556N

Mental Health, Office of

Adult group homes, 24R

Mental Retardation/Developmental Disabilities, Office of

Payment system, 345N, 425R
Voting rights, 178N, 321R

Nursing, Board of

Complex/non-complex tasks, 364ER
Delegation of functions, 454N, 677R
Faculty organization, 454N, 678R

Nursing Home Administrators, Board of Examiners for

Administrator-in-training, 380N, 511R
Education requirements, 115R
Licensing, 256N, 366R

Optometry, Board of

Rules of Practice, 617N
Written examination, 22R

Pharmacy, Board of

Adjudication, 238R
Examinations, 238R

Practical Nurse Examiners, Office of

Adjudication, license suspension/revocation, 654ER
Education and licensure, 709N
Staffing, 256N, 678R

Prevention and Recovery from Alcohol and Drug Abuse

ADAMS Block Grant, 138N, 245R

Preventive and Public Health Services, Office of

Birth certificate copies, 712N
Birth rosters, 25R
Family planning, 622N
Fluoridation, 712N
Genetic diseases, 179N, 322R
Handicapped children services, 223ER
Milk pasteurization, 713N
Public hearing, 351P
Sewerage treatment plants, 623N
Vital records, 390N, 681R

Psychologists, Board of Examiners for

Disciplinary action, 381N, 707N

Secretary, Office of

Anatomical gifts, 713N
Controlled substances, 179N, 258N, 258N, 322R, 599R
Council on the Purchase of Products and Services of
Severely Disabled, 342N, 425R
Equal delivery of services, 716N
LAC reference system, 191P
Life safety licensing code, 259N, 367R
Maternal/Child Health Block Grant (FY '87), 259N, 367R
Residential Care, 418ER, 455N, 599R
Sheltered workshops, 223ER
Substance abuse, licensing standards, 26R

Senior Citizens Trust Fund Board

Bylaws, 556N, 685R
Grants, 461P

Veterinary Medicine, Board of

Examination notice, 71P

HOUSE OF REPRESENTATIVES

Legislative Research Library

Reports, 191P

JUSTICE DEPARTMENT

Attorney General, Office of

Video bingo machines, 180N, 267-268CR, 322R

LABOR DEPARTMENT

Labor, Office of

Appeals referee, 246R
Apprenticeship, 49N, 346N, 428R, 533R
Average weekly wage, 569P
Job training Partnership Act, 346N, 439R

LEGISLATION

Louisiana Administrative Procedure Act, 1986 Changes,
638

LOUISIANA ADMINISTRATIVE CODE UPDATE

January - March, 1986 changes, 268
October 1985 to December 1985, 71
Title 35, Horse Racing
 Supplement changes, 189
April - June, 1986 changes, 459
July - September, 1986 changes, 730

NATURAL RESOURCES DEPARTMENT

Conservation, Office of

Adjudicatory hearing, 394N, 600R, 686R
Injection and Mining Division
LEAP, 623N
 Public hearing, 269P, 351P, 466P
 Statewide Order 29-B, 26R, 71CR
 Statewide Order 29-N-1, 26R, 71CR
 Statewide Order 29-O-1, 26R, 71CR
 Tertiary Recovery, 624N

Pipeline Division

Carbon dioxide pipelines, 115R
Intrastate natural gas pipelines, 455N, 638CR

Fishermen's Gear Compensation Fund

Claims, 72P, 144P, 192P, 269P, 351P, 405P, 461P,
 569P, 639P, 731P
Fees, 456N, 602R, 638CR

Secretary, Office of

Coastal Management Division, 192P, 717N
Severance tax, 624N

State Lands, Division of

Reclamation/Encroachments permits, 180N, 347N, 440R

PUBLIC SAFETY AND CORRECTIONS DEPARTMENT (Corrections Services)

Adult Services, Office of

Adult offender furlough, 32R
Attorney visits, 138N, 246R
Escorted inmates absent from community rehabilitation
 centers, 33R
Escorted inmates absent from confines of institution, 34R
Escorted inmates absent from parish jail or multi-parish
 prison, 35R
Medical furloughs, 36R

Pardons, Board of

Applications, 657ER, 721N

Private Security Examiners, Board of

Company requirements, 486ER
Firearms qualification course, 487ER
Guard armament, 487ER
Guard registration, 487ER
Guard trainer qualifications, 488ER

Secretary, Office of

Searches of visitors/employees, 223ER, 347N, 443R

PUBLIC SAFETY AND CORRECTIONS DEPARTMENT (Public Safety)

Alcoholic Beverage Control, Office of

Permit renewal, 139N, 247R

Firemen Supplemental

Pay, 139N

Liquefied Petroleum Gas Commission

Fuel use, 723N

Motor Vehicles, Office of

Commercial driving schools, 50N, 154ER, 446R
Hardship license, 456N, 602R

Liability coverage, 488ER

U. S. Veteran license plates, 50N, 156R

State Fire Marshal, Office of

Boiler inspections, 140N, 327R
Child Care Food Program Homes, 418ER
Corrected date, 273E
New building specs, 116R

State Police, Office of

Bingo pull-tab, 51N, 157R
Charitable gaming, 488ER
Criminal Records Unit
 Screening applicants, 116R
Hazardous materials unit
 Hazardous chemicals, 184N, 327R, 351CR
Hazardous Substance Control Section
 Transporting of Hazardous Materials, 261N, 446R, 625N
Training/Education Section
 User fee, 116R

REVENUE AND TAXATION DEPARTMENT

Excise Taxes Section

Fuels tax, 261N, 688R
Hazardous waste disposal tax, 184N, 726N
Inspection/supervision fee, 187N

Sales Tax Section

Mardi Gras purchases, 626N

Tax Commission

Appraisals/Assessment, 352P
Hearing, 200P
Meeting scheduled, 576P
Stumpage values, 568P
Value of property guidelines, 36R, 626N

STATE DEPARTMENT

Secretary, Office of

Fees, 457N, 492ER, 689R

TRANSPORTATION AND DEVELOPMENT DEPARTMENT

Highways, Office of

Aircraft use fee, 726N
New Orleans Bridges, tolls, 565N, 595ER, 690R
Outdoor Advertising, 458N, 602R
Overweight permit, 263N
Permit fee, 263N, 627N
Vending services at rest areas, 628N

Marine Operations

Ferry tolls, 564N, 595ER, 690R

Mississippi River Bridge Authority

New Orleans Bridge Tolls, 565N, 595ER, 690R

Public Works, Office of

Engineering service fee, 658ER, 727N
Flood control, 395N, 533R

Registration for Professional Engineers and Land Surveyors, Board of

Re-examination, 458N, 692R
Seal rules, 458N, 692R

Systems Management, Office of

Flight manual, 116R

CR—Committee Report

E—Errata EO—Executive Order ER—Emergency Rule
L—Legislation N—Notice of Intent P—Potpourri
PPM—Policy and Procedure Memorandum R—Rule

TREASURY DEPARTMENT

Bond Commission

Fee increase, 365ER, 401N, 538R

Interim Emergency Board

Deficit spending, 348N

Emergency appropriations, 348N, 446R

State Employees Group Benefits Program, Board of Trustees

Cardiac rehabilitation, 53N, 248R

COBRA, 1985, 364ER, 396N, 533R, 567N, 692R

Dependent coverage termination date, 727N

Election procedures, 728N

Eligible expenses, 729N

Eligibility provisions, 264N, 367R

Health maintenance organizations, 397N, 535R

Increases accident and health coverage, 8ER

Inpatient deductible, 141N, 268CR

Lifetime maximum, 54N, 249R

Meeting notice, 273P

Plan document of benefits, 188N

Retiree benefits, 347N, 404CR

Veterans health care, 459N, 602R

URBAN AND COMMUNITY AFFAIRS DEPARTMENT

Planning and Technical Assistance, Office of

LCDBG (FY 1984) final statement, 141N, 249R

LCDBG (FY 1985) final statement, 54N, 142N, 159R, 249R

LCDBG (FY 1986) final statement, 55N, 159R, 265N, 368R

WILDLIFE AND FISHERIES DEPARTMENT

Wildlife and Fisheries Commission

Alligator hunting season, 492ER, 629N

Anacoco and Vernon Lakes netting prohibition, 629N

Calcasieu Lake Oyster Season, 597ER, 630N

Caney Creek netting prohibition, 403N, 603R

Cross Lake netting, 349N, 603R

Cypremort Pt. State Park netting prohibition, 493ER, 630N

Dredging, 730N

Experimental Fisheries, 71CR, 119R, 154ER, 168R

Fountainebleu State Park hunting season, 401N, 603R

Freshwater fish species, 631N

Gamefish fingerlings, 70N, 189CR

Goose hunting methods, 631N

Grand Isle netting prohibition, 365ER, 402N

Lake Bruin commercial fishing, 36R

Migratory seasons other than waterfowl, 492ER

Migratory birds, season and bag limit, 597ER

Oyster fisheries, 632N

Oyster seed grounds, 143N, 268CR, 331R

Paddlefish, 87ER, 266N, 368R, 404CR

Pompano/black drum harvesting permit, 634N

Resident game species, hunting seasons/bag limits, 403N

Shrimp harvest, reduced, 224ER, 349N, 349N

Shrimp seasons, 36R, 143N, 224ER, 331R

Sister (Caillou) Lake Oyster Seed Reservation, 266N, 404CR

Spanish Mackerel, 142N

Toledo Bend netting prohibition, 402N, 603R

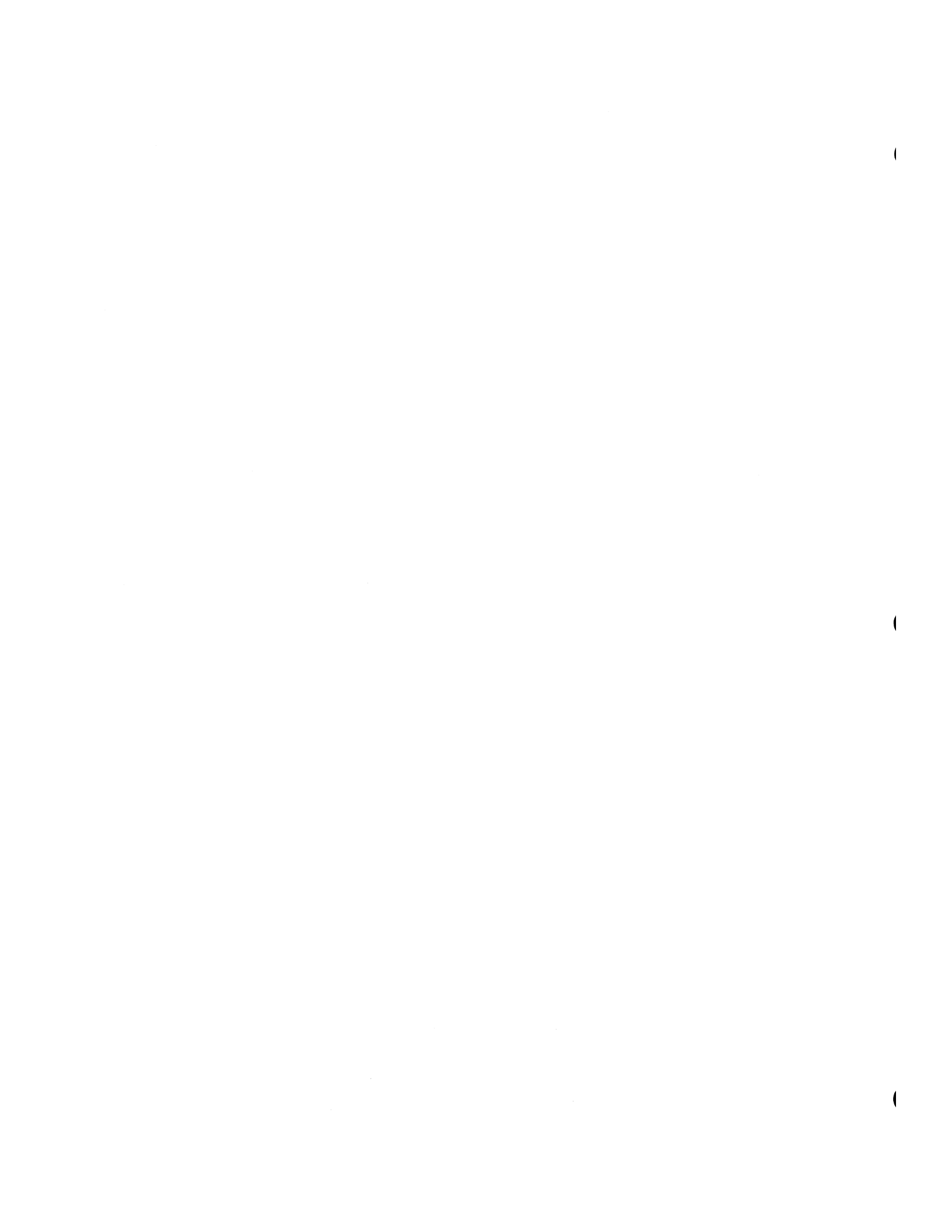
Trapping season, 635N

Underutilized species harvesting permits, 636N

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STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION

Required by 39 U.S.C. 3685)

1A. TITLE OF PUBLICATION Louisiana Register		1B. PUBLICATION NO. 0 0 0 7 5 4 5 0						2. DATE OF FILING 9/29/86	
3. FREQUENCY OF ISSUE Monthly		3A. NO. OF ISSUES PUBLISHED ANNUALLY 12				3B. ANNUAL SUBSCRIPTION PRICE \$80/\$40			
4. COMPLETE MAILING ADDRESS OF KNOWN OFFICE OF PUBLICATION (Street, City, County, State and ZIP+4 Code) (Not printers) P. O. Box 94095, Baton Rouge, East Baton Rouge Parish, LA 70804-9095									
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PUBLISHER (Name and Complete Mailing Address) Office of the State Register, P. O. Box 94095, Baton Rouge, LA 70804-9095									
EDITOR (Name and Complete Mailing Address) Nancy Midkiff, P. O. Box 94095, Baton Rouge, LA 70804-9095									
MANAGING EDITOR (Name and Complete Mailing Address)									
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