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Executive Orders

EXECUTIVE ORDER DCT 82-3

WHEREAS, the Governor's Task Force on Drinking and Driving was created by the authority of Executive Order Number 82-2; and

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

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me as Governor, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby direct the Governor's Task Force on Drinking and Driving to study these problems and make specific recommendations. Said Task Force shall be composed of 17 members rather than 15 as stipulated in Executive Order Number 82-2. The two additional members will serve as at-large representatives.

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 February, A.D., 1982.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER DCT 82-4

WHEREAS, under the terms of Federal Public Law 97-35 Section 564(b), the Governor of each state who wishes to participate in the Chapter 2 section of the Education Consolidation and Improvement Act of 1981 is enabled to appoint an Advisory Committee to advise the Governor and the State Department of Education; and

WHEREAS, it is incumbent upon the administration to see that an equitable plan is established for the distribution of these grants;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me as Governor, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby create the Governor's Advisory Committee on Educational Block Grants to advise the Governor and the State Department of Education on the allocation of said funds reserved for State use under Section 565(a), on the formula for the allocation of said funds to local educational agencies, and on the planning, development, support, implementation and evaluation of state programs assisted under Chapter 2 of the Education Consolidation and Improvement Act of 1981.

The advisory committee shall include members of school boards, educational administration, higher education, teachers, parents of school children and the public at large or in accordance with Section 564(a).

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the city of Baton Rouge, on this the 18th day of February, A.D., 1982.

David C. Treen
Governor of Louisiana

Emergency Rules

EMERGENCY RULE (AMENDED)

Department of Health and Human Resources Board of Veterinary Medicine

At a meeting of the Louisiana Board of Veterinary Medicine held on March 10, 1982 pursuant to notice, Emergency Rule No. 1 was amended retroactively in the following manner:

The last sentence in Paragraph 1 of Emergency Rule No. 1 of the Louisiana Board of Veterinary Medicine, currently reading "A passing score on the National Exam shall be deemed to be the correct answering of at least 70 percent of the questions contained on the National Examination." is deleted. The last sentence of that Paragraph shall read as follows:

A passing score on the National Examination shall be deemed to be the correct answering of 70 percent of the questions contained on the examination, less one standard deviation. The standard deviation shall be based upon the so-called "Nationwide Criterion Group," as that group is defined by Professional Examination Service or such other firm, corporation or entity as may be charged by the National Board of Veterinary Medical Examiners with the duty of formulating, administering and grading the National Exam. The standard deviation shall be computed separately for each group of examinees taking the National Examination. The definition of the nationwide criterion group as applied by Professional Examination Service or such other person, firm or entity as may be charged by the National Board of Veterinary Medical Examiners with the formulation, administration and grading of the National Exam is hereby adopted by the Board, and the calculation of the standard deviation by Professional Examination Service or such other person, firm or entity as may be charged by the National Board of Veterinary Medical Examiners with the formulation, administration and grading of the National Exam, shall be conclusive.

Allan R. Albritton, D.V.M.
Secretary-Treasurer

Rules

RULE

Department of Commerce Licensing Board for Contractors

I. A. 1. Under R.S. 37:2157 A, it is the Board's interpretation that a contractor is defined as any person, firm, partnership, co-partnership, association, corporation or other organization, or any combination thereof, who undertakes, attempts, or submits a bid or offer to construct, supervise, superintend, oversee, direct, or in any manner assume charge of the construction, alteration, repair, improvement, movement, demolition, putting up, tearing down or furnishing labor, material or equipment and installing same for any building, highway, road, railroad, sewer, grading, excavation, pipeline or public utility structure project, development, housing or housing development, improvement, or any other construction undertaking. Additionally, it is the Board's inter-

pretation that, under R.S. 37:2162 (b), a contractor is a person who contracts directly with the owner, a primary contractor, or a subcontractor as a subcontractor; also any architect or engineer who receives an additional fee for the employment or direction of labor, or any other work beyond the normal architectural or engineering services, shall be considered as a contractor.

B. In addition to those specialty classifications listed as subclassifications in Section 2156.2, the definition also includes specialty work as follows, but is not limited thereto: Oil and gas well drilling and storage; directional drilling; X-ray of wells; water well drilling; cathodic protection; environmental control systems; solar energy, nuclear energy; mining; boat building; furnishing and installing permanent building fixtures; building restoration work; carpentry work; dumb waiters, elevators and escalators; glazing; site development; waterproofing; construction management; owner acting as own contractor which will be for rent, sale, public use or public assembly; public address system; communication lines and systems; sound systems; alarm systems; control systems; instrumentation and calibration; industrial and commercial maintenance; demolition with or without explosives; industrial painting, coating and sandblasting; refractory work.

C. 1 (a) A license shall not be required to bid or perform work on any project totally owned by the federal government.

(b) A license shall not be required to bid on any projects funded in part by the federal government designated for a particular project by an agency of the federal government where a federal regulation or law prohibits such requirement, provided said agency presents specific evidence of a federal regulation or law prohibiting same in the bid documents. Should the agency fail to present such evidence, the bidder shall be required to have a license before bidding. Any successful bidder on any exempt project funded in part by the federal government shall submit an application for a license completed in its entirety and pay the fee prior to commencement of work on federal jobs. After meeting said requirements, a letter shall be issued to said successful bidder authorizing the commencement of work in accordance with R.S. 37:2157 D. Thereafter, the application shall be presented to the Board at its next regular meeting and following compliance with all remaining requirements including delay periods, a license shall be issued with an "F" restriction.

2. A license is not required by a public utility subject to regulation by the Louisiana Public Service Commission or the Council of the City of New Orleans or a contractor bidding on projects for said utility companies. However, contractors doing business for public utilities shall file an application for a license, pay the fee and take and pass the required examination prior to commencement of actual work. After meeting said requirements, a letter shall be issued to said successful bidder authorizing the commencement of work in accordance with R.S. 37:2157 B. Thereafter, the application shall be presented to the Board at its next regular meeting and following compliance with all remaining requirements, a license shall be issued.

II. Application for contractor's licenses shall contain all information required on the form which is available at the offices of the State Licensing Board for Contractors, 7434 Perkins Road, Baton Rouge, LA 70808. Application shall be time dated when received and considered at the next regular meeting of the Board, provided the application is complete with financial statement, references, fee(s), Federal Employer I.D. Number, properly notarized and examination requirements have been met.

No license will be issued until:

A. Sixty days have elapsed from time of receipt in the Baton Rouge office;

B. All requirements of the statute and rules and regulations have been met and the application approved by the Board.

III. All licenses and renewals shall expire December 31 of

the year they are issued and the license becomes invalid unless renewed; provided, however, that after a license has expired the person or firm to whom such license was issued shall have until the second Tuesday of January next, following the expiration date to renew the license without penalty and without further examination. Any person or firm applying for renewal after the second Tuesday of January next, following the expiration date will be required to pay a penalty of \$50. Any license not renewed within a period of one year from the date of expiration will be considered as a new application.

IV. The annual fee for renewal of licenses shall be \$100 for any one major classification or subdivision thereof and \$50 will be charged for each additional major classification or subdivision thereof. The maximum fee shall not exceed \$300. In addition there will be a \$25 charge for each examination and a \$25 charge for a structural change.

V. The license for which a person becomes the qualifying party belongs to the entity of the licensee, as: a corporate license belongs to the corporation, a partnership license belongs to the partnership and an individual license belongs to the individual regardless of the status of the qualifying party of the entity.

VI. A. all applicants shall be required to register a qualifying party or parties who shall successfully pass a written examination for the classification requested, unless otherwise provided by the Board.

B. The qualifying party or parties authorized to take the examination are:

1. Any individual contractor, co-partner or any corporate officer who was an organizer in the articles of incorporation, provided no person shall be allowed to be the qualifying party for more than one company and two subsidiaries. If more than two subsidiaries are formed or acquired by a parent company, a separate qualifying party shall be registered with the Board for each two additional subsidiary companies.

2. Any employee of said applicant who has been in full-time employment for 120 consecutive days immediately preceding. He shall be prepared to execute an affidavit furnished by the Board at the time he takes the examination giving his length of employment and Social Security number. If requested, he shall be prepared to show evidence of his eligibility by furnishing four cancelled payroll checks representing four preceding months.

C. Additional classification(s) may be obtained at any time by licensed contractors provided:

1. The request for additional classification(s) be in writing.

2. The required additional license fee of \$50 and a \$25 examination fee is paid; and the qualifying party as provided under Subsection (B) successfully passes a written examination.

3. The classification(s) will not become effective for 30 days following a request for same or until approved by the Board at a regular meeting, whichever is the lesser.

D. All initial applicants shall be required to take and successfully pass Part I of the Board's examination and PART II where there exists a written examination for same.

E. 1. A contractor who is a subsidiary of a currently licensed contractor and who is making application for a license in the same classifications as that of the currently licensed contractor, shall not be required to take an examination of the subject for which said subsidiary contractor is seeking a license, with the approval of the Board, provided that the holders of a majority of the stock in the subsidiary contractor are the same as the holders of the majority of stock in the currently licensed company, and further provided that the individual who was designated as the qualifying party at the time a license was originally issued to the currently licensed contractor remains in the employ of the currently licensed contractor at the time of application for license by the subsidiary contractor.

2. A licensed firm, making application for a subsidiary license for the same classifications as those in which the licensed firm has qualified, may be exempt from the taking of an examination, provided that the qualifying party on record with the State Licensing Board for Contractors for the licensed firm making application for a subsidiary license is the same as that of the parent company, and further provided that no person shall be allowed to be the qualifying party for more than one company and two subsidiaries. If more than two subsidiaries are formed or acquired by a parent company, a separate qualifying party shall be registered with the board for each two additional subsidiary companies. It is further provided that any subsidiaries qualifying under the terms of this Section shall not be permitted to assume the position of a parent company or firm for the purpose of forming additional subsidiaries.

F. A qualifying party making application for a license as an individual or stockholder of a corporation may be exempt from taking another examination for the same classification for which he has previously taken and passed subject to approval by the Board.

G. Applicants requesting a specialty class where there is no written examination shall be examined by the Board on the experience shown on his application.

VII. When the qualifying party terminates employment with the licensee, the State Licensing Board for Contractors must be notified in writing, by the qualifying party and the licensee, within 30 days of the disassociation and another party must qualify within 60 days or licensee will be subject to citation for suspension or revocation of license.

VIII. In the event an unlicensed contractor or licensed contractor without proper classification bids in violation of R.S. 37:2150-2163, regardless of whether he is awarded the contract, action may be brought before the Board and/or court in accordance with the statutes rules and regulations, and laws of this State.

IX. Any application for a license for a subsidiary shall be considered as a new application and subject to all laws and rules and regulations governing same.

X. In the event of the dissolution of a partnership, the license may be retained by one of the partners provided that all partners agree by whom it shall be retained and further provided that all this agreement be made by affidavit.

XI. The board, pursuant to R.S. 37:2161 may bring suit to enjoin violations of this Act and the Executive Director and/or his designated agent and/or the legal counsel for the Board is hereby authorized to institute such suit on behalf of the Board and to sign the verification of the petition for injunction and to do all things necessary in connection with the institution of such legal proceedings when so directed by the Board.

XII. Hearings may be conducted by the Board at regular or special meetings whenever deemed necessary. Written notice by certified mail shall be given to all parties at least five days prior to such hearings or special meetings. The Board members shall be notified at least three days prior to such hearings or special meetings. The notice shall include the time, place and purpose of the hearing or special meeting and may be held at any place within the state. Hearings shall be governed by R.S. 49:951 et seq.

XIII. Special meetings of the Board may be held at any place provided that the time, place and purpose of the meeting is specified in the notice to the members of the Board and to any parties involved in that particular special meeting.

XIV. It shall be the responsibility of licensed contractors to secure the current valid license number of any subcontractor who submits a bid to them or performs work in the amount of \$50,000 or more. If any licensed contractor awards a contract in the amount of \$50,000 or more to any unlicensed subcontractor, the license of the contractor may be suspended, revoked or rescinded after a hearing is conducted by the Board.

XV. Any change in officers, or address of a company, partnership, or corporation as reflected on the application shall be reported to the Board by written notification within 15 days after such change. Any change in the name of a contractor as it appears on the license certificate or any change from an individual to a partnership or corporation; or a partnership to an individual or corporation; or a corporation to an individual or partnership, shall be reported in writing to the Board within 15 days after such change. No change in the name or status of licensed firm shall be made until all documents and information as required by the Board has been satisfactorily furnished.

XVI. A. All licensed contractors bidding in the amount of \$50,000 or more shall be required to have qualified for the classification in which they bid.

B. When two or more contractors bid as a joint venture on any project in the amount of \$50,000 or more, not in conflict with R.S. 37:2150 et seq., all parties are required to be licensed at the time the bid is submitted. Each party to the joint venture may only perform within the applicable classifications of the work of which he is properly classified to perform.

XVII. All contractors shall bid and perform work in the name which appears on the official records of the State Licensing Board for Contractors for the current license. If a licensed contractor assigns a contract, or any portion of a contract, in the amount of \$50,000 or more to another contractor, the person or firm to which it is assigned, and who performs the work, must possess the proper current license. No unlicensed contractor shall be permitted to assign a contract, or any portion of a contract, in the amount of \$50,000 or more to a licensed contractor in circumvention of the laws of the State of Louisiana.

XVIII. Under R.S. 37:2163 A. providing for certification and license number to be shown on the bid, and when the awarding authority requires bids to be submitted in sealed envelopes, the license number shall be required to appear only on the outside of the envelope. It shall not be a violation for the license number to appear on both the bid document and the outside of the envelope.

XIX. Any division of a contract into parts less than \$50,000 when combined is \$50,000 or more, will be treated as one contract totaling the amount of these parts when combined.

XX. Whenever a licensed contractor bids a project within the scope of this Act, and is awarded the contract, is unable or refuses to provide bonding and insurance coverage as required by the proposal bid for the execution of the project, the awarding authority or owner may file a complaint with the Board. The Board shall investigate such complaint and, after due hearing, may suspend or revoke the contractor's license, in accordance with R.S. 37:2150-2163 inclusive.

XXI. Any person, firm, partnership, co-partnership, association, corporation, or other organization bidding on or performing a job in the amount of \$50,000 or more, the majority of which job is classified as V. Electrical Work or VI. Mechanical Work, the licensee shall hold the major classification or subdivision thereunder of Electrical Work or Mechanical Work as the case may be.

A. On all jobs involving mechanical or electrical work the Board shall consider the monetary value of the electrical or mechanical material and/or equipment furnished by the owner or builder, if any, in determining the amount of electrical or mechanical work involved.

B. The Board takes cognizance of all local ordinances and codes regulating the licensing of electrical and mechanical contractors.

XXII. If a possible violation is known to the Board, the Board may correct it or take appropriate action without formal complaint.

XXIII. As provided by R.S. 37:2150 after granting said license, the licensee shall at all times show his ability to serve the

public economically, expediently and properly; possess the necessary qualifications of responsibility, skill, experience and integrity so that the licensee will not tear down standards of construction established within the industry, and shall continue to maintain the qualifications established in R.S. 37:2156.1.

If any licensed contractor refuses to sign a contract at his bid price and a complaint is filed with the Board by the owner and/or the awarding authority, the Board shall investigate such complaint and, after due hearing, may suspend or revoke the contractor's license in accordance with R.S. 37:2150-2163 inclusive.

XXIV. It shall be the responsibility of any contractor who, voluntarily or involuntarily, is subjected to any provision of the laws of bankruptcy, to notify this Board immediately and to make available to this Board any and all information pertinent thereto.

A. Any contractor who is ordered by a competent court to cease operations or whose operations are closed due to operation of any law, shall notify this Board immediately and make available to this Board any and all information pertinent thereto.

B. Whenever an order issued by a competent court and/or referee in bankruptcy forces cessation of a contractor's business operations, a hearing shall be scheduled at the earliest feasible date, in accordance with the applicable laws and the rules and regulations of this Board, for the purpose of determining whether said contractor's license shall be suspended or revoked, and such an order by a competent court or referee shall create a presumption in favor of suspension or revocation.

C. If any contractor is ordered by a competent court to pay a final and executory judgment awarded against him in the operation of his business, for charges for labor, material, breach of contract, etc., and fails to pay said judgment immediately upon its becoming final and executory, a hearing may be scheduled by the Board for the purpose of determining whether said contractor's license shall be suspended or revoked.

XXV. All initial applicants are required to submit a financial statement, prepared by an independent auditor and signed by the applicant and auditor before a notary public, stating the assets of the person, firm, partnership, co-partnership or corporation; such assets shall include a net worth of at least \$10,000.

XXVI. It shall be unlawful and illegal for any primary contractor, contractor, owner, awarding authority, subcontractor, or any other person to contract or subcontract all or any portion or work involved herein, to any other contractor, or subcontractor unless said contractor or subcontractor was duly licensed by the Board as of the final date fixed for the submission of bids on said work from the primary contractor to the owner or awarding authority. This Rule shall be subject to the provisions and limitations established by R.S. 37:2157 B and D.

If work is subcontracted as per this Rule, and the subcontractor should default for any reason, the awarding authority shall have the right to take bids from any subcontractor that is properly licensed at the time of this default.

XXVII. Any person, firm or corporation duly licensed under the provisions of R.S. 37:2150, et seq. who violates any provisions of the said Louisiana contractor's licensing law or any Rule or regulation of this Board may, after due and proper hearing, have its license suspended or revoked by this Board. Prior to the Board's action on suspension or revocation of licenses as aforesaid, the licensee shall be given a hearing in accordance with the Louisiana Administrative Procedure Act.

XXVIII. In any instance where approval of an application has been withheld under the terms of R.S. 37:2157 D., a contractor shall have the right to apply to the Board for a hearing following which the Board may continue to withhold approval or grant its approval at its own discretion.

XXIX. Proper notification under R.S. 37:2160 E., shall be five days notice. Notification shall constitute placing of said notice

in the U.S. mail certified. The five days notice shall commence to run on the date of the issuance of notification.

Roy Yarborough
Acting Director

RULE

Department of Commerce Office of Financial Institutions

Under authority granted by R.S. 6:902B, the Commissioner of Financial Institutions has adopted the following rule for the purpose of providing a means by which state chartered savings and loan associations may have authority consistent with that granted federal associations by Federal Home Loan Bank Board Rules and Regulations 545.6-2(a)(4), 545.6-3, and 545.6-4(c), published in the Federal Register, Volume 46, No. 205, pages 51896 and 51897, dated October 23, 1981.

FINAL RULE

Notwithstanding any limitations set forth in LRS 6:701, et seq., state chartered savings and loan associations are hereby authorized to make adjustable interest rate partially amortized balloon payment loans; adjustable rate simple interest home improvement loans; and reverse annuity mortgages, as outlined in Federal Home Loan Bank Board Regulations 545.6-2(a)(4), 545.6-3, and 545.6-4(c), which was published on pages 51896 and 51897, Volume 46, of the Federal Register dated October 23, 1981.

For the information and guidance of state chartered savings and loan associations, the Federal Regulations referred to above are outlined below:

§ 545.6-2 Other residential real estate loans.

(a) Home Loans.

(4) Loans without full amortization.

(i) Balloon-payment loans.

(a) Nonamortized loans (loans which no principal payments are made until the end of the term) shall not exceed 90 percent of value, subject to the limitations of subparagraph (a)(1) of this section, and loans that are partially amortized shall not exceed 95 percent of value, subject to the limitations of subparagraphs (a)(1) and (a)(2) of this section. Interest on balloon-payment loans shall be payable at least semiannually.

(b) An association making a balloon-payment loan secured by property occupied or to be occupied by the borrower must include the following notice in each loan application form and in each loan contract:

THIS LOAN IS PAYABLE IN FULL AT THE END OF _____ YEARS [and/or MONTHS]. YOU MUST REPAY THE ENTIRE PRINCIPAL BALANCE OF THE LOAN AND UNPAID INTEREST THEN DUE. THE LENDER IS UNDER NO OBLIGATION TO REFINANCE THE LOAN AT THAT TIME. YOU WILL THEREFORE BE REQUIRED TO MAKE PAYMENT OUT OF OTHER ASSETS YOU MAY OWN, OR YOU WILL HAVE TO FIND A LENDER WILLING TO LEND YOU THE MONEY AT PREVAILING MARKET RATES, WHICH MAY BE CONSIDERABLY HIGHER OR LOWER THAN THE INTEREST RATE ON THIS LOAN. IF YOU REFINANCE THIS LOAN AT MATURITY, YOU MAY HAVE TO PAY SOME OR ALL CLOSING COSTS NORMALLY ASSOCIATED WITH A NEW LOAN, EVEN IF YOU OBTAIN REFINANCING FROM THE SAME LENDER.

In addition, at the time an association commits itself to make a balloon-payment loan to a loan applicant, the association must inform the applicant of the principal loan balance that will be due at maturity of the loan, if known, assuming timely payments of principal and interest during the loan term.

(c) The interest rate on a partially-amortized balloon-payment loan may be adjusted periodically, pursuant to subparagraphs (b)(1), (b)(3), (b)(4) and paragraphs (c), (d), (e), and (f) of § 545.6-4a of this Part, provided that the initial monthly payment is sufficient to amortize a loan with the same principal balance and interest rate over a period not exceeding 40 years. Interest-rate adjustments may be implemented through changes to the principal loan balance only if the monthly payment is adjusted at least every five years to a level that would have been sufficient, based on the amortization schedule used to establish the initial monthly payment, to fully amortize the loan.

(d) At least 45 but not more than 90 days prior to maturity of a balloon-payment loan for which the notice set out in subparagraph (b) must be given, the association must notify the borrower of the maturity date, the balance due at maturity (assuming all scheduled periodic payments due between the notification and maturity are made), and whether and under what conditions the association will refinance the loan.

§ 545.6-3 Home Improvement Loans.

An association may invest in loans, with or without security, for residential real property alteration, repair or improvement, or for equipping or furnishing residential real property, with installments payable at least quarterly, the first installment due no later than 120 days from the date the loan is made and the final installment due no later than 20 years and 32 days from such date. Installments shall be substantially equal except to the extent that the loan complies with one of the mortgage plans authorized under § 545.6-2(a)(4)(i), 545.6-4 or 545.4a of this Part.

§ 545.6-4 Alternative mortgage instruments.

(c) Reverse-annuity mortgage.

(1) Description. This instrument provides periodic payments to homeowners based on accumulated equity. The payments are made monthly directly by the lender, or are made through the purchase of an annuity from an insurance company. The loan becomes due on a specified date after disbursement of the entire principal amount of the loan or when a specified event occurs, such as sale of the property or death of the borrower. The interest rate on this instrument may be fixed, or may be adjusted periodically pursuant to subparagraphs (b)(1), (b)(3), (b)(4) and paragraphs (c), (d), (e), and (f) of § 545.6-4a of this Part. Interest-rate adjustments may be implemented through changes to the principal loan balance.

(2) Requirements.

(i) Loan applicants shall not be bound for seven days after the loan commitment is made.

(ii) Associations shall obtain a statement signed by the borrower acknowledging disclosure of all contractual contingencies which could force a sale of the home.

(iii) If the loan instrument provides that the interest rate will be adjusted more frequently than the payment to the borrower will be adjusted, the payment to the borrower, then, in addition to the notification of payment adjustment required pursuant to paragraph (e) of § 545.6-4a of this Part, the association must also send the borrower a notification of each rate adjustment within the time period and with the disclosure required by paragraph (e) of § 545.6-4a.

(iv) The loan instrument shall provide for prepayment in

whole or in part without penalty at any time during the loan term.

(v) If payments are to be made to the borrower through purchase of an annuity, the association shall use an insurance company authorized to engage in such business and supervised by the state in which it is incorporated.

(3) Disclosure.

Each prospective borrower shall receive written materials explaining the type of mortgage being offered and its specific terms, including:

(i) a general description of reverse-annuity mortgages;

(ii) if refinancing is not guaranteed, a prominent notice indicating that a large payment (and the elements of which it is comprised) will be due at the end of the loan term;

(iii) schedule and explanation of payments to the borrower and whether property taxes and insurance are to be deducted;

(iv) schedule of outstanding debt over time;

(v) repayment date or event (such as sale of home or death of one or more mortgagors) which causes loan to become due;

(vi) method of repayment and schedule, if any;

(vii) all contractual contingencies, including lack of home maintenance and other default provisions, which may result in forced sale of the home;

(viii) interest rate, annual percentage rate, and total interest payable on the loan;

(ix) effective interest rate and interest earned or expected to be earned on purchased annuities, based on standard mortality tables;

(x) name and address of insurance company issuing a purchased annuity;

(xi) initial loan fees and charges;

(xii) description of prepayment features and refinancing features, if any;

(xiii) inclusion of a statement that such mortgages have tax and estate-planning consequences and may affect levels of, or eligibility for, certain government benefits, grants, or pensions, and that applicants are advised to explore these matters with appropriate authorities; and

(xiv) an example of the operation of the type of reverse-annuity mortgage offered to the applicant.

If the loan contract permits periodic adjustment of the loan interest rate, the disclosure provided the prospective borrower must parallel the disclosure required by § 545.6-4a(f) of this Part, and must include such of the information set out above as is available at the time of disclosure.

Hunter O. Wagner, Jr.

Commissioner of Financial Institutions

RULE

Department of Commerce Racing Commission

LAC 11-6:53.5

Permitted medication may be administered to a horse in training during a race meeting only by a licensed veterinarian or a licensed trainer, or under their personal orders, except that all medication given hypodermically must be done by a licensed veterinarian. The following non-steroidal, anti-inflammatory medications may be used in training; cannot be administered within 24 hours of the race; and the maximum analytical test levels are established as:

Pre-Race Blood and Urine Levels	and	Post-Race Blood and Urine Levels
Phenylbutazone 2.0 micrograms/ml.		165 micrograms/ml. *
Oxyphenbutazone 2.0 micrograms/ml.		165 micrograms/ml. *

*(combined total of drug and/or metabolite)

These provisions control, other provisions of these rules to the contrary notwithstanding.

Any test levels in excess of the above maximum analytical test levels shall be considered as prima facie evidence that there has been a violation of the rules dealing with medication.

The stewards shall direct the taking of a blood specimen from any horse from which a urine specimen has been taken or will be taken while the horse is at the special barn as provided pursuant to LAC 11-6:23.35 which shall be delivered to the state chemist for testing.

J. Melton Garrett
Chairman

RULE
Department of Commerce
Racing Commission

LAC 11-6:53.43

A laboratory testing program for the detection of the presence of prohibited medications or drugs in horses prior to a scheduled racing program may be requested by an Association, and conducted at that track upon designation by the Commission. Such pre-race testing program shall be supervised by the Commission. All provisions of the rules of racing, not inconsistent with this Section, remain in full force and effect. Should any existing provision conflict herewith, the provisions of this Rule shall take precedence and govern; however, all existing Rules on post-race testing remain in full force and effect.

A. At any track so requesting and designated, the track operator shall provide such facilities, appurtenances, equipment, and trained personnel for a drug detection program as the Commission may specify.

B. Blood or urine or other samples shall be taken from all horses programmed to race prior to the race in which it is programmed at a location specified by the track operator and the Commission.

C. Such blood, and/or urine, and/or other sample shall be taken not less than three hours nor more than six hours prior to the approximate post-time of the race. If the horse is to receive bleeder medication (Furosemide) on the day of the race in accordance with the rules of racing, the sample shall be taken prior to the administration of that medication.

D. Such blood, urine, or other sample shall be taken by the commission veterinarian, or by a licensed veterinarian under his supervision. Professional fees for veterinarians collecting these samples for the pre-race testing program shall be paid by the Association.

E. The trainer or his representative shall accompany the horse at the prescribed time and to the prescribed location, and shall manage the horse as directed. Willful failure to be present at, or refusal to allow, the taking of any such sample, or any act or threat to impede or prevent or otherwise interfere therewith, shall subject the person or persons therefor to such disciplinary action as the stewards may determine.

F. A horse shall not race if it has not been tested in accordance with the provisions of this Section.

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

H. The pre-race testing program so conducted at a designated track shall in no way change or interfere with the post-race testing program of the Commission. In the event of a conflict between pre-race and post-race tests, the post-race test governs and prevails.

I. The laboratory and/or its representatives performing pre-race chemical testing for a designated Association are officials of racing. The laboratory shall:

1) Be under the direction of and responsible to the stewards;

2) Be approved by the Commission.

J. The stewards shall deliver all pre-race specimens or samples to the laboratory performing the pre-race chemical testing.

Definition of Pre-Race Testing: A procedure approved by the Commission, conducted by a qualified testing laboratory, at a race track after the Association operating the track initially makes a written request that such procedure be conducted at its facility, whereby each horse scheduled to run shall have its blood or saliva or urine or other excretions of body fluid analyzed no more than six and no less than three hours before the race in which the horse is scheduled to run in order to determine whether such sample contains any narcotic, stimulant, depressant, local anesthetic, analgesic or drug of any description not permitted by the rules of racing or which could affect the speed of the horse in the race in which the horse was entered to race. Such test shall not be for the purpose of determining whether a horse is physically fit to race and no physical examination of the animal is contemplated by this procedure.

J. Melton Garrett
Chairman

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

Fort Macomb Marina Boat Slip Rental

SCOPE:

The Office of State Parks will rent for public use 37 covered boat slips located at Fort Macomb State Commemorative Area, Orleans Parish, Louisiana. Each boat slip is approximately 47 feet long and 18 feet wide. Utility connections including water and electricity are available at each site.

Effective immediately, any tenant occupying a slip will be given the opportunity to continue renting such slip on a month basis for a period not to exceed July 1, 1982. Procedures for reassignment of slips thereafter are stipulated herein. A rental agreement will be executed between all boat rental slip occupants

and the Office of State Parks, Department of Culture, Recreation and Tourism.

PROCEDURES:

Effective immediately, all requests for an assignment of boat slips will be coordinated by the Office of State Parks' Land Administrator in care of the Office of State Parks, Department of Culture, Recreation and Tourism, Drawer 1111, Baton Rouge, La. 70821-1111.

Term "Request for Rental" as herein used shall mean a written application addressed to the Office of State Parks requesting rental of a boat slip. No telephone requests will be accepted.

The "Owner" as herein defined shall mean the Office of State Parks, Department of Culture, Recreation and Tourism.

The "Tenant" as herein defined means the responsible party who is contracting with the Office of State Parks for the rental of boat slip at Fort Macomb State Commemorative Area, Orleans Parish, Louisiana.

All requests for rental must be received, dated, and stamped by the Office of State Parks no earlier than July 1 and no later than December 31 annually preceding the annual July reassignment date.

Between January 1 and May 1 annually the Office of State Parks, through the State Parks and Recreation Commission, will hold an annual drawing for assignment of boat rental slips.

The boat rental slip will become available for occupancy on July 1 annually following the drawing between January 1 and May 1.

The applicant for boat rental slips will be advised of the selection on or about May 1 annually.

A rental agreement will be executed between the tenant and owner for a period of one year beginning July 1 annually. This agreement will be submitted to the tenant for execution between May 1 and June 1.

The rental cost for each boat slip, with one boat per slip, will be \$80 per month payable on a monthly basis in advance. No multiple payments will be accepted.

The duration of the rental agreement is for a maximum of one year payable monthly in advance in the first day of the month.

If a tenant is selected by the State Parks and Recreation Commission to occupy a slip immediately following an approved rental period, he may request approval to retain the same rental space he utilized in the previous rental period.

If vacancies occur in the interim between selections, assignments will be handled on a first-come first-served basis established on the date the request for rental was received in the Office of State Parks. No telephone requests for rental will be accepted.

It will be the responsibility of the tenant to make the necessary contacts with the public utilities to arrange for connections and disconnections of services to his rental slip.

The rental agreement must be executed before the tenant takes occupancy of the slip. The rental slip is to be used solely for berthing and docking of boats and vessels.

The tenant shall maintain at all times a liability insurance coverage with limits not less than \$100,000 for bodily injuries including accidental death to any one person subject to the same limit for each person in an amount not less than \$300,000 for a single accident; and property damage in an amount not less than \$100,000. Tenant will deliver to the owner attached to rental agreement a certificate of insurance which sets forth the terms of coverage.

Only one application per applicant will be considered in the annual drawing. If more than one request for rental is received the one bearing the earliest date of receipt by the Office of State Parks will be used for the drawing purpose.

Requests received before July annually but not assigned during that assignment period will not be carried forward. Each

request for the applicable drawing period must be filed after July 1 annually and before December 31 of the same calendar year.

Kirk Carney
Assistant Secretary

RULE

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

Poverty Point State Commemorative Area
Dormitory Policies and Guidelines For Use

I. Purpose of Facility

The primary purpose of the dormitory is to provide living space and sleeping accommodations for professional archaeologists who are actively conducting on-site research. The dormitory can be used on a "first come first served" reservation basis by other individuals who meet the requirements as set forth in this policy statement.

II. Eligible Users

A. The dormitory is available to college students, professional archaeologists and other scientists who are studying the Poverty Point culture and/or actively conducting research which relates to or directly involves the Poverty Point State Commemorative Area.

B. Requests for use of the dormitory by individuals or groups not meeting the above criteria will be reviewed by the Office of State Parks' Assistant Secretary, or his designee, to determine merit and appropriateness. The primary determining factor for accepting such individuals or groups will be the benefit to the commemorative area and its visitors. Their presence and activities should add to the on-site interpretive and educational programs in an authentic and historically accurate manner or benefit our programs through the contribution of archaeological/historical research, reports, or artifacts.

III. Application Process

A. Requests for use of the dormitory must be made by letter addressed to the Assistant Secretary, Louisiana Office of State Parks, Drawer 1111, Baton Rouge, La., 70821.

B. Review of request and evaluation by Assistant Secretary of his designee.

C. Response to request by Assistant Secretary (in writing). If requests approved, enclose Facility Use Agreement and copy of State Parks' pamphlet entitled "Fees, Facilities and Regulations."

D. Phone calls are not acceptable in this "first come first served" application process.

IV. Facility Use Agreement

A. All parties granted permission to use the dormitory must execute a Facility Use Agreement.

B. This agreement is between the Office of State Parks and those parties using the dormitory. It stipulates the terms and pertinent regulations by which the dormitory occupants agree to abide.

C. User must execute the agreement and return it to the Assistant Secretary before occupying the dormitory.

D. Each original Facility Use Agreement will be kept on file by the Office of State Parks' central office and copies will be sent to the user and the Historic Site Manager of Poverty Point State Commemorative Area.

V. Fees

A. All user groups unless otherwise authorized by the Assistant Secretary, Office of State Parks, will be required to pay a fee for overnight use.

B. The user must deposit \$50 with the Historic Site Manager within 10 days after receiving written approval to use the dormitory. This deposit will serve to confirm the user's desire to reserve the dormitory. The deposit will be retained by the Historic Site Manager and deducted from the total rental fee.

C. After arriving at Poverty Point State Commemorative Area, the user is required to pay all rental fees to the Historic Site Manager before occupying the dormitory.

D. A minimum overnight rate of \$50 is based on 50 percent capacity of the facility (28 people). An additional fee of \$2 per person per night will be charged for each person over the 50 percent capacity.

VI. Occupancy Requirements

A. Registration with the Historic Site Manager is required of all boarders before occupying the dormitory. This information will include name, organization, address, and home or business phone numbers.

B. Keys to the dormitory can be obtained from the Historic Site Manager. One group leader will assume responsibility for the keys and return them to the manager before leaving.

C. Sexes will remain segregated in their specific sleeping areas, and no exceptions will be made to this regulation. The dormitory is designed to sleep a maximum of 28 men and 28 women. Two wings off the dining-kitchen area separate male and female sleeping areas.

D. Articles and facilities furnished by the Office of State Parks:

1. Laundry room including washers and dryers.
 2. Kitchen facilities including eating utensils, pots and pans, refrigerator, stove, freezer, and dishwasher.
 3. All necessary cleaning supplies.
 4. Men's and women's restrooms with showers.
 5. Sleeping facilities including beds and mattresses.
- E. Articles not furnished by the Office of State Parks.
1. Linens, blankets and pillows.
 2. Towels and all personal articles.
 3. Food.

VII. Housekeeping Procedures.

A. General cleanup of this facility will be the responsibility of the user. The user will follow established cleanup and housekeeping procedures distributed by the manager.

B. No modifications or repairs of any type will be done by the boarders to the dormitory building and equipment.

C. Any problems with the building or equipment should be reported to the Historic Site Manager immediately.

VIII. Check-out Procedure

- A. Contact manager and return keys.
- B. Report of damage or equipment failure by user.
- C. Inspection of dormitory by manager.
- D. Inventory of furnishings by manager.

IX. Special Conditions

A. All programs and activities conducted at Poverty Point State Commemorative Area by groups using the dormitory must be approved in writing by the Assistant Secretary or his designee.

B. The selling of any crafts or art work by groups using the dormitory must be approved in writing by the Assistant Secretary or his designee.

C. No trailer or tent camping is permitted on any property at Poverty Point State Commemorative Area.

X. Rules and Regulations of the Office of State Parks.

A. All boarders will adhere to all rules and regulations as stated in the State Parks' pamphlet "Fees, Facilities and Regulations."

B. The Office of State Parks reserves the right to revoke boarding privileges at any time from any individual or group not conforming to the policies of this facility.

C. The Historic Site Manager has the administrative responsibility for all matters relating to the daily operation of the dormitory building and site facilities.

Kirk Carney
Assistant Secretary

RULE

Department of Culture, Recreation and Tourism Office of State Parks

Rally Camping Areas Statewide Rules, Regulations and Fees

Rally campgrounds are those areas of a Louisiana state park delineated and reserved for use by organized groups of overnight vehicle campers. These areas differ from the normal state park campgrounds since they are available for group use and may be reserved in advance. The rules, regulations and fees governing the use of these camping areas are as follows:

A. Reservations - Rally camping areas may be obtained for group reservation through the park's reservation office on a first-come, first-served basis. A \$25 advance deposit is required to confirm reservations. Reservations must be made at the park where the facilities are to be used. Reservations between January 1 and May 31 will be accepted beginning October 1 annually. Reservations placed for this period between October 1 and October 10 will be accepted by telephone only and will be confirmed on a "first-come" basis. Reservations for this period will be accepted after October 10 annually by either telephone or writing the individual park at which accommodations are desired. Reservations between June 1 and December 31 will be accepted beginning January 1 annually. Reservations placed for this period between January 1 and January 10 will be accepted by telephone only and will be confirmed on a "first-come," basis. Reservations for this period will be accepted after January 10 annually by either telephone or writing the individual park at which accommodations are desired. Reservations will be accepted only from persons 18 years of age or older and adults must accompany all minors.

B. Fees - A lump sum of \$25 per night will be assessed to the group for the exclusive use of the area, plus an additional \$5 per unit per night will be assessed to each individual camper occupying the area.

C. Carrying Capacity - A maximum carrying capacity for improved and unimproved sites will be established by individual parks and information concerning these capacities will be available through the individual park offices.

All other conditions and regulations governing the use of these areas are contained in the Louisiana Fees, Facilities and Regulations handbook section designated Overnight Use.

Kirk Carney
Assistant Secretary

RULES

Board of Elementary and Secondary Education

Rule 3.01.51.z(1)

The Board amended Bulletin 741, Page 35, "High School Credit for College Courses" for clarification purposes.

Rule 3.01.70.u(10)(a)

The Board amended Bulletin 746, Page 83, to extend plans of professional development for educational assessment teachers from September, 1982 to September 1, 1983. Rule 5.01.31.c (replaces present policy in effect)

The Board approved the Instructions and Guidelines for 1981-82 transportation reimbursement program with the deletion of 7d as follows:

1981-82, Act 18, Instructions and Guidelines

INSTRUCTIONS

1. Read the guidelines carefully. Ascertain that the school is eligible and that you are eligible. If you have any questions, you should contact the principal of the school your child or children attends.

2. Use only one affidavit per family. Three school blocks are provided on each form.

3. Indicate the Civil Parish (not church parish or parish where the school is located) in which you are domiciled.

4. Be certain that your address is correct.

5. **RETAIN THE PINK COPY FOR YOUR RECORDS. INFORMATION ON THIS FORM IS VERY IMPORTANT WHEN REQUESTING ASSISTANCE FROM THE BUREAU OF SCHOOL TRANSPORTATION. PARENT MUST RETAIN PINK COPY OR NO INQUIRY CAN BE MADE.**

6. Failure to provide all information required will result in the affidavit being invalid for processing.

ELIGIBILITY REQUIREMENTS

1. Student must live more than a mile from the school of attendance. The more-than-a-mile distance is interpreted as the walking distance from the pupil's driveway or entrance to the nearest public road to the driveway, to the walking entrance of the school building. The distance shall be measured by the most direct route, and may be along road or walkways.

2. Student must use the transportation available to the school of attendance. If transportation is available and a student chooses not to use it, the parent is not eligible for the reimbursement.

3. School of attendance must be academically approved by the State Board of Elementary and Secondary Education and/or the State Department of Education.

4. School of attendance must be in compliance with the mandates of the Brumfield vs. Dodd Court Order.

5. Special education students are eligible only if they are voluntarily enrolled in a nonpublic school located outside the Civil Parish in which they reside.

6. Only students attending grades K through 12 are eligible for reimbursement.

7. The following are not eligible:

a. Pre-school or pre-kindergarten students.

b. COE, DE, Vo-Tech, reduced schedule students, and 0 period students.

c. Transfer students, having special permission but with provision that transportation not be provided.

d. Students attending school less than 70 days out of the school year.

AMOUNT OF REIMBURSEMENT

1. Full reimbursement for K-12 — \$125 per student not to exceed \$375 per family. Student must attend a minimum of 140 days (and/or meet the minimum attendance requirements of the State Board of Elementary and Secondary Education).

2. One half reimbursement — \$62.50. Student must attend a minimum of 70 days and not more than 139 days.

3. Kindergarten students provided transportation one-way are eligible for \$62.50 reimbursement if attendance is a minimum of 140 days and \$31.25 if attendance is between 70 and 139 days.

RESPONSIBILITY OF (CIVIL) PARISH SUPERINTENDENT

1. Validate the non-availability of transportation to the student. Superintendent is attesting that transportation is not available to the school of attendance.

2. Notify principals of dates and deadlines for filing affidavits.

3. Distribute adequate affidavits to each school.

4. Do not distribute affidavits to schools that are ineligible.

RESPONSIBILITY OF PRINCIPAL (PUBLIC AND NON-PUBLIC)

1. Complete and validate the enrollment and attendance of student or students listed on affidavit.

2. Validate that school is academically approved.

3. Validate that the school is in compliance with the mandates of the Brumfield vs. Dodd Court Order.

4. Notify parents of dates and deadlines relative to filing an affidavit.

RESPONSIBILITY OF PARENT

1. Obtain affidavit and complete except for number of days present. Erasures and strikeouts must be neat and legible.

2. Obtain principal's signature.

3. Leave white copy with the school.

DATES AND DEADLINES FOR SUBMITTING AFFIDAVITS

April 1 of each year is the opening date for filling affidavits. July 1 of each year is the closing date in the local system for accepting affidavits. Affidavits received by the local school after July 1, not bearing a postmark of July 1 or earlier will not be eligible for reimbursement. Checks should normally be received in October.

Rule 3.07.11.c (replaces present policy in effect)

The Board granted the parish and city school boards the authority to waive the age requirements for taking the General Education Development Test (GED) down to age 16.

Rule 3.01.87

The Board amended Board Policy 3.01.87 relative to the procedures used by Encyclopedia and Encyclopedia Reference Program by adding the following language:

(a) The Reference Materials Adoption Committee shall be composed of 16 members - 2 representing each Congressional District.

(b) Each Committee member shall serve for no more than two consecutive years.

Paragraph 2:

(a) Suppliers shall have the opportunity to present their materials for consideration before the Reference Materials Adoption Committee.

Rule 3.01.70u(3)(a)

The Board approved the extension of previous certification timelines for school psychology by making the following changes to Bulletin 746:

Page 81a - change mandatory date from September 1, 1981 to January 1, 1983.

Page 81c - change cut-off year for students from the 1981-82 school year to the 1982-83 school year.

James V. Soileau
Executive Director

RULE

Division of Administration Property Control Section

The State Property Control Regulations have been revised as follows:

Section III

3.1 Those agencies which receive written permission from the Commissioner to utilize their own data processing facilities for inventory control shall coordinate through the Louisiana Information Processing Authority and complete the following conversion programs for transferring the agency master file information into the State Property Control Inventory Control system AMØ7.

4.1 All state agencies shall utilize the inventory classification code system in Section V of this manual for the coded numbers which identify each item of inventory. Those agencies currently not utilizing the State Property Control Inventory Classification Code system shall convert the items on the agency inventory master file to the classification code utilized by all other state agencies. This conversion shall be coordinated by the Louisiana Information Processing Authority between the agency and the State Property Control Section.

Dan Pickens
Inventory Control Manager

RULE

Department of Health and Human Resources Board of Veterinary Medicine

The Louisiana Board of Veterinary Medicine adopted the following rule, in accordance with law and pursuant to Notice of Intent published in the February 20, 1982 issue of the *Louisiana Register*, and following public hearing and a meeting of the Board of Veterinary Medicine held on March 10, 1982:

EXAMINATIONS [R.S. 37:1521]

Subsection A

The Louisiana Board of Veterinary Medicine hereby adopts the examination prepared by the National Board of Veterinary Medical Examiners (hereafter referred to as the "National Examination"), and requires that all applicants for licensure to practice veterinary medicine in the State of Louisiana shall pass the National Examination in addition to any and all State Examinations (herein defined as such written examinations, oral interviews and/or practical demonstrations as the Board may request or require).

Notwithstanding the provisions of Subsection F of this Rule, any applicant for licensure to practice veterinary medicine in the State of Louisiana who has, for the five years immediately preceeding such application, been a licensed veterinarian in another State, District or Territory of the United States shall not be required to take or pass the National Examination, but shall be required to meet all other criteria for licensure.

Subsection B

A passing score on the National Examination shall be deemed to be the correct answering of 70 percent of the questions contained on the examination, less one standard deviation. The standard deviation shall be based upon the so-called "Nationwide Criterion Group", as that group is defined by Professional Examination Service or such other firm, corporation or entity as may be charged by the National Board of Veterinary Medical Examiners with the duty of formulating, administering and grading the National Exam. The standard deviation shall be computed separately for each group of examinees taking the National Examination. The definition of the nationwide criterion group as applied by

Professional Examination Service or such other person, firm or entity as may be charged by the National Board of Veterinary Medical Examiners with the formulation, administration and grading of the National Exam is hereby adopted by the Board, and the calculation of the standard deviation by Professional Examination Service or such other person, firm or entity as may be charged by the National Board of Veterinary Medical Examiners with the formulation, administration and grading of the National Exam, shall be conclusive.

Subsection C

A passing score on the State Examination shall be deemed to be the correct answering of at least 70 percent of the questions contained on the State Examination.

Subsection D

The administration of the National Examination shall be in accordance with rules, practices, policies, or procedures prescribed by the National Board of Veterinary Medical Examiners, or by the designees of the National Board of Veterinary Medical Examiners, or by any person or persons with whom the National Board of Veterinary Medical Examiners may have contracted to administer said exam. The National Exam may be administered by members of the Louisiana Board of Veterinary Medicine, or any of the agents, employees or designees of the Board.

Subsection E

The State Examination may be prepared, administered and graded by the members of the Louisiana Board of Veterinary Medicine, or may be prepared, administered and/or graded, in whole or in part, by any person, firm, corporation or other entity selected, requested or designated to do so by the Louisiana Board of Veterinary Medicine.

Subsection F

In order to receive a license to practice veterinary medicine in the State of Louisiana an applicant must pass both the National Examination and the State Examination.

Subsection G

A passing score on either required examination will be given effect for a period of two years. Should an applicant pass one of the required examinations but fail to pass the other required examination for a period of two years, such applicant will thereafter be required to pass both examinations, notwithstanding such applicant's previous passing of one of the required examinations.

Subsection H

The State Examination shall be administered on the fourth Saturday in May of each year at Baton Rouge, Louisiana, and shall continue from date to day thereafter until completed. The National Examination shall be administered at such dates, times and places as shall be required by the National Board of Veterinary Medical Examiners, or their agents, employees, or designees.

George M. Arnold
President

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, effective April 1, 1982, will require all independent laboratories to bill the Medical Assistance Program their usual and customary charge which must reflect pricing preferentials and discounts allowed to physicians, hospitals and other independent laboratories. Providers will be required to certify in writing to the Medical Assistance Program that their billed amounts are in compliance with this policy.

George A. Fischer
Secretary

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, will implement programs for adult day health services, homemaker services, and habilitation services, effective April 1, 1982, under the Louisiana Medical Assistance Program (Title XIX).

Inclusion of these services in State Title XIX Programs was made possible by the Omnibus Budget Reconciliation Act of 1981. The Department of Health and Human Services approved the Department of Health and Human Resources' waiver request to provide the above three types of home and community based services. These services are available to Title XIX eligible recipients on the conditions that (1) the individual would require Skilled Nursing Facility, Intermediate Care Facility or Intermediate Care Facility for the Mentally Retarded services in the absence of the waived service and (2) that the waived service is less expensive than the institutional service.

The following is a brief description of each service: The Adult Day Health Services Program will provide direct care in a licensed facility during a portion of the 24-hour day for the individuals who are physically and/or mentally impaired. The target group will include individuals who need direct professional medical supervision or personal care supervision.

The Homemaker Services Program will assist individuals and families to overcome specific barriers to maintaining, strengthening, and safeguarding functions in their own home through the services of homemakers and home health aides. These services will be provided in a crisis situation on a time limited or periodic basis by trained personnel.

The Habilitation Services Program will provide training opportunities for mentally retarded individuals according to individual abilities and needs. An Individual Habilitation Plan written for each participant will designate goals and objectives. The centers offer a minimum of six hours daily for participation in activities designed to develop social, personal, and employment skills.

Eligibility standards with respect to income and medical necessity are the same as for individuals who require long term care services. As these services are non-residential, an amount of the individual's income is protected for his subsistence and the subsistence of any dependents.

Providers will include many of the providers of the services who are currently funded under Title XX (Social Services). The services will be available on a statewide basis, except for adult day health services which are restricted under the waiver request to current Title XX providers in East Baton Rouge, Orleans, Quachita, and Red River Parishes.

Payments to providers by the Department of Health and Human Resources on behalf of eligible recipients will be determined individually on the basis of costs associated with providing the services.

George A. Fischer
Secretary

RULE

Department of Public Safety Office of State Fire Marshal

REQUIRED INSPECTIONS OF WIRING, GAS PIPING AND FIRE EXTINGUISHERS

The office of Fire Marshal for the State of Louisiana, hereby adopts the following administrative ruling:

L.A.C. 17-4:20. Required Inspections of Wiring, Gas Piping and Fire Extinguishers

1. In order to assure that the electrical wiring in any structure or moveable will not cause a fire or explosion, the electrical wiring in any structure, watercraft or moveable shall be inspected, and if necessary repaired, by a licensed electrical contractor in accordance with the National Electrical Code.

2. In order to assure that any structure, watercraft or moveable is safe from hazards caused by gas piping, all gas piping shall be inspected, and if necessary repaired, by a licensed plumber or mechanical contractor in accordance with the applicable National Fuel Gas Code of the National Fire Protection Association and the provisions of the Louisiana Revised Statutes.

3. In order to assure that all required fire extinguishers are in good working order, every required fire extinguisher shall be inspected by an individual qualified to inspect and charge fire extinguishers who shall certify that the fire extinguisher is in good working condition and who shall attach to the fire extinguisher a tag showing the results of the inspection and the date of the inspection.

4. The inspections required by this regulation for electrical wiring and gas piping shall be made at the time of the initial installation and may be required by the Fire Marshal every five years thereafter, and as otherwise required by a visual inspection of the Fire Marshal or his designated representative. The inspections and other requirements called for with regard to fire extinguishers shall be made on an annual basis.

Carrol L. Herring
State Fire Marshal

RULE

Department of Transportation and Development

PURCHASING RULES AND REGULATIONS

SECTION I

COMPETITIVE BIDDING

A. REQUEST FOR BIDS

1. **Request for Quotations.** The Department is not required to advertise for bids on commodities having an estimated value of less than \$1,000. These purchases are designated as Request for Quotations by the Department. Bid requests are mailed using the established vendor lists and the bids are received, evaluated and awarded in accordance with the same requirements stipulated for sealed bids with the following exceptions:

a. Requests for bids are not advertised.

b. Special bid envelopes are not furnished by the Department. Vendor should properly identify the bid by indicating the Purchase Requisition number and date bid is due on the face of the envelope.

c. Bids are opened upon receipt, timestamped and held until the close of business on the date the bid is due.

d. Bids are not read publicly.

2. **Request for Sealed Bids.** No purchase where the estimated cost is over \$1,000 shall be made except by advertising in accordance with Title 48, Sec. 205 and submitting written invitation for bids to qualified bidders. All advertisements for sealed bids shall contain general descriptions of the items on which bids are requested and shall state the date, time and place where bids will be received, opened and publicly read.

3. **Content.** The Invitation for Bids shall include the following: The purchase description, specifications, quantities, units of measure, delivery location and instructions for submitting bids. Bids shall be submitted on standard forms furnished by the Department. All pertinent information shall be full and complete including packaging, brochures, samples, if requested, bid price, terms and delivery.

4. **Include Documents by Reference.** The Invitation for Bids may refer to documents provided that the Invitation for Bids specifies where such documents can be obtained.

5. **Special Conditions.** If any special conditions are to apply to a particular request for bids, they shall be included.

B. BIDDING TIME

Bidding time is the period of time between the date request for bids is published in the official journal of the State and the date set for opening of bids. In each case bidding time will be set to provide bidders a reasonable time to prepare their bids. However, in no case shall the bidding time be less than ten days.

C. MODIFICATION OF BID REQUEST OR SPECIFICATIONS

Modification of bid requests or specifications shall not be issued within a period of five working days prior to the advertised time for the opening of bids. If the necessity arises to issue a modification within the five working day period prior to the advertised time for the opening of bids, then the opening of bids shall be extended for a minimum of one week, without the requirement of readvertising.

D. SUBMISSION OF BIDS

1. **Bid Forms.** All written bids, unless otherwise provided for, must be submitted on and in accordance with forms provided by the Department, properly signed with ink. Bid prices shall be typewritten or in ink. Bids must be received at the address specified in the Invitation for Bids prior to the time indicated on bid form in order to be considered. Telephone quotations for sealed bids will not be accepted.

2. **Special Envelope.** All bids should be submitted in special bid envelopes furnished for that purpose. Bids presented in other than special bid envelopes must be properly identified by showing Purchase Requisition number and bid opening date on the face of the envelope. In the event bid contains bulky subject material, the special bid envelope must be firmly affixed to the mailing envelope.

3. **Bid Samples and Descriptive Literature.**

a. Descriptive literature means information available in the ordinary course of business which shows the characteristics, construction, packaging or operation of an item which enables the Department to determine whether the item meets the Department's specifications.

b. Bid sample means a sample to be furnished by a bidder to show the characteristics of the item offered in the bid.

c. Bid samples or descriptive literature may be required when it is necessary to evaluate the items bid.

d. The Invitation for Bids shall state whether bid samples or descriptive literature should be submitted unsolicited bid samples of descriptive literature are submitted at the bidder's risk.

e. When required, samples must be received no later than the time specified for bid opening, free of expense to the Department, marked plainly with name and address of bidder, bid number and opening date of bid. Failure to submit samples when requested shall result in non-consideration of bid.

4. **Rejection of Bids.** Any or all bids are subject to rejection in whole or in part.

5. **Adjustment of Quantities.** Unless otherwise specified on the bid, the Department reserves the right to increase or decrease the quantities of any item or items shown in the bid. Increases will not exceed 10 percent.

6. **Bid Prices.** Bid prices, unless otherwise specified, must be net and must include transportation and handling charges fully prepaid to destination and subject only to cash discount.

7. **Taxes.** All bids and quotations shall be submitted exclusive of all Federal taxes. Tax exemption number will be furnished when necessary. Louisiana State Sales Tax should not be included in the bid price unless otherwise specified in the Invitation for Bids. State Sales Tax shall be added to invoice and will be paid by the Department.

E. VENDOR LISTS

1. Vendor lists have been compiled to provide the Department with names of businesses that may be interested in competing for various types of supplies, material and equipment used by the Department.

2. To be placed on the Department's vendor lists, an interested business should address a letter to the Procurement and Warehousing Administrator of the Department outlining the commodities or services they can furnish the Department.

3. Upon receipt of such written request, an application form will be forwarded to the business for completion and return. This form furnishes the Department with the firm's name, address, telephone number and the name of the salesman who will contact the Department, as well as a list of the commodities or services to be furnished. Any descriptive literature which the business feels will be beneficial to the Department may be furnished at this time and will be kept on file in the Procurement and Warehousing Section.

4. The completed application is reviewed by the Procurement and Warehousing Administrator and forwarded to the proper buyer who determines the various mailing lists to place the business on to afford them an opportunity to receive Invitations for Bids as the need for their commodities or services arises.

5. The Department is not responsible for furnishing bid requests to those businesses that have not requested to be placed on the Department's various mailing lists.

6. These mailing lists are reviewed by the Procurement and Warehousing Administrator at scheduled intervals and if a vendor does not submit a bid on six consecutive Invitations for Bids, the vendor's name may be removed from the vendor lists. When businesses fail to perform, they may be subject to disciplinary action by being removed from the Department's mailing lists for a prescribed period of time. Should a vendor be subject to this type of removal, they will be properly notified in writing. A business may request that their name be removed from the Department's mailing lists by directing a written request to the Procurement and Warehousing Administrator.

F. AMENDMENTS TO INVITATIONS FOR BIDS

1. Amendments to Invitations for Bids shall be identified as such and shall make reference to that part of the bid being amended.

2. Amendments shall be sent to all prospective bidders that have received an Invitation for Bids.

3. Amendments shall be distributed no later than five working days before bid opening.

G. PRE-OPENING MODIFICATION OR WITHDRAWAL OF BIDS

1. **Procedure.** Bids may be modified or withdrawn by written notice received at the address designated in the Invitation for Bids prior to the time set for bid opening. When a bid is to be modified, the request for such modifications must be properly

identified by showing the Purchase Requisition number and bid opening date on the face of the envelope. The written modification request shall be typewritten or in ink and properly signed. All requests for modification must be concise and must be specifically referenced.

2. **Withdrawal of Bids.** A written request for the withdrawal of a bid will be granted if the request is received prior to the specified time of opening. Such request for withdrawal of a bid must be typewritten or in ink and must be properly signed.

3. **Disposition of Bid Guaranty.** Bid guaranty, if any, shall be returned to the bidder when withdrawal of the bid is permitted.

4. **Records.** All documents relating to the modification or withdrawal of bids shall be made a part of the appropriate procurement file.

H. LATE BIDS

Sealed bids and amendments received after the time specified for bid opening will not be considered.

I. RECEIPT, OPENING AND RECORDING OF SEALED BIDS

1. **Receipt.** Upon receipt, all bids and modifications will be timestamped but not opened. They shall be stored in a secure place until bid opening time.

2. **Opening and Recording.** Bids shall be opened publicly, in the presence of one or more witnesses, at the time and place designated in the Invitations for Bids. The names of the bidders, the bid price, and such other information as is deemed appropriate by the Procurement and Warehousing Administrator, shall be read aloud or otherwise made available and shall be recorded. Copies of bid tabulations will be mailed to each bidder at the address shown on his bid.

3. **Postponed Bid Openings.** In the event the Governor proclaims a previously unscheduled non-working day, bids scheduled to be opened on that day shall be opened on the next working day at the same address and time specified in the Invitation for bids.

J. MISTAKES IN BIDS

1. **Correction of Bids Prior to Opening.** Carelessness in quoting prices or in preparation of bids will not relieve the bidder of his responsibility. Erasures, write-overs or corrections in bids must be initialled in ink by the signatory if the bid. Vendors desiring to make a correction prior to bid opening on a bid already received in the Procurement and Warehousing Office must sign on the outside of the envelope indicating that it was opened for correction and indicate the date opened, as well as initial any correction on the bid form in ink.

2. **Mistakes Discovered After Opening.**

a. **Minor Informalities.** Minor informalities are matters of form rather than substance evident from the bid document, or insignificant mistakes that can be waived or corrected without prejudice to other bidders; that is, the effect on price, quantity, quality, delivery, or contractual conditions is not significant. The Procurement and Warehousing Administrator may waive such informalities or allow the bidder to correct them depending on which is in the best interest of the Department. Examples include the failure of a bidder to:

(1) return the number of signed bids required by the Invitation for Bids;

(2) sign the bid, but only if the unsigned bid is accompanied by other signed material indicating the bidder's intent to be bound.

b. **Mistakes Where Intended Bid is Evident.** If the mistake and the intended bid are clearly evident on the face of the bid document, the bid shall be corrected to the intended bid and may not be withdrawn. Examples of mistakes that may be clearly evident on the face of the bid document are typographical errors, errors in extending unit prices, transposition errors and arithmetic errors. When an error is made in extending total prices, the unit

price will govern. Under no circumstances will a unit price be altered or corrected.

K. BID GUARANTY

1. **Bid Guaranty.** When specified in the Invitation for Bids, a bond, certified check, or bank money order made payable to the State of Louisiana, Department of Transportation and Development, in the amount as shown in the Invitation for Bids must accompany each bid. If guaranty is not furnished, the bid will be considered irregular.

2. **Performance Bond.** When required, the successful bidder must furnish within ten days a performance bond from a surety company licensed to do business in the State of Louisiana, made payable to the State of Louisiana, Department of Transportation and Development, in a sum equal to the amount as designated in the Invitation for Bids.

L. GENERAL GUARANTY

Contractor agrees to:

1. Save the Department, its agents and employees harmless from liability of any nature for the use of any copyrighted or uncopyrighted composition, secret process, patented or unpatented, invention, article or appliance furnished or used in the performance of the contract of which the contractor is not the patentee, assignee or licensee.

2. Protect the department against latent defective material or workmanship.

3. Furnish adequate protection against damage to all work and will repair damages of any kind to his own work or to the work of other contractors, for which he or his workmen are responsible.

4. Pay for all permits, licenses and fees and give all notices and comply with all laws, ordinances, rules and regulations of the State of Louisiana or of the city or town in which the work is being performed.

5. Protect the Department from loss in case of accident or fire during the contractual period.

M. BID EVALUATION AND AWARD

1. **General.** The contract is to be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the Invitation for Bids. The Invitation for Bids shall set forth the requirements and criteria which will be used to determine the lowest responsible bidder. No bid shall be evaluated for any requirements or criteria that are not disclosed in the Invitation for Bids.

2. **Product Acceptability.** The Invitation for Bids shall set forth the evaluation criteria to be used in determining product acceptability. It may require the submission of bid samples, descriptive literature, technical data or other material. It may also provide for:

a. inspection or testing of a product prior to award for characteristics as to quality or workmanship;

b. examination of such elements as appearance, finish or feel;

c. other examinations to determine whether the product conforms with any other purchase description requirements.

The acceptability evaluation is not conducted for the purpose of determining whether one bidder's item is superior to another but only to determine that a bidder's offering is acceptable as set forth in the Invitation for Bids. Any bidder's offering which does not meet the acceptability requirements shall be rejected.

3. **Determination of the Low Bidder.** Following determination of product acceptability, bids will be evaluated to determine which bidder offers the lowest cost to determine which bidder offers the lowest cost to the Department in accordance with the evaluation criteria set forth in the Invitation for Bids. Only criteria set forth in the Invitation for Bids shall be applied in determining the lowest bidder. Such evaluation shall be reasonable based upon information the Department has available, and the Department

will treat all bids equitably.

N. TIE BIDS

1. **Definition.** Tie bids are low bids from responsible and responsive bidders that are identical in price, terms, delivery and which meet all the requirements and criteria set forth in the Invitation for Bids.

2. **Award.** Award of tie bids will be made at the discretion of the Procurement and Warehousing Administrator or his authorized designee.

3. **Resident Vendor Preference.** Resident vendors shall be given preference where there is a tie bid.

O. AWARD

1. **Rejection of Bids.** The Department reserves the right to reject any or all bids in whole or in part, and to award by item or parts of items, or by any group of items. Also, the Department reserves the right to waive technical defects when the best interest of the Department will be served.

2. **Increase or Decrease in Quantities.** Unless otherwise specified on bid, the Department reserves the right to increase or decrease the quantities of any item or items shown in the bid. Increases will not exceed 10 percent.

3. **Information on Bid Results.** Bid tabulations will be mailed to each bidder.

4. **Terms.** Terms offered will be considered in determining the low bid. Time shall begin on date of delivery or from date correct invoice is received. Discounts for less than 30 days will not be considered in making an award.

5. **Assignments.** No contract may be assigned, sub-let or transferred without written consent of the Procurement and Warehousing Administrator.

P. DOCUMENTATION OF AWARD

Following award, a record showing the basis for determining the successful bidder shall be made a part of the procurement file.

Q. DELIVERIES

1. **Interpretation.** Deliveries must be made as directed. If no delivery instruction appears on an order it will be interpreted to mean prompt delivery. The Procurement and Warehousing Administrator shall determine reasonable compliance with deliveries.

2. **Extension of Time.** Any extension of time on delivery must have the approval of the Procurement and Warehousing Administrator with such extension applicable only to the particular item or shipment affected.

4. **Contracts - Reduction in Prices.** The Department will receive the benefit of any price reduction during the life of any contract.

5. **Ordering Procedure.** The Department may issue purchase orders or contract delivery orders for materials and supplies required under any commodity contract. Such purchase orders will state the item, or items, and the quantity of each, required for the Department's needs, as well as all other pertinent data necessary to assist the contractor to make prompt delivery. In no event shall any delivery of any kind be made without proper authorization.

6. **Invoices.** Upon delivery of each order and its acceptance by the Department, the supplier shall invoice the Department. The invoice shall make reference to the purchase order number. All invoices shall be submitted by the supplier on the supplier's own invoice forms in triplicate to the address as shown in the lower left hand of the purchase order. Invoices shall have applicable sales tax added.

7. **Payment.** After receipt and acceptance of commodities on purchase order and receipt of valid invoice, payment may be made by the Department within 30 days.

SECTION II EMERGENCY PROCUREMENTS

A. APPLICATION

The provisions of this Section apply to every procurement made under emergency conditions which will not permit other source selection methods to be used.

B. DEFINITION OF EMERGENCY PROCUREMENTS

Emergency purchases for materials, parts and/or services shall be made only in accordance with the conditions hereinafter set forth:

Emergency purchases are defined as purchases which arise:

1. From situations which endanger or disrupt the public;
2. From situations which endanger employees of the Department;
3. When equipment is not operative and will delay the completion of needed work;
4. When the delay of repairs may cause greater expense to the Department.

When an emergency has been declared by the Assistant Secretary, Executive Director, or their designated representative during normal working hours, the Office will contact the Procurement and Warehousing Section to describe the items needed to explain the nature of the emergency. The Procurement and Warehousing Section will obtain the necessary approval from the Secretary or his authorized representative. After approval has been obtained, the Procurement and Warehousing Section will determine how the purchase is to be handled. When permission is granted to the Office to make the purchase, the Office will contact at least three prospective suppliers for phone quotations, when possible. The person transacting the purchase will note on the Purchase Requisition the date of approval and an explanation as to the nature of the emergency. All quotations and a copy of the invoice will be attached to the Purchase Requisition and submitted through regular channels to the Procurement and Warehousing Section for issuance of a confirming Purchase Order.

If the emergency conditions warrant immediate action, the same procedure as described herein for emergencies occurring after normal working hours will be followed.

After normal working hours when an emergency occurs, the Assistant Secretary, the Executive Director, or their designated representative will take necessary steps to eliminate the emergency. The Office will notify the Procurement and Warehousing Section no later than the beginning of the first normal work day after said emergency. Here again, the Procurement and Warehousing Section will obtain concurrence from the Secretary and arrange for issuance of a confirming Purchase Order.

C. SCOPE OF EMERGENCY PROCUREMENTS

Emergency procurement shall be limited to only those supplies, services or major repair items necessary to meet the emergency.

SECTION III CANCELLATION OF SOLICITATIONS; REJECTION OF BIDS OR PROPOSALS

A. SCOPE

The provisions of this Section shall govern the cancellation of solicitations issued by the Department and rejections of bids or proposals in whole or in part.

B. POLICY

Solicitations should only be issued when there is a funded, valid need unless the solicitation states that it is for informational purposes only. Although issuance of a solicitation does not compel

award of a contract, a solicitation is to be cancelled only when it is in the Department's best interest.

C. CANCELLATION OF SOLICITATIONS

1. A solicitation may be cancelled in whole or in part when the Procurement and Warehousing Administrator or his designee determined that such action is in the best interest of the Department, for reasons including but not limited to:

- a. The Department no longer requires the materials, equipment or services;
- b. Amendments to the solicitation would be of such magnitude that a new solicitation is desirable;
- c. Inadequate specifications were part of the solicitation;
- d. The solicitation did not provide for consideration of all factors of significant cost to the Department;
- e. Prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds;
- f. All bids received are at unreasonable prices;
- g. There is reason to believe that the bids or proposals may have been collusive, or may have been submitted in bad faith.

2. When a solicitation is cancelled, prior to opening, notice of cancellation shall be sent to all businesses solicited.

3. The notice of cancellation shall:

- a. Identify the solicitation;
- b. Briefly explain the reason for cancellation;
- c. Where appropriate, explain that an opportunity will be given to complete on any resolicitation of any future procurements of similar supplies or services.

4. **Documentation.** The reasons for cancellation shall be made a part of the procurement file and available for public inspection.

D. REJECTION OF INDIVIDUAL BIDS OR PROPOSALS

1. **General.** This subsection applies to rejection of individual bids in whole or in part.

2. **Notice in Solicitation.** Each solicitation issued by the Department shall provide that any bid may be rejected in whole or in part when in the best interest of the Department.

3. Reasons for Rejection of Bids

Reasons for rejecting a bid include but are not limited to:

- (1) The business that submitted the bid is not responsible as determined by the Procurement and Warehousing Administrator;
- (2) The supplies or service are unacceptable; that is, they fail to meet the specifications or permissible alternates or other acceptable criteria set forth in the Invitation for Bids.

E. DISPOSITION OF BIDS

When bids or proposals are rejected, or a solicitation cancelled after bids are received, the bids or proposals which have been opened shall be retained in the procurement file.

SECTION IV

RESPONSIBILITY AND PREQUALIFICATION

A. DEFINITIONS

1. **Responsible Bidder** means a person who has the capability to perform fully the contract requirements, and the integrity and reliability which will assure good faith performance.

2. **Prequalification for Inclusion on Bidders Lists** means determining that a prospective bidder satisfies the criteria established for receipt of solicitations when issued.

B. APPLICATION

Determination of responsibility or non-responsibility shall be governed by the Section.

C. STANDARDS OF RESPONSIBILITY

1. **Standards.** Factors to be considered in determining whether the standard of responsibility has been met include whether a prospective bidder has:

- a. Available the appropriate financial, material, equipment, facility, and personnel resources and expertise, or the ability

to obtain them, necessary to indicate capability of meeting all contractual requirements;

- b. A satisfactory record of performance;
- c. A satisfactory record of integrity;
- d. Qualified legally to contract with the State of Louisiana;
- e. Furnished necessary information in connection with the inquiry concerning responsibility.

Nothing herein shall prevent the Procurement and Warehousing Administrator from establishing additional responsibility standards, provided that these additional standards are set forth in the solicitation.

2. **Information Pertaining to Responsibility.** The prospective bidder shall supply information requested by the Procurement and Warehousing Administrator concerning the responsibility of such bidder. If such bidder fails to supply the requested information, the Procurement and Warehousing Administrator shall base the determination of responsibility upon any available information or may find the prospective bidder non-responsible.

D. ABILITY TO MEET STANDARDS

The prospective bidder may demonstrate the availability of necessary financing, equipment, facilities, expertise and personnel by submitting upon request:

1. Evidence that bidder possesses such necessary items;
2. Acceptable plans to subcontract for such necessary items;
3. A documented commitment from a satisfactory source to provide the necessary items.

SECTION V

PROTESTED SOLICITATIONS AND AWARDS

1. AUTHORITY TO RESOLVE PROTESTED SOLICITATIONS AND AWARDS

A. RIGHT TO PROTEST

Any person who is aggrieved in connection with the solicitation or award of a contract may protest to the Procurement and Warehousing Administrator. Protests with respect to a solicitation shall be submitted in writing seven working days prior to the opening of bids. The reasons for such protest must be clearly defined. Protests with respect to the award of a contract shall be submitted in writing within 60 days after the bid opening or 14 days after contract award, whichever is later. Reasons for this protest must be clearly defined.

B. AUTHORITY TO RESOLVE PROTESTS

The Procurement and Warehousing Administrator or his designee shall have authority, prior to the commencement of an action in court concerning the controversy, to settle and resolve a protest of an aggrieved person concerning the solicitation or award of a contract. This authority shall be exercised in accordance with regulations.

C. DECISION

If the protest is not resolved by mutual agreement, the Procurement and Warehousing Administrator or his designee shall, within 14 days, issue a decision in writing. The decision shall:

- (1) State the reasons for the action taken;
- (2) Inform the protestant of their right to administrative and judicial review.

D. NOTICE OF DECISION

A copy of the decision made by the Procurement and Warehousing Administrator shall be mailed or otherwise furnished immediately to the protestant and intervening parties.

E. STAY OF PROCUREMENTS DURING PROTESTS

In the event of a timely protest, the Department shall not proceed further with the solicitation or with the awarding of the contract unless the Procurement and Warehousing Administrator makes a written determination that the awarding of the contract is necessary without delay to protect the interests of the Department.

2. RIGHT TO APPEAL

A. AUTHORITY OF THE SECRETARY

The Secretary of the Department shall have the authority to review and determine any appeal by an aggrieved person from a determination by the Procurement and Warehousing Administrator.

B. TIME LIMITATION ON FILING AN APPEAL

The aggrieved person shall file an appeal within seven days of receipt of the decision made by the Procurement and Warehousing Administrator.

C. DECISION

On any appeal, the Secretary shall decide within 14 days whether the solicitation or award was in accordance with the constitution, statutes, regulations, and the terms and conditions of the solicitation.

D. NOTICE OF DECISION

A copy of the decision made by the Secretary shall be mailed or otherwise furnished immediately to the protestant.

Paul J. Hardy
Secretary

of the horticulture industry, including, but not limited to, the following subject areas: administration of the affairs of the Commission; qualifications for licensure/permitting; procedures for applications for licensure/permitting; fees for license/permit and renewal thereof; minimum performance levels required; examination schedule; general requirements for all licensees/permittees; Required Standards of Practice; prohibitions, reissuance of suspended/revoked license/permit; clarifications; and repeal of prior existing rules and regulations.

A copy of the full text of the proposed rules and regulations may be secured by writing to Dan Devenport, Director of the Horticulture Commission, Box 44153, Baton Rouge, Louisiana 70804, or in person at Devenport's office at the Harry D. Wilson Building, LSU Campus, Baton Rouge, Louisiana.

Written comments will be accepted by Devenport up to and including April 2, 1982, or may be presented in person at the hearing.

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

Bob Odom
Commissioner

RULE

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

The Board of Trustees of the State Employees Group Benefits Program under the authority granted by R.S. 42:821 through R.S. 42:879 and pursuant to the Notice of Intent published on January 20, 1982, has adopted the following amendment to the Rules and Regulations of the State Employees Group Benefits Program, effective July 1, 1982:

1. Increase the lifetime major medical maximum from \$100,000 to \$500,000.

James D. McElveen
Executive Director

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

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

Increases of approximately \$5,000 in the current year and \$15,000 in the next two fiscal years following are anticipated. These costs will be associated with cross-utilization of trained employees already employed in the Office of Agricultural and Environmental Sciences. No new staff is projected.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The establishment of realistic fees for examinations, licensure, and permitting is expected to generate an anticipated \$144,500 annual increase in self-generated revenues.

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

The passage of the 1981 legislation removed a number of previously existing restrictions to free competition in the horticulture profession. The new laws, and the proposed rules and regulations implementing the new laws, are anticipated to generate increased revenue for the regulated community. The new examination fees will only apply to those individuals seeking to enter the horticulture community for the first time; however, the increase in fees for licenses and permits will affect all persons in the horticulture community. (All interested persons should contact the Department of Agriculture for a copy of the proposed fee schedule which will result in an increase of approximately \$144,500 over what is presently being generated.)

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

No anticipated effect on competition or employment in the regulated community.

John W. Impson, Ph.D.
Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

Notices of Intent

NOTICE OF INTENT

**Department of Agriculture
Horticulture Commission**

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 37:1961 F, relative to the authority of the Horticulture Commission to enact Rules and Regulations, notice is hereby given that the Commission will conduct a public hearing at 7 p.m. on April 5, 1982, at 12055 Airline Highway, Baton Rouge.

At the said public hearing, the Commission will consider the adoption of comprehensive Rules and Regulations for regulation

NOTICE OF INTENT

**Department of State Civil Service
Commission on Ethics for Public Employees**

The Commission on Ethics for Public Employees, in the Department of State Civil Service, has scheduled a public hearing to consider the adoption of amended and revised administrative rules containing definition of terms used therein, provisions for organization of the Commission and its responsibilities, the handling of complaints, fact-findings and preliminary investigations, hearings, depositions and discovery and the disqualification of public servants from prohibited transactions.

Fiscal and Economic Impact Statement (filed with the Legislative Fiscal Office pursuant to Act 392 of the 1980 Legislature) declares that the estimated implementation costs to the agency will be \$500 per year; that the adoption of the rules will have no effect on revenue and collections; and that the economic impact on the state and political subdivisions of the state will be inconsequential; and that the adoption of the rules will have no effect on competition and employment.

Inquiries and comments should be addressed, in writing, to R. Gray Sexton, Counsel to the Commission on Ethics for Public Employees, at 7434 Perkins Road, Suite B, Baton Rouge, Louisiana, 70808, prior to April 22, 1982.

The public hearing will be held at 10 a.m. on April 23, 1982 in the hearing room of the Contractor's Licensing Board Building, 7434 Perkins Road, Baton Rouge, Louisiana.

Interested persons are invited to attend.

R. Gray Sexton
Executive Secretary

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

R. Gray Sexton
Executive Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission does hereby give notice in accordance with law that it intends to adopt a new rule, LAC 11-6:13.8, relative to the administering of drugs or other substances to horses by veterinarians.

Copies of the proposed rule may be obtained by telephoning the the Commission at area code 504, 568-5870 or by writing to 616 Baronne Street, Second Floor, New Orleans, Louisiana 70113.

The Office of the Commission will be open from 9 a.m. to 4 p.m. and interested persons may call Alan J. Le Vasseur during this time, holidays and weekends excluded, for a copy of this rule.

All interested persons may submit written comments relative to this rule through April 3, 1982.

J. Melton Garrett
Chairman

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

**Rule Title: Administrative Rules for
Commission on Ethics for Public Employees**

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

Other than the cost of publication, the only costs to the Department of Civil Service generated by the adoption of the proposed Rules will be in the area of the reimbursement for travel and fees of witnesses appearing before the Commission in connection with investigations and private hearings; it is estimated that these costs will not exceed \$500 during the fiscal year.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

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

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

The only economic effect to be felt by agencies other than the Department of Civil Service, by the publication of proposed Rules, will be in the area of taxing against agencies the costs of travel and fees for witnesses employed by agencies who appear before the Commission in connection with investigations and public hearing. It is estimated that the cost to other agencies, and the total impact on these Rules in the area of subpoenas and subpoenas duces tecum will not exceed \$500 per year.

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

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

**Rule Title: LAC 11-6:13.8,
Administering drugs**

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

There is no implementation cost to the Racing Commission.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no way to predict revenue collections at this point. Any revenues collected will be negligible due to the minimum amount of fine the state stewards may decide upon (\$200) and the relative infrequency of the violations.

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

Benefits: The horse owners and trainers will benefit by imposing sanctions on veterinarians who are negligent in the administering of drugs and other substances to horses; they will be more careful in seeing that the drugs are administered in accordance with the Rules of Racing, thus lessening the chance that a prohibited substance will be administered which could ultimately cost the owner the purse in a race.

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

There is no effect on competition and employment.

J. Melton Garrett
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Commerce Racing Commission

The Louisiana State Racing Commission does hereby give notice in accordance with law that it intends to adopt a new rule, LAC 11-6:53.44, relative to the offer or promise of a bribe to any person licensed by the Commission.

Copies of the proposed rule may be obtained by telephoning the Commission at area code 504, 568-5870 or by writing to 616 Baronne Street, Second Floor, New Orleans, Louisiana 70113.

The office of the Commission will be open from 9 a.m. to 4 p.m. and interested persons may call Alan J. Le Vasseur during this time, holidays and weekends excluded, for a copy of this rule.

All interested persons may submit written comments relative to this rule through April 3, 1982.

J. Melton Garrett
Chairman

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: LAC 11-6:53.44, Bribes

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

There is no implementation cost to the Racing Commission.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no way to predict revenue collections at this point. Any revenues collected will be negligible due to the minimum amount of fine the state stewards may decide upon (\$200) and the relative infrequency of the violations.

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

Benefit: This rule will benefit the entire racing industry by requiring that any bribe offer be reported immediately. This will help deter those who would offer a bribe and provide penalties for those who do not report a bribe offer.

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

There is no effect on competition or employment.

J. Melton Garrett
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Commerce Racing Commission

The Louisiana State Racing Commission does hereby give notice in accordance with law that it intends to adopt a new rule, LAC 11-6:57 et seq, relative to the exclusion and ejection of people from the grounds of a racing association.

Copies of the proposed rule may be obtained by telephoning the Commission at area code 504, 568-5870 or by writing to 616 Baronne Street, Second Floor, New Orleans, Louisiana 70113.

The office of the Commission will be open from 9 a.m. to 4 p.m. and interested persons may call Alan J. Le Vasseur during this time, holidays and weekends excluded, for a copy of this rule.

All interested persons may submit written comments relative to this rule through April 3, 1982.

J. Melton Garrett
Chairman

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: LAC 11-6:57 et seq, Ejection

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

The estimated implementation cost to the Racing Commission is \$58,000.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no effect on revenue collections.

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

Benefits to race tracks: by defining those categories of persons who may be ejected from a track. To those people who are excluded or ejected from race tracks by providing a means for an administrative hearing on their ejection. To the race going public by providing means whereby "undesirables" may be removed from the race tracks in Louisiana.

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

There is no effect on competition or employment.

J. Melton Garrett
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Commerce Racing Commission

The Louisiana State Racing Commission does hereby give notice in accordance with law that it intends to repeal its rule, LAC 11-6:23.11, relative to the ejection of people from the grounds of a racing association by the racing association.

Copies of the rule proposed for repeal may be obtained by telephoning the Commission at area code 504, 568-5870 or by writing to 616 Baronne Street, Second Floor, New Orleans, Louisiana 70113.

The office of the Commission will be open from 9 a.m. to 4 p.m. and interested persons may call Alan J. Le Vasseur during this time, holidays and weekends excluded, for a copy of this rule.

All interested persons may submit written comments relative to this rule through April 3, 1982.

J. Melton Garrett
Chairman

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: LAC 11-6:23.11, Ejection

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

The estimated implementation savings to the Racing Commission by repeal of this rule is \$58,000.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

- There is no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

Benefits: the Racing Commission and racing associations will benefit by removing a conflict between the notification requirement of LAC 11-:23.11 and the notification requirement of LAC 11-6:57.

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

There is no effect on competition or employment.

J. Melton Garrett
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Office of the Louisiana State Library intends to adopt new Rules and Regulations for the implementation of Act 906 of the 1981 Louisiana Legislature regular session (R.S. 25:121-124.1) which provides for the establishment and administration of the public documents depository system.

Copies of the new Rules are available at the Office of the State Library, 760 Riverside, Baton Rouge, Louisiana 70804. Interested persons may present their views, in writing, to the Office of the State Library, Box 131, Baton Rouge, Louisiana 70821 through April 8, 1982.

Thomas F. Jaques
State Librarian

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Public documents depository system

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

There is no implementation costs or savings to the Louisiana State Library.

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

There is no effect on revenue collections.

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

There is a potential savings to state agencies which may be able to reduce their mailing lists and thereby the number of copies of some publications. By providing sufficient number of copies to the public documents depository program, which will provide access to public documents through the depositories the state agencies may reduce costs.

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

There is no effect on competition or employment.

Thomas F. Jaques
State Librarian

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

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

1. Rescind action taken by the Board at its meeting on February 23, 1978 relative to Agenda Item #8-2 listed below:

"The Board approved for final adoption, a policy whereby a representative of the vocational teacher organization or other legally constituted bodies in this field as recognized as such by the Board not be charged annual leave to attend Board and Committee meetings affecting vo-tech teachers".

2. The Board accepted the recommendation of the State Department of Education, Office of Adult Education, to raise the GED test score requirement from a minimum standard score of 35 points to 40 points on each of the five tests or an overall average of 45 points.

3. The Board approved the *Rules and Regulations Governing Commercial Driving Schools and Instructors* as amended by the State Department of Education and the Elementary and Secondary Education Committee.

4. The Board approved the *Migrant Education Program, Louisiana State Plan, FY 1983* as submitted by the Department of Education.

5. The Board granted the vocational technical directors the authority to suspend Civil Service employees without pay, not to exceed five days, as the need arises.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., April 5, 1982, at the following address: State Board of Elementary and Secondary Education, Box 44064, Capitol Station, Baton Rouge, La. 70804.

James V. Soileau
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Vocational Ed.

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

As there was no costs incurred by the agency, there will be no savings.

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

This will have no effect on revenue collections as there was no revenue produced.

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

There will be no estimated costs as this is merely a matter of policy.

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

It will have no effect on competition and employment as there will be neither an increase or decrease in positions.

Geo. B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

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

**Rule Title: Handbook for School Administrators, page 38,
39, 41, & 44**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
One hundred dollars for printing and postage to disseminate modification of four pages of *Louisiana Handbook for School Administrators*, numbered 38, 39, 41, and 44.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no estimated effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There is no estimated costs or benefits to affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no estimated effect on competition and employment.

Geo. B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no effect on revenue collection.

- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
Approximately 12,000 children living in Louisiana for at least a portion of the school year will receive instructional or supportive services through the migrant education program. A FY-83 allocation of approximately the same as the FY-82 allocation of \$5.6 million is anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
The Migrant Education program creates full-time instructional positions for more than 200 persons, most of whom are paraprofessional teaching aides. Approximately 50 additional full-time positions are funded for recruitment personnel, records personnel, and state office staff. A number of part-time or shared-time positions are also funded with these monies. The program has little if any effect on competition.

Geo. B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

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

Rule Title: Commercial Driving Schools

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
The estimated travel costs of \$500 in fiscal year 1982 and \$2,000 in fiscal year 1983 will insure implementation of this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
It is anticipated that approximately \$200 will be generated through license fees.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There will be no additional costs or benefits since this is assumption of program from the Department of Public Safety.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effects on competition and employment.

Geo. B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

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

Rule Title: Suspension of Civil Service Employees

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no estimated implementation costs (savings) to agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
Will have no estimated effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There will be no costs. The benefits will improve working relations at the vocational-technical schools.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no estimated effect on competition and employment.

Geo. B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Louisiana State University
Board of Supervisors**

The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College intends to amend the *University Regulations* to clarify the interpretation of provisions leading to tenure for the faculty after complying with publication and statutory requirements.
"Chapter 11 - Section 2-7 Tenured and Term Appointments, Academic Staff.

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

Rule Title: FY-83 Migrant State Plan

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Migrant Education is a 100 percent Federally funded program. Its administration does not necessitate employment of persons funded from other sources.

"a. Faculty Ranks. Faculty members and other members of the academic staff of comparable rank, including librarians, may be appointed for a specified term ("term appointment") or indefinitely ("tenured appointment") depending on rank and experience. Appointment or tenure on one campus of the LSU System carries no implication of appointment or tenure on another campus. Academic employees are tenured only with respect to their academic ranks and not with respect to administrative titles or assignments.

"Tenure is not a guarantee of lifetime employment, particularly in the face of institutional change or financial exigency. It does assure that the employee will not be dismissed without adequate justification and without due process.

"Term employees are appointed for specified periods of time as indicated on the appointment form.

"Professors and Associate Professors are tenured and are appointed for an indefinite period of time, except that the initial appointment and subsequent reappointments through not more than four years of total service to the LSU campus involved may be made for a stipulated term. Persons promoted to the rank of Professor or Associate Professor after less than four years of service on the campus may be continued to term appointment through no more than the fourth year. Persons holding a professorial rank (Professor, Associate Professor or Assistant Professor) while being paid by a grant or contract do not acquire tenure through the passage of time but may become tenured only by specific individual recommendation through appropriate channels and approval by the President.

"Assistant Professors are appointed for terms no longer than three years. Upon reappointment after seven years of service in rank on a particular campus, Assistant Professors receive tenure. A thorough review will be made during the fifth year of service so that notice of termination may be given if necessary no later than the end of the sixth year of service. If reappointment as Assistant Professor for the seventh year is recommended, special justification must be provided. The University may, at its discretion, count prior service on the same campus toward the seven-year evaluation period for an Assistant Professor to achieve indeterminate tenure. The ultimate decision shall be left with the President, to be applied in each individual case for which the respective campus recommends granting indeterminate tenure counting prior service favorably.

"Those who rank as Instructor or Associate shall be on an annual appointment."

Interested persons may comment on the proposed amendment to the *University Regulations* through April 5, 1982 at the following address: Mrs. Kitty B. Strain, Administrative Secretary, Board of Supervisors Office, Louisiana State University, Box JG, Baton Rouge, La. 70893.

M. D. Woodin
Secretary to the Board

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no implementation cost to agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no estimated effect on Revenue Collections.

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

There will be no estimated Costs and Benefits to affected groups.

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

There will be no estimated effect on Competition and Employment.

W.W. McDougall
Vice President for Administration

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Board of Trustees for
State Colleges and Universities**

In accordance with the laws of the State of Louisiana and with reference to the provisions of Title 30 of the Louisiana Revised Statutes of 1950, as amended, and under the authority of Article VIII, Section 6 of the 1974 Constitution, a public hearing will be held in the Board of Trustees Conference Room, 151 Riverside Mall, Baton Rouge, Louisiana, beginning at 9:30 a.m. on April 23, 1982. At such hearing the Board will consider amendment to PART VIII, Section 5D - Minimum Class Attendance Regulations - of the Board of Trustees for State Colleges and Universities Policies and Procedures.

The Board of Trustees for State Colleges and Universities shall accept written comments until 4:30 p.m., April 12, 1982 at the following address: Susan Sheets, Board of Trustees for State Colleges and Universities, 151 Riverside Mall, Baton Rouge, La. 70801.

Bill Junkin
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: 8.5D Minimum Class
Attendance Regulations**

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

There will be no fiscal or economic impact to the Board to Trustees nor to the institutions within the Trustees' system other than cost of printing and dissemination.

Projected cost for printing and dissemination of rule: 315 copies @ .02837 per copy is \$8.95. Postage \$14.40. Total: \$23.35.

II. ESTIMATED EFFECT ON REVENUE COLLECTION - (Summary)

There will be no effect on revenue collections.

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

There will be no cost or benefit change to affected groups.

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

There will be no effect on competition and employment.

Bill Junkin
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Office of the Governor Division of Administration

Notice is hereby given that the Office of the Governor, Division of Administration, under authority of Act No. 933 of the 1981 Legislative Session (R.S. 39:241) intends to adopt the following rule relative to the establishment of a uniform fee schedule for copies of public records of the executive branch of state government to read as follows:

PROPOSED RULE

Uniform Fee Schedule For Copies of Public Records

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

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

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

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

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

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

Interested persons may submit comments or questions to Len Sanderson, Assistant Commissioner of Administration, Box 44095, Baton Rouge, Louisiana, 70804 prior to 4:30 p.m. on April 5, 1982.

Len Sanderson
Assistant Commissioner of Administration

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Uniform Fee Schedule for copies of Public Records

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

It would be difficult to determine the fiscal impact of this rule for the following reasons:

1. Lack of agency records in such detail;
2. Variations between agencies;
3. Rule allows agencies to charge up to 15¢ for the first copy and up to \$1.00 for each additional copy for 8½ by 14 inch copies which will vary by agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

It would be difficult to determine the fiscal impact of this rule for the following reasons:

1. Lack of agency records in such detail;
2. Variations between agencies;
3. Rule allows agencies to charge up to 15¢ for the first copy and up to \$1.00 for each additional copy for 8½ by 14 inch copies which will vary by agency.

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

It would be difficult to determine the fiscal impact of this rule for the following reasons:

1. Lack of agency records in such detail;
2. Variations between agencies;
3. Rule allows agencies to charge up to 15¢ for the first copy and up to \$1.00 for each additional copy for 8½ x 14 inch copies which will vary by agency.

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

There will be no effect on competition and employment.

Len Sanderson
Assistant Commissioner of
Administration

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

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

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

This proposed rule change is in response to a notification from the Office of Refugee Resettlement which advised that the implementation date of February 1, 1982 contained in the Notice of Proposed Rulemaking published in the December 11, 1981 issue of the Federal Register (Vol. 46, No. 238, pages 60629-60633) has been changed to April 1, 1982.

Interested persons may submit written comments on the proposed rule through April 5, 1982, at the following address: Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804.

George A. Fischer
Secretary

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

Rule Title: Eighteen Month Limitation - Refugees and Cuban/Haitian Entrants Program

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

Implementation of this rule will result in approximately 322 refugees and Cuban/Haitian Entrant cases being terminated from cash assistance and medical benefits effective April 1, 1982 and an average of 27 cases each in May and June, 1982. This will reduce expenditures in this program by \$290,718 in FY 81-82. Termination of these cases will not result in a significant reduction in work load.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

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

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

Refugees and Cuban/Haitian entrants certified in the "E" category who have been in the United States for 18 months or longer effective April 1, 1982, will no longer be eligible for cash assistance or medical benefits. No other groups or agencies will be directly affected by this action.

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

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

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, as mandated by the Omnibus Reconciliation Act of 1981, P.L. 97-35, Sec. 101-117, proposes to proceed to phase in retrospective budgeting and monthly reporting (RB/MR) requirements as to all Food Stamp Program recipients, except those described in paragraph B. Retrospective Budgeting/Monthly Reporting will be implemented in three phases as follows:

- 1) By October, 1982 at least 13 percent of the food stamp caseload will have implemented RB/MR.
- 2) By July, 1983, a total of at least 74 percent of the state's food stamp caseload will be added to RB/MR.
- 3) In August, 1983, the remaining caseload will implement RB/MR. Enhanced data processing capabilities are anticipated to aid in processing these cases.

A. The amount of benefits for food stamp recipients will be based on the actual income or circumstances which existed in the second prior month. Food stamp recipients subject to monthly reporting will be required to submit a monthly report of household circumstances including verification of income to the local Office of Family Security.

The monthly reports shall be submitted to the local Office of Family Security by the tenth day of each month or the next working day if the tenth is a holiday or weekend. Failure to submit a completed report, including verification each month, may result in suspension or closure of the case.

B(1a). Those households whose income is by contract for other than an hourly or piecework basis or by self-employment, derive their annual income in a period of time shorter than one year shall have their income calculated by averaging such income over a twelve-month period. These households shall be subject to the monthly report requirement, but not the retrospective budgeting requirement for this type income.

B(1b). Those households that receive educational loans on which payment is deferred, grants, scholarships, fellowships, veteran's educational benefits, and the like to the extent that they are used for tuition and mandatory school fees at an institution of higher education or school for the handicapped shall have their income calculated by averaging such income over the period for which it is received. These households will be subject to the monthly reporting requirement, but not the retrospective budgeting requirement for this type income.

B(2). Households that have no earned income and in which all members are 60 years of age or over or receive Supplemental Security Income benefits under Title XVI of the Social Security Act or disability and blindness payment under Title I, II, X, XIV and XVI of the Social Security Act shall be subject to the retrospective budgeting requirement but not the monthly reporting requirements.

B(3). Migrant farmworker households, as defined in the Food Stamp Program Operating Guidelines, Section 12-200, will not be subject to either the monthly reporting requirement or the retrospective budgeting requirements.

Any interested persons may submit written comments through April 5, 1982, to Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804.

George A. Fischer
Secretary

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

Rule Title: Implementation of Monthly Reporting & Retrospective Budgeting in the Food Stamp Program

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

The cost of the agency for FY 81-82 will be \$59,578 in printing, postage and equipment. This amount will finance the phasing in of retrospective budgeting/monthly reporting in certain undetermined parishes. Initiation of the program in these phase-in parishes will provide an accurate estimate of costs, staffing needs and the impact on client eligibility on a statewide basis. Initial costs estimates for FY 82-83 (\$3,332,094) and FY 83-84 (\$8,447,682) are based on preliminary projections of additional staff needed to implement the program. Costs estimates for each fiscal year include 50% federal and 50% state matching funds. Cost estimates do not include expenses associated with enhanced data processing capabilities which are anticipated as needed according to the notice of Intent.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no estimated effect on revenue collections.

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

Approximately 121,000 Food Stamp households will be directly affected as these households will have to submit monthly reporting forms in a timely manner. In some instances, retrospective budgeting/monthly reporting may result in loss of eligibility for certain households.

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

There is no effect on competition and employment.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to amend the Medicaid Title XIX State Plan regarding the methods of payment for in-patient hospital services. The following exception to the Medicare Reimbursement Principles tracked by Louisiana's Medical Assistance Program (Title XIX) for in-patient hospital services (other than those provided in an institution for tuberculosis or mental diseases) provided by hospitals also participating in the health insurance for the Aged Program under Title XVIII of the Social Security Act (Medicare) is applicable:

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

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

A public hearing regarding this proposed policy will be held Friday, April 2, 1982, beginning at 1:30 p.m. in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA.

Interested persons may submit written comments on the proposed policy through April 5, 1982, at the following address: Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. This is the person responsible for responding to inquiries about the proposed rule.

George A. Fischer
Secretary

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

Rule Title: MAP Exception to Medicare Reimbursement Principles For In-Patient Hospitals Services

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

The only costs to the agency will be a one time cost of \$32.25 for notifying providers by letter of the policy and

Xeroxing the amended Title XIX State Plan.

The savings are \$1,000,000 each year for FY 81-82, FY 82-83, and FY 83-84.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

No increase or decrease in revenue collections is anticipated.

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

This rule change is applicable to approximately 75 hospitals in Louisiana. A recent decision by the U.S. Court of appeals for the Fifth Circuit ruled that direct and indirect costs associated with free care under the Hill-Burton Act could be included in a hospital's year-end cost report for Medicare. Such costs were previously not allowable. The Louisiana Medicaid program utilizes Medicare reimbursement principles. This rule change will allow an exception to this policy so that the Medicaid program will continue to disallow the above mentioned costs. The 75 hospitals providing free care under the Hill-Burton Act will forego approximately \$1 million in reimbursements.

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

No effects on competition and employment are anticipated.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

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

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

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

Interested persons may submit written comments through April 5, 1982, to Michael S. Haddad, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries about the proposed rule.

George A. Fischer
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Optional State Supplementation**

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

Implementation costs involve an increase in expenditures of \$2,231,905 for a four month period (March, 1982 through June, 1982) in FY 81-82; for FY 82-83, \$6,840,205; and for FY 83-84, \$7,116,753. A 4 percent increase in utilization was computed for FY 1982-83 and FY 1983-84. Sufficient funds were appropriated to implement the increase in personal care needs allowance. The amount appropriated for this purpose during the 1981 session of the Legislature was \$5,010,000, which would have funded the increased payments from October 1981 through the end of the fiscal year.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no effect on revenue collections.

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

The increase in the personal care needs allowance will to some degree, alleviate the rigors of institutional life by providing additional funds with which the nursing home patient can purchase personal care items not covered by the Medical Assistance Program.

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

There is no effect on competition and employment.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries about the proposed rule.

George A. Fischer
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Payment for Abortions**

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

There will be a one time estimated cost of \$3,936 for the printing of an advance notice to Title XIX recipients of the reduction in service. The required revision of the Medical Assistance manual will involve \$22 in printing cost. Based on the data currently available, this reduction in service will have no other fiscal impact since payment records reviewed since January, 1981, do not reflect any paid claims for abortions in the case of rape or incest.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no estimated effect on revenue collections.

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

The estimated cost to the recipient group should be negligible.

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

No effect on competition and employment is anticipated by this proposed action.

Michael S. Haddad
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

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

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

This reduction in service will bring the Medical Assistance Program into full compliance with the conditions for which Federal Financial Participation is available for abortions pursuant to Public Law 97-92. Under this legislation, Federal funds are no longer available for abortions for victims of rape and incest. Earlier compliance was delayed pending the resolution of an injunction granted November 27, 1978, which enjoined the Department of Health and Human Resources from enforcement of R.S. 40:1299.35 (now R.S. 40:1299.34.5) which limited abortions to those medically necessary to prevent the death of the mother.

Interested persons may submit written comments through April 5, 1982, to Michael S. Haddad, Assistant Secretary, Office of

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 cover effective May 1, 1982, podiatry services.

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

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

Payment will be made only for the following procedures:

Drainage of Onychia or Paronychia
Drainage of Hematoma, Simple
Removal of toenail by avulsion (temporary removal)
Removal of toenail by excision, total or both sides (permanent removal)
Partial removal of toenail by excision, one side or the middle (permanent removal)
Metatarsectomy
Excision small bones
Arthrodensis toe one or more joints
Hammer toe operation

Tenotomy single digit
 Tenotomy multiple digit
 Repair extensor tendon
 Arthroplasty Metatarsal Phalangeal joint silver type
 Arthroplasty Metatarsal Phalangeal joint McBride
 Excision neuroma foot (add 10 percent each additional nerve).

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

Podiatry Services not covered by the Louisiana Medical Assistance Program are:
 Routine foot care
 Cutting and removal of corns, warts, and calluses.
 Trimming of nails and other hygienic and preventive maintenance care.

Assistant surgery fees for podiatric procedures.

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

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

Interested persons may submit written comments through April 5, 1982 to Michael S. Haddad, Assistant Secretary Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries.

George A. Fischer
 Secretary

**Fiscal and Economic Impact Statement
 For Administrative Rules
 Rule Title: Implementation of Podiatry Service
 Effective May 1, 1982**

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

The estimated implementation costs are as follows:
 FY 81-82 \$148,700; FY 82-83 \$1,009,542; FY 83-84 \$1,142,317.

The Office of Family Security requested \$285,360 for podiatry services in the Physician Private Program in its 1981-82 budget request. This amount was not recommended in the 1981-82 Executive Budget and was not considered by the Legislature during the 1981 regular session. Although funds were not specifically appropriated for this purpose the agency indicates that sufficient funds are available for 1981-82.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no effect on revenue collections.

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

The Title XIX recipients would be covered for three podiatry services per recipient per calendar year. These recipients would be the group affected by these additional benefits.

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

There is no effect on competition and employment.

Michael S. Haddad
 Assistant Secretary

Mark C. Drennen
 Legislative Fiscal Officer

NOTICE OF INTENT

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

Effective April 20, 1982, the Department of Health and Human Resources, Office of Health Services and Environmental Quality proposes to amend its list of acceptable mechanical sewage treatment plants for individual homes. Plants manufactured under the name of the Owens Manufacturing and Specialty Company would be added to the list and plants manufactured under the name of Oldham, Incorporated, would be removed from the list.

The "Regulations Controlling Sewage Disposal for Individual Rural Homes," as promulgated on March 20, 1980 by the State of Louisiana, Department of Health and Human Resources, Office of Health Services and Environmental Quality, require, as a prerequisite to the State approval of a manufacturer's line of mechanical plants for individual homes, evidence prepared by an independent testing laboratory of compliance with the National Sanitation Foundation (NSF) Standard 40, titled "Individual Aerobic Wastewater Treatment Plants." The above mentioned State regulations also states that after November 17, 1981, all plants installed shall be required to meet NSF Standard 40 as revised November, 1978. The 1978 revision introduced the requirement of plant testing under stress hydraulic and organic loading conditions and stipulated effluent quality standards under those conditions.

The mechanical plants manufactured under the names of Oldham, Incorporated, and identified as Model WOH-50 with RCTD II Filter and Model WOH-100 with RCTD II Filter are no longer in compliance with the above-mentioned State regulations, to wit, there is no plant testing information to show compliance with the stress testing provisions in the 1978 revision of the NSF Standard.

The proposed Rule will read as follows:

Effective April 20, 1982, and in accordance with Section 5.6 of the "Regulations Controlling Sewage Disposal for Individual Rural Homes" promulgated by the Office of Health Services and Environmental Quality, the list of mechanical sewage treatment plants which are acceptable for use for individual homes is as follows:

Jet, Inc. Model J-150
 750 Alpha Dr.
 Cleveland, Ohio 44143

Multi-Flo, Incorporated Model FT-0.5
 1450 Dixie Highway Model FT-1.0
 Covington, Kentucky 41019 Model FT-1.5
 Model FTB-0.5
 Model FTB-1.0
 Model FTB-1.5

Norwalk Wastewater Equipment Company
Box 410
Norwalk, Ohio 44857

NORWECO SINGULAIR
with Filtration

Owens Manufacturing and Specialty Company
Box 2443
Lafayette, LA 70502

Kleen Tank Model 650

Interested persons may submit written comments on the proposed amended list of acceptable mechanical plants for individual homes within 15 days of this date of publication, at the following address: Dr. S. M. Braud, Acting State Health Officer, Office of Health Services and Environmental Quality, Department of Health and Human Resources, Box 60630, New Orleans, LA 70160.

So ordered this date.

Sarah M. Braud, M.D.
Acting State Health Officer

George A. Fischer
Secretary

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

Rule Title: Sewage treatment plants

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There is no financial impact to this agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The Louisiana dealer who sells the Oldham plants will be adversely affected. A total of approximately 300 units of this manufacturer were installed during 1981, at an approximated dealer price of \$2,000 each. Approximately six installers of this equipment may also be effected.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
The Oldham plant represents approximately one-quarter to one-third of the home mechanical plants installed in the State. If these plants are excluded from the approved list, it is assumed that other manufacturers would meet this demand.

R. K. Banks
Acting Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Natural Resources
Office of Environmental Affairs
Environmental Control Commission**

Pursuant to the provisions of R.S. 49:953, the Environmental Control Commission (ECC) gives notice that it proposes to revise Section 6.1 of the Air Quality Regulation. This proposal will

be presented at the regular meeting to be conducted in the Mineral Board Hearing Room, first floor, 625 North Fourth Street, Baton Rouge, Louisiana, at 9 a.m. on April 22, 1982.

Following considerations for approval by the ECC, the revision will be forwarded to the Joint Committee on Natural Resources for acceptance before final adoption by the ECC.

The revision to Section 6.1 will ensure compliance with the Federal Clean Air Act as amended and include in the regulations requirements for Prevention of Significant Deterioration (PSD) and National Emission Standards for Hazardous Air Pollutants (NESHAPS).

The person within the agency responsible for responding to inquiries about the proposed revisions is Mr. Gus Von Bodungen, Program Administrator, Air Quality Division, Box 44066, Baton Rouge, Louisiana 70804; telephone (504) 342-1206.

All interested persons are invited to submit written comments, speak at the public hearing, or both, about any of the actions proposed above. Comments, received in person or by mail, before the public hearing will be considered by the Commission before making the final decision on any of the proposed actions. All comments and requests to speak at the hearing should be submitted to Mr. B. Jim Porter, Assistant Secretary, Office of Environmental Affairs, Box 44066, Baton Rouge, Louisiana 70804. All documents relating to the actions on this notice are available for inspection at the following locations from 8 a.m. until 4:30 p.m.:

Room 409, State Office Building, 325 Loyola Ave., New Orleans, La.

Reception area, sixth floor, State Land and Natural Resources Building, 625 North 4th Street, Baton Rouge, La.

Office of Environmental Affairs, 804 31st Street, Monroe, La.

State Office Building, 1525 Fairfield Ave., Shreveport, La.

Office of Environmental Affairs, 1155 Ryan Street, Lake Charles, La.

B. Jim Porter
Assistant Secretary

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

Rule Title: 6.1 Revision of Air Quality Regulation

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no cost or savings to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There are no cost benefits.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment.

Jerry O. Hill
Undersecretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Natural Resources Office of the Secretary

In accordance with Louisiana Revised Statutes 49:951 et seq., the Administrative Procedure Act and Louisiana Revised Statutes 49:213.18 of the Louisiana Coastal Zone Management Program, notice is hereby given that the Division of State Lands, Coastal Management Program intends to change the rules and regulations governing the issuance/denial of permits, and the procedures for the hearing of appeals by the Coastal Commission.

A. Appendix cl, Rules and Procedures for Coastal Use Permits:

(1) Part III, Permit Application, Issuance and Denial - Subpart H(2) is amended to read as follows:

If the staff of the permitting body recommends issuance of the permit, the permitting body will forward two copies of the proposed permit to the applicant. A letter of transmittal to the applicant shall include the recommendations to the Secretary and the anticipated date on which the application shall be presented to him for action. Unless good cause is then presented in support of changes to the permit and the conditions therein, the permit will be presented to the Secretary for action in such form.

(2) There is added a new Part IV, Stay of Activities Under Permits Pending Appeal, which reads as follows:

(a) A request to stay activities under the permit may be filed with the commission. In the interest of justice, the commission may stay all or a portion of the activities authorized under the permit. The stay order shall terminate upon disposition of the appeal or earlier if so ordered by the commission.

(3) Part IV, Modification, Suspension or Revocation of Permits, will be renumbered and identified Part V, Modification, Suspension or Revocation of Permits; Part V, General Permits will be renumbered and identified, Part VI, General Permits; Part VI, Determinations as to Whether Uses are of State Concern or Local Concern will be renumbered and identified Part VII, Determinations as to Whether Uses are of State Concern or Local Concern; and Part VII, Determination as to Whether Coastal Use Permit is Required will be renumbered and identified Part VIII, Determination as to Whether a Coastal Use Permit is Required.

B. Appendix c5, Procedural Rules for the Hearing of Appeals By the Louisiana Coastal Commission:

(1) Part A, is amended to include Subpart 4 which reads as follows:

(4) Upon notification that an appeal and request to stay activities authorized by a permit has been timely filed, the Chairman shall call a meeting to be held within seven days, unless later because of force majeure, to consider the request for a stay.

A public hearing to consider these rule changes will be conducted before the Louisiana Coastal Commission on April 19, 1982 in the Mineral Board Hearing Room, State Lands and Natural Resources Building. Interested parties should be present at that time to offer comments. Persons wishing to comment or requiring additional information prior to the public hearing may contact Joel Lindsey at Box 44396, Baton Rouge, La. 70804, 504/342-7591. The hearing file will remain open for a period of ten days following the close of the public hearing for submission of written comments or other materials.

Stephen Zerangue
Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Rules and Procedures for Coastal Use Permits

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

The implementation of these Rule changes will not impact agency administrative costs. Their effect will be absorbed totally within the routine conduct of business by the Louisiana Coastal Commission.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The implementation of these Rule changes will have no impact on revenue collections.

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

While it is certainly not quantifiable, there exists the potential for impact on permit applicants from delays that may result from a decision to suspend a permit pursuant to these Rule changes. In those instances where a permittee would wish to begin work upon final action by the agency on a permit application, a request to suspend the permit could result in a real cost to the permittee in terms of capital costs, etc. As noted, however, such an event is unpredictable and, therefore, the associated cost un-estimable.

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

The implementation of these Rule changes will have no impact on competition and employment in either the public or private sectors.

Stephen Zerangue
Director of State Lands

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Natural Resources Resource Recovery and Development Authority

At the regular meeting of the Louisiana Resource Recovery and Development Authority on November 10, 1981, the Authority voted to change the date for regular meetings from the second Monday of each month to the third Monday of each month.

Therefore, the Louisiana Resource Recovery and Development Authority hereby proposes to amend Sections 3.4 and 3.5 of its Rules of Procedure to read as follows:

3.4 Regular Meetings: Regularly scheduled meetings of the Authority shall be held on the third Monday of each month unless otherwise ordered by the Chairman. Unless otherwise stated in the Notice of Meeting, all meetings and hearings shall be held in Baton Rouge, Louisiana.

3.5 Annual Meeting: The regular meeting held on the third Monday in March of each year shall be known as the annual meeting and shall be for the purpose of electing officers, receiving reports of officers and committees, and for any other business that may arise.

Questions and comments regarding this proposed rule change should be addressed to Ms. Karen D. Cole, Program Administrator, Louisiana Resource Recovery and Development Authority, Box 44066, Baton Rouge, Louisiana 70804, (504) 342-9062. Comments will be accepted until April 5, 1982.

Frank P. Simoneaux
Secretary

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

Rule Title: Procedure Amendment Sections 3.4 & 3.5

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
None.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
None.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The benefit by providing this Rule change will be to the public and interest groups who follow the actions of the LRRDA in that they will know when to expect regular meetings of the LRRDA and can make plans accordingly.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
None.

Frank P. Simoneaux
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Public Safety
Office of State Police
Hazardous Substances Control**

The Department of Public Safety proposes to adopt the following revised Rule by virtue of its authority under R.S. 32:1504.

On September 20, 1980, the Department of Public Safety promulgated Regulations governing the transportation of hazardous materials and hazardous wastes. The proposed Rules update the Regulations so that they are consistent with the current Code of Federal Regulations Title 49 (49 CFR), Parts 170-179 and 390-397.

The additions to the Regulations are as follows:

1. Addition of identification numbers and markings for hazardous materials.

2. Updated hazardous materials table (§172.101).

A public hearing will be held on Monday, April 5, 1982 at 10 a.m. in the Louisiana State Police Training Academy Auditorium, Independence Boulevard in Baton Rouge, at which time all interested parties will be given an opportunity to be heard.

Copies of the proposed rules changes will be available for inspection for the next 30 days, Monday through Friday, during normal working hours in the offices of the Hazardous Substances Control Unit, Office of State Police, 265 S. Foster Drive in Baton Rouge.

Interested persons may submit written comments on the proposed Rule through April 4, 1982, at the following address: Lt. Al Goudeau, Hazardous Substances Control, Louisiana State Police, Box 66614, Baton Rouge, La. 70896. Lt. Goudeau is the person responsible for responding to inquiries about this proposal.

Donald G. Bollinger
Secretary

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

Rule Title: Regulations of Hazardous Materials

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
It is estimated that there will be no additional implementation costs due to adoption of these regulations. The Office of State Police is presently staffed to provide adequate supervision of these regulations.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There may be additional fines collected due to implementation of these regulations, however the amount of fines can not be determined at this time.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
It is estimated that no additional costs will accrue to affected groups. These proposed regulations merely track the federal regulations under which all effected groups are currently regulated.
Benefits will accrue to the people of the state due to increased safety. This benefit can not be determined at this time.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
The estimated effect on competition and employment can not be determined at this time.

Oris B. Johnson
Undersecretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given than the Board of Trustees of the State Employees Group Benefits Program, under the authority granted by R.S. 42:821 through R.S. 42:879, and in accordance with the applicable provisions of the Administrative Procedure Act, intends to amend the rules and regulations of the State Employees Group Benefits Program, as follows:

AMENDMENT TO THE PLAN DOCUMENT

Page 8E.

“The term ‘employee’ shall also include medical residents, known as House Officers, employed by state-owned medical facilities. The enrollment and continued participation of these medical residents will be governed by an inter-agency agreement between the Board of Trustees of the State Employees Group Benefits Program and the (Appropriate State Agency).”

Interested persons should direct inquiries and comments to Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, Louisiana, on or before 4:30 p.m. on April 5, 1982.

James D. McElveen
Executive Director

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

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

There will be no additional costs to this program as the residents are already members of the State Employees Group Benefits Program.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no additional revenue collections as the medical residents are already enrolled in the program.

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

The benefits which will accrue will be the continued participation by the medical residents in a group insurance program.

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

This rule change will allow the medical schools within the state to continue to offer prospective medical residents a group benefit program as a recruiting incentive.

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 Board of Trustees of the State Employees Group Benefits Program, under the authority granted by R.S. 42:821 through R.S. 42:879, and in accordance with the applicable provisions of the Administrative Procedure Act, intends to amend the rules and regulations of the State Employees Group Benefits Program, as follows:

Resolution

WHEREAS, the Board of Trustees of the State Employees Group Benefits Program was created by Act 745 of 1979 and charged with the responsibility of administering life and health insurance benefits for state employees on an actuarially sound basis; and

WHEREAS, pursuant to this grant of authority, the Board of Trustees of the State Employees Group Benefits Program presently bills approximately 500 agencies and political subdivisions for monthly premiums; and

WHEREAS, some agencies and political subdivisions are consistently delinquent in remitting reconciled invoices and the proper funds to this program in payment for life and health coverage; and

WHEREAS, these agencies and political subdivisions, through payroll deduction, receive the employee portion of the insurance premium at least one month prior to the date premiums are due to this program; and

WHEREAS, the Board of Trustees of the State Employees Group Benefits Program cannot properly verify employee coverage to hospitals and health care providers without a reconciled, up-to-date monthly invoice; and

WHEREAS, without a reconciled, up-to-date monthly invoice, coverages are denied and overpayments may occur:

THEREFORE, BE IT RESOLVED, by the Board of Trustees of the State Employees Group Benefits Program, that on and after July 1, 1982, the entire monthly premiums, consisting of the employee's and employer's portions, and the agency's properly reconciled monthly invoice must be remitted to the program within 30 days after the date they are due. In the event complete payment and a properly reconciled invoice are not received within this 30 day period, the payment of claims on behalf of the employees of the delinquent agency or political subdivision may be suspended until such time as complete payment and a properly reconciled invoice are received by the program.

FURTHER, BE IT RESOLVED, that the Executive Director and his staff will notify the participating agencies and political subdivisions of this action and implement procedures to carry out the provisions of this resolution.

Interested persons should direct inquiries and comments to Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, Louisiana, on or before 4:30 p.m. on April 5, 1982.

James D. McElveen
Executive Director

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

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

There would be no implementation costs to this agency. Savings to this agency would be in the form of accurate claim payments negating the need for the voiding and re-issue of checks to plan members and third party providers.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Impact on revenue collections would be limited to additional interest earnings. It is estimated that the timely receipt of insurance premiums from all member agencies would increase interest revenue by approximately \$309,960 per year.

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

There would be no additional costs to the member agencies.

The benefits to the member agencies and their employees would be assurance that claims would be paid accurately and expeditiously.

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

There would be no apparent effect on competition and employment.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Urban and Community Affairs
Governor's Commission on Indian Affairs**

The Governor's Commission on Indian Affairs proposes to adopt a Guideline for Qualification and Certification of Indian Tribes in the State of Louisiana as provided in R.S. 46:2301 through R.S. 46-2303.

INTRODUCTION

Because the federal government requires state certification for participation in federal programs, the guidelines for qualifications and certifications of Indian Tribes in Louisiana are being developed.

These guidelines will address all bands, groups, and tribes. They will be used by these various entities to obtain certification as an official Native American Indian entity.

APPLICATION PROCEDURES

The Governor's Commission on Indian Affairs shall receive from the entity or applicant seeking such recognition the following information:

(1) A detailed statement of facts establishing that the entity or applicant seeking state recognition has been identified from historical times until the present on a substantially continuous basis as Native American Indian through repeated identification by federal authorities, state, parish, or local governments. Evidence of such identification can be demonstrated through records in courthouses, churches, or schools; such allusion in old newspapers and historical books of the region and dealings as Indians with other recognized Indian Tribes or by National Indian organizations.

(2) Evidence that a substantial portion of the entity seeking recognition inhabits the specific area and lives in a community viewed by its public as American Indian and that its members are descendants of the Indian Tribe which historically inhabited a specific area. In support of such evidence resolutions from the local parish government, and at least three local municipalities in the vicinity regarding the duration in which they have recognized that the group has existed as an Indian community and any dealings or transactions that have been established with the group on that basis.

(3) A copy of the entity's present governing document, describing in full the membership criteria, which must include at least one-eighth blood quantum, and procedures through which the group currently governs its affairs and its members. The document should reflect that the tribal leadership, spokesman, or elders have assumed at least some of the rights, obligations, traditions from the historical tribe. A historical account going as far back as possible into the entity's history present describing the prior governmental structure and tracing how it has developed the present system. This document should also include the election process and list the present governing authority, the members and their titles.

(4) Documented evidence of relations by treaty with the United States or colonial or territorial government. Specific reference to a particular date, treaty, or representatives of both parties shall be stipulated.

(5) Documents indicating federal recognition.

RESPONSIBILITY OF NATIVE AMERICAN ENTITIES

(1) Read the Guidelines.

(2) Complete information in response to Guideline. Do not omit any information. Omitted information will cause your certification to be delayed.

(3) The Native American Indian entity must submit documentation for qualification and certification to the Director of Indian Affairs, Governor's Commission on Indian Affairs.

(4) The Native American Indian entity must obtain a certificate from the Director of Indian Affairs, Governor's Commission on Indian Affairs before the entity will be recognized by the state as a state recognized Indian Tribe.

(5) In submitting documentation and certification to the

Director of Indian Affairs, Governor's Commission on Indian Affairs, it must be mailed by registered mail, return receipt requested.

(6) Appeals.

(a) If your documentation is denied, you may send a letter of appeal to the Board of Commissioners on Indian Affairs with a copy of your letter of denial.

(b) Any applicant denied shall have a right to due process appeal hearing before the Board of Governor's Commission on Indian Affairs.

QUALIFICATION AND CERTIFICATION OF INDIAN TRIBES IN STATE OF LOUISIANA

The Board of the Governor's Commission on Indian Affairs has requested that the Office of the Governor's Commission on Indian Affairs establish criteria for the qualification and certification of various Native American Indian entities in the state of Louisiana. The objective of this program is to clearly indicate to federal and state government those Indian entities claiming to have Indian heritage from those entities wishing to use available resources that should rightly go to established Indian entities.

The following definitions have been established for Native American Indian residents of Louisiana to meet the criteria of being a legal entity.

"Indian Band" shall mean a community of Indians which is recognized as an Indian entity and which identifies itself in relationship to a historically recognized tribe, lives in a contiguous geographical area, has been historically recognized as such a community by other communities located in geographic proximity to the subject community and which has an existing recognized system of selecting representatives who have authority to speak for and on behalf of the band.

"Indian Group" shall mean . . . a community of Indians, other than a band, which is recognized as an Indian entity.

"Indian Tribe" shall mean a distinct political community which exercises powers of self-government and which has historically exercised such powers on behalf of individuals who identify themselves as Indians and who as a community have been historically recognized as an Indian Tribe. Such a tribe must have a system for selecting representatives to speak for and on behalf of the tribe.

The following criteria are to be used in determining whether a Native American Indian entity meets with the qualifications of the definition stated herein:

(1) Recognition by the Bureau of Indian Affairs of the United States Department of Interior, or

(2) Being a member of an Indian Band, a community of Indians, which is acknowledged as an Indian entity and which identifies itself in relationship to a historically recognized tribe, lives in a contiguous geographical area, has been historically perceived as such a community by other communities located in geographic proximity to the subject community, and which has a system of selecting representatives who have authority to speak for and on behalf of the band.

(3) Indian Tribe meaning a distinct community which exercises powers of self-government and which has historically exercised such powers on behalf of individuals who identify themselves as Indians and who as a community have been historically acknowledged as an Indian Tribe. Such a tribe must have a system of selecting representatives to speak for and on behalf of the tribe.

(4) Finally, the community identifying as American Indian have adequate supporting evidence to verify and document that said community has been identified historically and continuously from generation to generation sustaining and exhibiting native cultural traits which may include such traits as language, tribal

traditions, collective land rights and a long standing tribal governmental influence over its membership.

Any question relative to the Guidelines should be submitted to the Director of Indian Affairs, Governor's Commission on Indian Affairs. Interested persons may submit written comments to Ms. Helen D. Gindrat, Director of Indian Affairs, Box 44455, Baton Rouge, Louisiana 70804, Telephone (504) 925-3751.

A public hearing to receive oral and/or written comments on the proposed Guideline will be held at 2 p.m., Tuesday, April 20, 1982, in the Conference Room of the Department of Urban and Community Affairs Building, 5790 Florida Blvd., Baton Rouge, Louisiana.

Helen D. Gindrat
Executive Director

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

Rule Title: Certification of Indians

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

While the exact impact is unknown at this time, it is expected that it will be minimal since this represents a continuation of a formerly funded program.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on state or local revenue collections because the requested services have been and will continue to be provided by the federal government from their revenue sources.

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

Once Indian tribes are certified by the state, they will benefit from block grant funds which will provide aid in the fields of health, energy, housing, education, etc.

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

If Louisiana Indian tribes are certified, block grant funds would aid in the area of educating and teaching skills that would enhance abilities to open job opportunities.

Helen D. Gindrat
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

Committee Reports

COMMITTEE REPORT

Department of Public Safety Office of the Fire Marshal House of Representatives Committee on the Judiciary

On January 21, 1982 the Office of Fire Marshal submitted for review a set of proposed rule changes for the specifications for fire retardant mattresses and pillows for correctional institutions. On February 2, 1982 the House Subcommittee on the Oversight of the Department of Public Safety took up consideration of the proposed rule changes. Representative Joe Bleich presided as chairman of the subcommittee. After hearing the testimony of the representatives of the Office of the Fire Marshal, the subcommittee, with a quorum present, voted 6-0 to find the proposed rule change unacceptable.

A copy of the proposed Rule was published in the *Louisiana Register* on page 116 of the February 20, 1982 issue.

In accordance with R.S. 49:968 (F) (1) (b), below is a summary of the determinations made by the subcommittee in accordance with R.S. 49:968 (D) and (E), to wit:

1. The subcommittee did not, by vote, make a determination as to whether the rule change was in conformity with the intent and scope of the enabling legislation. This issue was discussed at the beginning of the hearing and no objections were raised by the committee members.

2. The subcommittee did not, by vote, determine whether the rule change was in conformity and not contrary to all applicable provisions of law and of the constitution. This issue was thoroughly discussed at this hearing on a different proposed rule change. The issue was not taken up because the office was relying on the same authority it used for the other rule change which was approved by the subcommittee.

Notwithstanding the report of the Office of the Fire Marshal, the committee found that R.S. 40:1578.6 was the proper rule making authority. The Fire Marshal had cited R.S. 40:1563 (F) as its authority.

3. The subcommittee did not, by vote, make a specific determination regarding the advisability or relative merit of the rule change. However, by voting to reject the rule change, it can be said that the subcommittee felt it was not advisable and had little or no merit. There were three major points brought out during the hearing regarding the advisability and merit of the rule change, to wit:

(a) Adverse impact on local jails. It was felt that the five pages of stringent specifications for pillows and mattresses in jails may be difficult for local jails to meet. Additionally, if a local jail failed to meet one of the requirements listed, it may give rise to additional liability.

(b) Inability of the jails to comply with the new standards. Testimony from Ms. Jean Bell of the Sheriffs' Association indicated that the Department of Corrections manufactures and supplies all the jails in Louisiana with their pillows and mattresses. She stated that the D.O.C. was not at this time equipped to meet the proposed standards. There was no one from the D.O.C. present. It pointed out that under these circumstances the adoption of the new standards may impose a standard of care that the jails could not meet.

(c) Duplicity. There was concern about the possible duplicity of this rule with others.

4. The subcommittee by a vote of 6-0 determined that the rule change was unacceptable. The committee members cited the issues outlined in Number 3 above.

Respectfully submitted on behalf of the House Subcommittee on the Oversight of the Department of Public Safety, by:

W. Wade Adams, III
Subcommittee Counsel

Potpourri

POTPOURRI

Department of Natural Resources Fishermen's Gear Compensation Fund Claims

In accordance with the provisions of the Fishermen's Gear Compensation Fund, ACT 673 of 1979 and in particular Section 700.4 thereof, regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980; and also the rules of the Secretary of this Department, notice is hereby given that nine completed claims were received during the month of February, 1982, amounting to \$14,554.70 for which public hearings will be held as follows:

Tuesday, April 6, 1982 at 10:30 a.m. in the Louisiana Cooperative Extension Service Office, 511 Roussel Street, Houma, La. to consider payment of the following claims against the fund:

Claim No. 81-409

Mr. Dewey Lapeyrouse, while trawling on the vessel "Cailou Pride" in Lake Boudreaux at LORAN-C coordinates of 28,167.8 and 46,902.8, Terrebonne Parish, encountered pieces of creosoted boards on September 1, 1981, at approximately 8:30 a.m., causing damage to his shaft and propeller. Amount of claim: \$3,119.13.

Claim No. 82-427

Mr. Houston Trahan, while trawling on the vessel "Rebecca Lynn" in Lake Graise, south of Lake Barre Pass, Terrebonne Parish, encountered a 12-inch x 12-inch x 14-foot piece of lumber on January 2, 1982, at approximately 7:30 a.m., causing damage to his vessel. Amount of claim: \$308.51.

Claim No. 82-432

Mr. John Bergeron, while trawling on the vessel "Sylvia" in Black Bayou north of the Calcasieu Locks, Calcasieu Parish, encountered a submerged piling on December 18, 1981, at approximately 4:30 p.m., causing damage to his vessel. Amount of claim: \$2,115.

Friday, April 16, 1982 at 10:30 a.m. in the Police Jury Conference Room, 8201 West Judge Perez Drive in Chalmette, Louisiana to consider payment of the following claims against the fund:

Claim No. 81-399

Ms. Jeannette Parr, while trawling on the vessel "Queen Jean" in the Gulf of Mexico, southwest of Freshwater Bayou at LORAN-C coordinates of 27,158.9 and 46,937.2, Vermilion Par-

ish, encountered an unidentified submerged obstruction on September 1, 1981, at approximately 9:45 a.m. causing damage to her trawl, doors and related equipment. Amount of claim: \$3,326.42.

Claim No. 81-425

Mr. Walter Cantrell, while trawling on the vessel "Miss Christine" in Breton Sound approximately one mile from California Point, Plaquemines Parish, encountered an unidentified submerged obstruction on December 17, 1981, at approximately 10 a.m., causing damage to his 60-foot trawl and doors. Amount of claim: \$1,530.63.

Claim No. 82-428

Mr. Earl P. Vidal, while trawling on the vessel "Butler J" in the Gulf of Mexico, east of Calcasieu Pass, Cameron Parish, encountered an unidentified obstruction on December 10, 1981, at approximately 11:30 a.m., causing damage to two 50-foot trawls, pair of eight foot boards, and related gear. Amount of claim: \$2,417.70.

Claim No. 82-433

Mr. Harry L. Phillips, while trawling on the vessel "Buddy Boy" in Breton Sound north of the Mississippi River - Gulf Outlet Canal, encountered a ladder on November 22, 1981, at approximately 2 p.m., causing damage to his trawl. Amount of claim: \$622.91.

Thursday, April 22, 1982 at 11 a.m. in the L.S.U. Cooperative Extension Office, 1105 West Port Street, Abbeville, La. to consider payment of the following claims against the fund:

Claim No. 81-356

Mr. John J. Mialjevich, while trawling on the vessel "Tee John" in the Gulf of Mexico, east of Southwest Pass, Vermilion Parish, encountered an unidentified obstruction on September 25, 1981, at approximately 11 a.m., causing damage to his 38-foot trawl. Amount of claim: \$544.55.

Claim No. 81-393

Mr. John J. Mialjevich, while trawling on the vessel "Tee John" in the Gulf of Mexico, southeast of Cheniere au Tigre, Vermilion Parish, encountered submerged pieces of metal on November 11, 1981, at approximately 4 p.m., causing damage to his 38-foot trawler, test net and 50-foot of one-fourth chain.

Any written objections to these claims must be received by the close of business April 5, 1982 by the Secretary whose address is: Frank P. Simoneaux, Secretary, Department of Natural Resources, Box 44396, Capitol Station, Baton Rouge, La. 70804.

At the hearings, any person may submit evidence on any phase of the claims.

Frank P. Simoneaux
Secretary

POTPOURRI

Department of Natural Resources Office of Conservation Underground Injection Control Division

Docket Number UIC 82-5

In accordance with the laws of the State of Louisiana, and with particular reference to the provisions of LRS 30:4, notice is hereby given that the Commissioner of Conservation will conduct a public hearing at 11 a.m., Friday, April 23, 1982, in Room 110, Police Jury meeting room of the Bossier Parish Courthouse, located on Burt Blvd., Benton, La.

At such hearing the Commissioner of Conservation or his designated representative will hear testimony from Sligo Disposal, Inc., relative to their application to dispose of salt water generated from oil and gas production into the subsurface by means of a disposal well which is identified as Chatman SWD No. 2, Sn 970738, with the injection interval at an approximate depth of 920-978 feet. The well is located in Section 18, Township 17 North, Range 11 West, Bossier Parish, La.

Prior to authorizing the use of this well for disposal of salt water, the Commissioner of Conservation must find that the applicant has met all the requirements of Statewide Order No. 29-B (August 1, 1943 as amended).

The application is available for inspection by notifying Mr. Fritz L. Spencer, Jr., Office of Conservation, Underground Injection Control (UIC) Division (Room 228), 625 North Fourth Street, Baton Rouge, La.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 5 p.m., April 23, 1982, at the Baton Rouge Office. Comments should be directed to: Commissioner of Conservation, Box 44275, Baton Rouge, La. 70804; Re: Docket No. UIC 82-5, Commercial Salt Water Disposal Well, Bossier Parish.

R.T. Sutton
Commissioner

POTPOURRI

Department of Natural Resources Office of Conservation Underground Injection Control Division

Docket Number UIC 82-3

In accordance with the laws of the State of Louisiana, and with particular reference to the provisions of LRS 30:4, notice is hereby given that the Commissioner of Conservation will conduct a public hearing at 11 a.m., Wednesday, April 21, 1982, in Room A of Best Western Motel, located at 108 Frontage Road on Highway 167 North, Lafayette, La.

At such hearing the Commissioner of Conservation or his designated representative will hear testimony from Foti Oil & Gas Inc., relative to their application to dispose of salt water generated from oil and gas production into the subsurface by means of a disposal well which is identified as Salt Water Disposal Well No. 1, Sn 970673, with the injection interval at an approximate depth of 1600-1608 feet. The well is located in Section 14, Township 10 South, Range 2 East, Lafayette Parish, La.

Prior to authorizing the use of this well for disposal of salt water, the Commissioner of Conservation must find that the applicant has met all the requirements of Statewide Order No. 29-B (August 1, 1943 as amended).

The application is available for inspection by notifying Mr. Fritz L. Spencer, Jr., Office of Conservation, Underground Injection Control (UIC) Division (Room 228), 625 North Fourth Street, Baton Rouge, La.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 5 p.m., April 21, 1982, at the Baton Rouge Office. Comments should be directed to: Com-

missioner of Conservation, Box 44275, Baton Rouge, La. 70804; Re: Docket No. UIC 82-3, Commercial Salt Water Disposal Well, Lafayette Parish.

R.T. Sutton
Commissioner

POTPOURRI

Department of Natural Resources Office of Conservation Underground Injection Control Division

Docket Number UIC 82-4

In accordance with the laws of the State of Louisiana, and with particular reference to the provisions of LRS 30:4, notice is hereby given that the Commissioner of Conservation will conduct a public hearing at 11 a.m., Thursday, April 22, 1982, in the Lafourche Parish Council Meeting Room, located on the second floor of the Old Courthouse Building at the corner of West Third and Green Streets in Thibodaux, La.

At such hearing the Commissioner of Conservation or his designated representative will hear testimony from Intracoastal Oilfield Fluids, Inc. (formally Intracoastal Disposal, Inc.) relative to their application to dispose of salt water generated from oil and gas production into the subsurface by means of a disposal well which is identified as Dresser #1, SN 83593, with the injection interval at an approximate depth of 3560-3630 feet. The well is located in Section 79, Township 17 South, Range 19 East, Lafourche Parish, La.

Prior to authorizing the use of this well for disposal of salt water, the Commissioner of Conservation must find that the applicant has met all the requirements of Statewide Order No. 29-B (August 1, 1943 as amended).

The application is available for inspection by notifying Mr. Fritz L. Spencer, Jr., Office of Conservation, Underground Injection Control (UIC) Division (Room 228), 625 North Fourth Street, Baton Rouge, La.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 5 p.m., April 22, 1982, at the Baton Rouge Office. Comments should be directed to: Commissioner of Conservation, Box 44275, Baton Rouge, La. 70804; Re: Docket No. UIC 82-4, Lafourche Parish.

R.T. Sutton
Commissioner

POTPOURRI

Department of Natural Resources Office of Conservation Underground Injection Control Division

Docket Number UIC 82-6

In accordance with the laws of the State of Louisiana, and with particular reference to the provisions of LRS 30:4, notice is hereby given that the Commissioner of Conservation will conduct a public hearing at 11 a.m., Monday, April 26, 1982, in Toro Hall of Toro Hills Resort, located on highway 171 South, Florien, La.

At such hearing the Commissioner of Conservation or his designated representative will hear testimony from Wilson Well Service, relative to their application to dispose of salt water generated from oil and gas production into the subsurface by means of a disposal well which is identified as Wilson Well Service Disposal Well No. 1, with the injection interval at an approximate depth of 1470-1510 feet. The well will be located in Section 31, Township 7 North, Range 11 West, Sabine Parish, La.

Prior to authorizing the use of this well for disposal of salt water, the Commissioner of Conservation must find that the applicant has met all the requirements of Statewide Order No. 29-B (August 1, 1943 as amended).

The application is available for inspection by notifying Mr. Fritz L. Spencer, Jr., Office of Conservation, Underground Injection Control (UIC) Division (Room 228), 625 North Fourth Street, Baton Rouge, La.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 5 p.m., April 26, 1982, at the Baton Rouge Office. Comments should be directed to: Commissioner of Conservation, Box 44275, Baton Rouge, La. 70804; Re: Docket No. UIC 82-6, Commercial Salt Water Disposal Well, Sabine Parish.

R.T. Sutton
Commissioner

POTPOURRI

Department of Public Safety Municipal Police Officers Supplemental Pay

The Board of Review, Municipal Police Officers' Supplemental Pay, will meet in Room 218, State Police Headquarters, 265 South Foster Drive, Baton Rouge, Louisiana on Tuesday, March 23, 1982 at 10 a.m. and Tuesday, April 13, 1982 at 10 a.m.

Larry A. Messina
Secretary-Treasurer

Errata

ERRATA

Department of Natural Resources Office of Conservation

The following information concerning the Underground Injection Control Program was inadvertently omitted from the Rule published in the February 20, 1982 *Louisiana Register* on page 83.

The missing copy should be inserted immediately following the words "... laws of this State:" in the first column on page 83. The omitted material is as follows:

Part 10 — Definitions

The following definitions apply to all regulations following hereafter. Terms not defined in this Section have the meaning given by La. R.S. (1950) Title 30, Section 3.

1) "Abandoned well" means a well whose use has been permanently discontinued or which is in a state of disrepair such that it cannot be used for its intended purpose or for observation purposes.

2) "Act" means Part I, Chapter 1 of Title 30 of the Louisiana Revised Statutes.

3) "Application" means the filing by a person on the Office of Conservation forms for applying for an underground injection permit, including any additions, revisions or modifications to the forms.

4) "Aquifer" means a geological "formation," group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

5) "Area of review" means the area surrounding an "injection well" as described in Section 50.02 for Class I and in Section 50.22 for Class III.

6) "Casing" means a metallic or non-metallic tubing or pipe of varying diameter and weight, lowered into a borehole during or after drilling in order to support the sides of the hole and thus prevent the walls from caving, to prevent loss of drilling mud into porous ground, or to prevent water, gas or other fluid from entering the hole.

7) "Catastrophic collapse" means the sudden and utter failure of overlying "strata" caused by removal of underlying materials.

8) "Cementing" means the operation whereby a cement slurry is pumped into a drilled hole and/or forced behind the casing.

9) "Confining bed" means a body of impermeable or distinctly less permeable material stratigraphically adjacent to one or more aquifers.

10) "Confining zone" mean a geological formation, group of formations, or part of a formation that is capable of limiting fluid movement above an injection zone.

11) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

12) "Commissioner" means the Assistant Secretary of the Office of Conservation, Department of Natural Resources.

Mai Abington, Director
Louisiana Register

ERRATA

Department of Natural Resources Office of Environmental Affairs Environmental Control Commission

Under the authority of the Environmental Affairs Act, L.R.S. 30:1066 (1) and (7) and 1084 B (1), and in accordance with the provisions in L.R.S. 49:951 et seq., the Louisiana Environmental Control Commission adopted a revision to the Louisiana Air Quality Regulations at their March 26, 1981 hearing. The revision to Section 17.12 which was subsequently published in the April 20, 1981 *Louisiana Register* was the wrong version.

The correct version of Section 17.12 as it was adopted should read as follows:

17.12 Emission Inventory. Emission inventory data must be submitted to the Department for any facility or location which has 100 or more tons/year of emissions of any single pollutant for locations which are designated as non-attainment for that pollutant, for any facility with 100 or more tons/year of emission which is one of the 28 listed Prevention of Significant Deterioration Sources, or for any facility regardless of location which emits 250

or more tons/year of any other single pollutant. (Emission data for smaller facilities shall be supplied upon request.) These data must be submitted in machine readable format and must be updated annually if emission changes significantly. A significant emission change shall be considered to be a change in emissions of 5 percent or more from an emission source (stack, vent or fugitive) from emission levels currently on file for that source. An emission change of less than 10 tons per year for non-attainment pollutants or 25 tons per year for other pollutants will be considered insignificant for this regulation. An emission inventory submitted to the Department shall include all emission sources. All emission except carbon dioxide, water vapor, air and nitrogen shall be reported. Emission sources are any and all points of origin of air contaminants as defined in Section 4.4 of the Louisiana Environmental Control Commission regulations, whether privately or publicly owned or operated. Grouping of similar smaller emission points is suggested to simplify reporting. Sources with less than 10 emission points are exempted from supplying the emission data in machine readable format. These data must be submitted in a form suitable for keypunching using forms supplied by the Air Quality Division.

Any request for Emission Inventory data (initial request or update) shall be furnished to the Department within 90 days of the request. Failure to provide adequate emission inventory data within this time period can cause Commission action which could result in a revocation of the sources' permit or a possible fine.

Persons requesting copies and/or further information concerning the revisions listed below may contact Gus Von Bodungen, Office of Environmental Affairs, Box 44066, Baton Rouge, Louisiana 70804, or phone (504) 342-1206.

B. Jim Porter
Assistant Secretary

ERRATA
Department of Public Safety
Office of State Fire Marshal

The office of the State Fire Marshal has determined that the numbering of a Rule concerning Emergency Generators for Health Care Facilities, published on page 15 of the January 20, 1982 Louisiana Register was in error.

The rule should be numbered L.A.C. 17-4:20 instead of L.A.C. 17-4:18, which now covers Modular Structures.

Carrol L. Herring
State Fire Marshal

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