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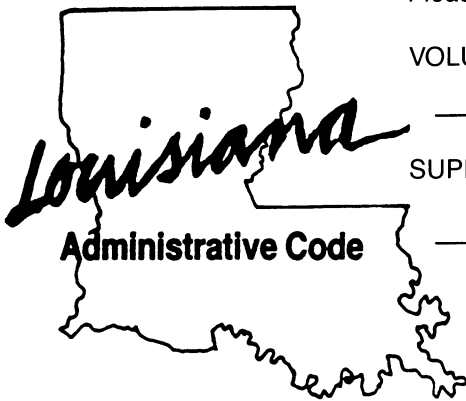
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Executive Orders

EXECUTIVE ORDER EWE 87-18

WHEREAS, The Tax Reform Act of 1986 (the "Act"), restricts the total principal amount of certain private activity bonds, the interest on which is excludable from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986 (including the portion of government use bonds allocated to non-governmental use which is required by the Act to receive an allocation as herein provided) (such bonds sometimes referred to herein as "bonds") which may be issued by the State of Louisiana (the "state") during each calendar year to a dollar amount (during calendar year 1987 equal to \$75 per person and \$50 per person during subsequent calendar years) based on the most recently published estimate of population for the state released by the U.S. Bureau of Census before the beginning of each calendar year; and

WHEREAS, it is necessary to provide a method and formula for allocations of bonds subject to such limitations in a manner which will allow compliance with the requirements of the Act; and

WHEREAS, the governor of the state desires to (i) exercise his authority under the Act and under Act Number 51 of the 1986 Regular Session of the Legislature of Louisiana to modify the allocation of bonds subject to the private activity bond volume limits of the Act for each calendar year (the "ceiling") by allocating the ceiling in the manner hereinafter provided, (ii) set forth the procedure for obtaining an allocation of bonds from the ceiling, and (iii) provide for central record keeping in connection with such allocations;

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

ARTICLE I DEFINITIONS

Section 1.1 All terms defined in the preamble hereof shall have the same meanings in this executive order.

Section 1.2 All terms not defined herein shall have the same meanings as used in the Act.

Section 1.3 In addition, the following terms shall have the following meanings:

"Issuer" or "issuers" means any entity or entities now or hereafter authorized to issue bonds under the Constitution or laws of the state.

"Statewide jurisdiction" means authority to issue bonds to finance projects located anywhere within the geographic limits of the state and not limited to any particular area of the state.

ARTICLE II DETERMINATION OF CEILING

Section 2.1 Within two weeks of the date of this order, and thereafter on or before the fifteenth day of January of each calendar year, the staff of the Louisiana State Bond Commission (the "SBC staff") is hereby directed to determine the ceiling by multiplying \$75 for calendar year 1987 and \$50 for each subsequent calendar year times the most recently published estimate of population for the state released by the U. S. Bureau of the Census before the beginning of each respective calendar

year. Upon making such determination of the ceiling, the SBC staff is hereby further directed to publish as soon as practical a notice of the amount of the ceiling in the *Daily Journal of Commerce*.

ARTICLE III GENERAL ALLOCATION POOL

Section 3.1 There is hereby created a pool to be designated the "General Allocation Pool." The entire ceiling for each calendar year is hereby credited to the General Allocation Pool. Allocations for all types of bonds which require allocations under the Act may be requested and granted from the General Allocation Pool. During each of the calendar years beginning January 1, 1987, and thereafter, amounts shall be reserved for allocation from the General Allocation Pool as follows:

(a) Calendar year 1987

Until the earlier of September 15, 1987, or the date on which the General Allocation Pool shall be reduced below one-third of the ceiling, at least \$100,000,000 of the General Allocation Pool shall be reserved for allocations for qualified mortgage bonds issued by the Louisiana Housing Finance Authority (the "LHFA") and at least \$85,040,000 of the General Allocation Pool shall be reserved for allocations for bonds issued by the Louisiana Public Facilities Authority (the "LPFA"). There shall also be reserved, until the earlier of September 15, 1987, or the date on which the amount remaining in the General Allocation Pool is reduced below one-third of the ceiling, at least \$14,145,000 of the General Allocation Pool for allocations to be granted for bonds issued by issuers other than the LHFA and the LPFA which have statewide jurisdiction.

(b) Calendar Year 1988

Until the earlier of September 15, 1988, or the date on which the General Allocation Pool shall be reduced below one-third of the ceiling, at least \$67,000,000 of the General Allocation Pool shall be reserved for allocations for qualified mortgage bonds issued by the Louisiana Housing Finance Authority (the "LHFA") and at least \$56,690,000 of the General Allocation Pool shall be reserved for allocations for bonds issued by the Louisiana Public Facilities Authority (the "LPFA"). There shall also be reserved, until the earlier of September 15, 1988, or the date on which the amount remaining in the General Allocation Pool is reduced below one-third of the ceiling, at least \$9,430,000 of the General Allocation Pool for allocations to be granted for bonds issued by issuers other than the LHFA and the LPFA which have statewide jurisdiction.

(c) Calendar Year 1989 and each Subsequent Calendar Year

Until the earlier of September 15 of each year or the date on which the amount remaining in the General Allocation Pool is reduced below one-third of the ceiling, an amount at least equal to 60 percent of the General Allocation Pool shall be reserved for allocations for bonds issued by the Louisiana Public Facilities Authority (the "LPFA"). There shall also be reserved, until the earlier of September 15 of each year or the date on which the amount remaining in the General Allocation Pool is reduced below one-third of the ceiling, an amount at least equal to 10 percent of the General Allocation Pool for allocations to be granted for bonds issued by issuers other than the LPFA which have statewide jurisdiction.

ARTICLE IV APPLICATION AND PROCEDURE FOR ALLOCATIONS

Section 4.1 Except as limited in Article III hereof, all issuers in and of the state may apply for allocations on an equal

basis. It is the intent hereof that allocations other than allocations for qualified mortgage bonds be granted primarily on a first-come, first-served basis until the ceiling reaches a level at which discretion is necessary to insure the most favorable economic return to the state or an area within the state.

Section 4.2 The allocation of the ceiling from the General Allocation Pool other than allocations for qualified mortgage bonds shall be considered on the basis of the chronological order of receipt by the SBC staff of the application as set forth in Section 4.3 of this executive order.

Section 4.3 An issuer which proposes to issue bonds for a specific project or purpose must make application for an allocation of a portion of the ceiling for the particular project or purpose by submitting an application to the staff of the Louisiana State Bond Commission (the "SBC staff"), which contains the following information:

- (a) the name and address of the issuer of the bonds;
- (b) the name and location (by mailing address or other definitive description) of the project or purpose for which an allocation from the ceiling is requested;
- (c) in the case of bonds other than qualified student loan bonds or qualified mortgage bonds, the name and mailing address of (i) the initial owner or operator of the project, (ii) an appropriate person from whom information regarding the project can be obtained, and (iii) the person to whom notification of the allocation should be made;
- (d) the date of adoption by the issuer of an inducement resolution adopted for the purpose of taking "official action," as required by the Internal Revenue Code of 1986, as amended (the "Code"), if the issue of bonds for which the allocation of the ceiling is requested required the taking of "official action" under the Code;
- (e) the amount of the ceiling which the issuer is requesting be allocated for the project or purpose of the application and a general description of the project or purpose to be financed;

(f) either (i) a bond purchase agreement or other written commitment to purchase the bonds for which an allocation is requested, executed by one or more purchasers, setting forth in detail the principal and interest payment provisions and the security for the bonds, accepted by the issuer or the beneficiary of the bonds, (ii) in the case of a public offering of the bonds for which the allocation from the ceiling is requested, a binding bond purchase or underwriting agreement obligating the underwriter or underwriters to sell or purchase the bonds within 60 days of the receipt of an allocation hereunder, setting forth in detail the proposed principal and interest payment provisions and the security for the bonds, accepted by the issuer or the beneficiary of the bonds, or (iii) a \$7,500 escrow deposit which will be forfeited in the event the bonds for which an allocation is granted are not delivered prior to the expiration of such allocation as provided in Section 4.8 hereof. The \$7,500 deposit shall be returned to the party depositing the same without interest upon the substitution of the items described in (i) or (ii) above or delivery of the bonds within the allocation period, (including any extension). In the event that such bonds are not delivered within the allocation period, the deposit shall be forfeited and deposited in the state treasury, unless the failure to deliver such bonds is the result of the State Bond Commission denying approval of such bonds, in which case the deposit shall be returned to the party depositing same without interest; and

(g) a letter from bond counsel to the effect that the bonds for which an allocation is requested are subject to the ceiling.

Section 4.4 Upon receipt of the completed application required by Section 4.3 hereof for allocations (except with respect to allocations for qualified mortgage bonds which are to be allocated by the governor) the SBC staff shall, within 10 days of the receipt thereof, notify the person designated in the application of the allocation from the ceiling to be applied to the project or purpose requested in the issuer's application.

Section 4.5 Until November 15 of each year, the maximum amount of allocation that may be granted for any project or purpose (other than for qualified mortgage bonds) shall not exceed \$20,000,000. Until November 15 of each year, the maximum amount of allocation that may be granted for qualified mortgage bonds (other than for qualified mortgage bonds issued by LHFA) shall not exceed \$25,000,000. If an issuer submits a request for an allocation in excess of the amount herein authorized, the SBC staff shall retain the application for consideration of the allocation of additional amounts on or after November 15 of that year. Notwithstanding the foregoing, if the governor determines that a project serves a crucial need or provides an extraordinary benefit to the state or an area within the state, the governor by written approval may authorize allocations for a project prior to November 15 up to a total of \$50,000,000 for such project or purposes. Allocations for qualified mortgage bonds issued by the LHFA shall not be governed by this Section.

Section 4.6 On the earlier of September 15 of each year or the date that the amount remaining in the General Allocation Pool is reduced below one-third of the ceiling, the remaining amounts reserved in Article III shall be combined and allocations from such remaining amounts shall be granted at the discretion of the governor without regard to reservations for any particular issuers.

Section 4.7 Upon receipt of the completed application required by Section 4.3 hereof for allocations which must be granted by the governor, the SBC staff shall immediately forward such application to the governor, together with a form used for the granting of allocations which is complete in all respects other than the amount of the allocation. The governor shall determine the amount of allocation (if any) and may evidence his approval by entering the amount of the allocation on the form and signing the allocation form.

Section 4.8 Any allocation from the ceiling (other than carryforward allocations described in Section 4.14 hereof) will remain valid if the bonds for which such allocation is granted are delivered by the earlier of (i) 60 days from the date the notice of the allocation is mailed to the person designated or (ii) December 31 of the calendar year granted; unless, in the case of (i) above, the issuer requests an extension of time for the allocation to remain valid, in which event the allocation will be extended one time to the earlier of (i) 30 days from the date of the expiration of the 60-day period or (ii) December 31 of the calendar year granted. Notwithstanding the foregoing, an allocation shall be deemed invalid immediately upon the State Bond Commission's denial of the approval of the bonds which have received an allocation.

Section 4.9 On November 15 of each year the SBC staff shall determine the remaining amount of the ceiling and shall submit to the governor for consideration all applications for allocations of bonds in excess of the amounts permitted herein for which the SBC staff has received in writing during the period commencing October 15 through November 14 of such year a notification of the applicant's continued desire to receive an increased allocation. Thereafter, the governor may grant, until the ceiling is exhausted, allocations limited to \$20,000,000 per pro-

ject or purpose (in addition to previous allocations granted) unless the governor determines that a project satisfies an particularly important state or local need, in which event the governor may allocate additional amounts limited only to the amount of the ceiling remaining.

Section 4.10 In the event the allocation of the ceiling for a particular project or purpose expires as provided in Section 4.8 of this executive order, the issuer may resubmit its application for an allocation of a portion of the ceiling for such project or purpose, and the application of the issuer relating to such project or purpose will be reviewed in chronological order of receipt of its resubmission, but no preference or priority will be given to the issuer as a result of its prior application for such project or purpose.

Section 4.11 In order to make maximum use of the ceiling, to promote economic growth in the state, and to treat all interests fairly, it is the intent of this executive order that the SBC staff shall not exercise any discretion in the allocation of bonds. The SBC staff shall handle and dispose of each application in the chronological order of receipt.

Section 4.12 THE SBC staff shall maintain accurate records of all allocations and all bonds delivered. All issuers of bonds which have received an allocation must notify the SBC staff of the delivery of bonds within five days after the delivery of such bonds and shall specify the total principal amounts of bonds issued. The SBC staff shall provide to any person so requesting every two weeks and any other time requested: (i) a list of the amount of unallocated ceiling remaining on the date such request is made, (ii) a list of allocations (naming the issuer and amount of allocation) which have been made by the SBC staff and the date of each allocation and any extension, (iii) a list of applications being held by the SBC staff which have requested a larger allocation than permitted and (iv) a list of bonds which have been given an allocation and have been delivered.

Section 4.13 If at any time the remaining amount of the ceiling is insufficient to meet the request for allocation of two or more applications which were received in completed form by the SBC staff on the same day, then the allocation shall be considered based on the chronological order of adoption of an inducement or other resolution by the respective issuer for the project or purpose for which an allocation is requested, and if the inducement or other resolution of such applications were adopted on the same day the allocation for those projects induced on the same day shall be made on a *pro-rata* basis.

Section 4.14 If the ceiling exceeds the aggregate amount of bonds issued during any year by all issuers, the governor may allocate such excess to issuers for use as a carryforward for one or more carryforward projects permitted under the Act through the issuance of an executive order for all carryforward projects which have submitted an application containing as many elements described in Section 4.3 hereof as possible to the SBC staff and a request to be treated as a carryforward project. The SBC staff shall notify the issuers which are allocated a portion of the ceiling for a carryforward project at least five days prior to the last date an election to carryforward a portion of the ceiling may be made.

Section 4.15 This executive order only relates to bonds subject to the private activity bond volume limitation set forth in the Act. No issuer shall apply for or be entitled to an allocation from the ceiling for bonds which are not subject to the private activity bond volume limitation set forth in the Act.

Section 4.16 The responsibility of the SBC staff hereunder shall be exercised by the SBC staff independently of any

of its other duties and responsibilities with respect to the Louisiana State Bond Commission.

Section 4.17 The governor may modify, amend, supplement or rescind this executive order to reflect any subsequent federal or state legislation; provided however, that any modification, amendment, supplement or rescission shall not rescind any allocation granted for a project or purpose pursuant to the terms of this executive order if such allocation is required under federal law in order to maintain the tax exempt status of the bonds issued for such project or purpose.

Section 4.18 The governor will supply with each allocation granted a certificate complying with Section 149(e)(2)(F) of the Code.

Section 4.19 This executive order shall be effective on the date of execution hereof by the governor.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, Louisiana, this 5th day of March, 1987.

Edwin W. Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 87-19

WHEREAS, under the authority granted me by Section 10 of Act 17 of the 1986 Regular Session of the Legislature, R.S. 39:55, and Article IV, Section 5, of the Louisiana Constitution of 1974, I did issue an executive order on the thirteenth day of October, 1986, reducing certain appropriations in force; and

WHEREAS, the State of Louisiana has been notified by the U. S. Department of Transportation that federal construction and maintenance funds will be withheld unless the federally supported highway network will be properly maintained; and

WHEREAS, the current appropriation remaining to the Department of Transportation and Development is insufficient to accomplish this purpose;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby rescind the reduction applied to the Department of Transportation and Development in my Executive Order EWE 86-31 effective March 6, 1987, and restore the full amount of the reduction.

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 6th day of March, 1987.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 87-20

WHEREAS, the Congress of the United States has enacted the Anti-Drug Abuse Act of 1986 in recognition of the serious problems occurring within the United States due to increased drug abuse; and

WHEREAS, the Anti-Drug Abuse Act of 1986 provides federal assistance to states and territories of the United States which comply with federal guidelines; and

WHEREAS, federal guidelines strongly urge each state to establish a Drug Policy Board to serve as a forum for communication and coordination of drug abuse projects;

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

Section 1: The Louisiana Drug Policy Board is hereby created within the office of the governor.

Section 2: The board shall be composed of 14 members, each of whom shall be appointed by the governor to serve at his pleasure. At least one member shall be a representative of local and state educational agencies and at least one member shall be a representative of agencies which treat drug abusers. The governor shall appoint one member of the board who is also a member of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice to serve as chairman of the board. The board may elect such officers as is deemed necessary.

Section 3: The board shall develop a statewide drug control strategy which encompasses all components of the criminal justice system and shall serve as an advisory body to the Louisiana Commission on Law Enforcement and Administration of Criminal Justice for the performance of its duties in this respect.

Section 4: No member of the board shall receive a per diem or other compensation or reimbursement of expenses incurred in the performance of his duties hereunder.

IN WITNESS WHEREOF, I have hereunder caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, Louisiana, on this 10th day of March, 1987.

Edwin Edwards
Governor of Louisiana
ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 87-21

WHEREAS, Executive Order EWE 87-20 created the Louisiana Drug Policy Board; and

WHEREAS, the commission was to be composed of 14 members, an even number which could pose potential problems in relations to procedural matters;

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

SECTION 1: The Louisiana Drug Policy board shall be composed of 15 members appointed by the governor to serve at his pleasure.

IN WITNESS WHEREOF, I have hereunto set my hand

officially and caused to be affixed the Great Seal of the State of Louisiana at the Capitol in the City of Baton Rouge on this the 19th day of March, A.D., 1987.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR:
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 87-22

(Editors Note)

Section 2(a) of Executive Order No. EWE 87-10 dated February 5, 1987 is being amended and can be seen in its entirety in EWE 87-25.

EXECUTIVE ORDER EWE 87-23

WHEREAS, the Louisiana Procurement Code, comprised of R.S. 39:1551-1775, vests the governor with the authority to prescribe procedures for the procurement of small purchases; and

WHEREAS, R.S. 39:1596 in particular reads:
Small Purchases

"Any procurement not exceeding the amount established by executive order of the governor may be made in accordance with small purchase procedures prescribed by such executive order, except that procurement requirements shall not be artificially divided so as to constitute a small purchase under this Section."

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

Each department, institution, board, commission, budget unit, and any other agency of the executive branch of state government shall observe and be guided by the following specific directives.

Small Purchases: any procurement not exceeding \$5,000 shall be made in accordance with the following small purchase procedures, except procurement of those services defined in Section 3(A) and 3(B), which shall be deemed small purchases regardless of price. All purchases that conform to Section 3(A) and 3(B) that exceed an agency's delegated authority must be forwarded to central purchasing for approval.

Section 1: Each agency subject to this order, except those exempted under R.S. 39:1572, is authorized to purchase equipment (anything not defined as consumables) where the total cost does not exceed either \$500 or a special delegation by the chief procurement officer (whether one or more pieces of equipment are purchased) or the amount of the agency's purchasing authority, whichever is lower. All other equipment shall be requisitioned through the central purchasing agency of the division of administration. Any exception to this procedure shall require written permission of the chief procurement officer of purchasing. This in no way eliminates the requirement of purchasing equipment from state contracts as defined in Section 2(2) in areas where those contracts exist.

Section 2: Each agency subject to the Louisiana Procurement Code, where the cost exceeds \$250, regardless of whether purchases are made by the central purchasing agency, an agency to which purchasing has been delegated, or agencies exempt from central purchasing agency shall observe the following rules and regulations on small purchases, and maximum competitive bidding shall be obtained in all cases in accordance with R.S. 39:1655. This executive order in no way affects or changes the purchasing authority (1) delegated to an agency by the chief procurement officer, (2) purchases from state contracts, or (3) printing.

(1) Delegated Purchasing Authority - A dollar amount delegated to an agency by the chief procurement officer.

(2) State Contracts - If a statewide contract exists and the amount is above the minimum order quantity, procurement from state contract is required, except by exempt agencies.

(3) Printing - This executive order does not affect printing. No agency has any delegated authority, with the exception of those agencies exempt under R.S. 43.1 or by special delegation by the chief procurement officer as deemed necessary.

A. Purchases up to \$250. No competitive bidding is required; however an agency may require that any such purchases be approved in advance by agency purchasing office. No purchase order is necessary.

B. Purchases over \$250 up to \$2,000 may be made by telephone and telegraph quotations from at least three bona fide, prospective bidders and purchases made on the basis of the lowest quotation received. Files must be documented on a tabulation form (A 11) with a contact person, and the terms and delivery for each bidder contacted and any special comments. Written confirmation of price should be obtained from successful bidder.

C. Purchases over \$2,000 but less than \$5,000 shall be made by sending out written invitations for bids to at least eight bona fide, qualified bidders. In addition, the agency may advertise at its discretion. Written invitations for bids shall contain complete specifications, the quantity required, and shall stipulate that bids will be publicly opened and read at a specific date and time, as well as such other pertinent information such as the delivery point and other information sufficient for a supplier to make an acceptable bid.

Section 3: Exceptions to minimum competitive requirements.

A. No competitive bidding required.

(1) Repairs and parts for equipment.

(a) Repairs to equipment and/or parts associated with a specific repair job shall be obtained by either obtaining competitive bids as indicated above or use of an "authorized dealer" up to a total of \$5,000. An authorized dealer is defined as a dealer certified by the manufacturer to sell or perform maintenance on their equipment.

(b) Repairs of equipment which exceed \$5,000, where it is not feasible to secure competitive bids, shall be performed by an authorized dealer subject to prior approval of the chief procurement officer.

(c) Aircraft repairs, inspections, and parts shall be obtained from Federal Aviation Administration Certified Repair Stations and using FAA certified mechanics and approved by the head of the agency or his designee.

(d) Vehicle repairs (except body repairs) shall be obtained by (1) state contract, (2) if no state contract exist - Fleet Management Statewide Maintenance and Repair Contract or (3) use of an authorized dealer if not available from (1) or (2). The above is in no way intended to limit the use of agency repair shops.

(e) This Section does not apply to the stocking of parts for future repair work.

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

(3) Purchasing or selling transactions between state budget units and other government agencies.

(4) Publications such as textbooks, newspapers, subscriptions, or foreign publications, when purchased directly from the publisher. All files must have documentation that the contractor is the publisher. (Subscription services must be bid)

(5) All public utilities.

(6) All services provided by local government. Example: garbage pickup.

(7) Artificial limbs, braces and devices for physical restoration, if not covered by state contract.

(8) Training classes and memberships.

(9) Purchases for clients of Blind and Vocational Rehabilitation programs which are federally funded at a rate of at least 80 percent, regulated by Title 34 of the federal rules and regulations, Code of Federal Regulations Part 361, 365, 370 and 395 and in accordance with OMB Circular A-102; not covered by competitive contract, not to exceed \$5,000.

(B) Telephone or telegraph quotations should be obtained for the following from at least three bona fide, qualified bidders where possible.

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

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

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

(4) Food purchases and other materials and supplies required by juvenile detention homes and rehabilitation facilities homes where the number of inmates or clients is unstable and unpredictable.

(5) Convention and meeting facilities.

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

(7) All equipment for blind operated facilities not covered by competitive state contract.

(8) Vehicle body repairs.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 27th day of March, 1987.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 87-24

Section 1 of Executive Order No. EWE 87-17, dated February 27, 1987, is hereby amended to read as follows:

Section 1: There is hereby established a blue ribbon panel to be composed of the following members:

1. The secretary of the Department of Environmental Quality, or her designee.
2. The secretary of the Department of Transportation and Development, or his designee.
3. The secretary of the Department of Natural Resources, or his designee.
4. The secretary of the Department of Health and Human Resources, or her designee.
5. The secretary of the Department of Commerce, or her designee.
6. One member shall be appointed by the governor from a list of six names submitted by the City of New Orleans.
7. Two members shall be appointed by the governor from a list of six names submitted by the environmental community.
8. One member shall be appointed by the governor from a list of six names submitted by the seafood industry.
9. One member shall be appointed by the governor from a list of six names submitted by other affected industries.
10. Three members shall be appointed by the governor from the state at large.

The panel shall be chaired by the secretary of the Department of Environmental Quality. Each member appointed by the governor shall serve at the pleasure of the governor.

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge on this 27th day of March, 1987.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 87-25

Section 2(a) of Executive Order Nos. EWE 87-10, dated February 5, 1987, and EWE 87-22, dated March 26, 1987, is hereby amended to read as follows:

Section 2: The commission shall be composed of 25 members as follows:

- a. 1. Governor Edwin W. Edwards, or his designee
2. Senator John B. Breaux
Committee-Environment and Public Works
3. Senator J. Bennett Johnston
Committee-Appropriations and Energy
4. Congresswoman Lindy Boggs
House-Appropriations
5. Congressman Jerry Huckaby
House-Interior
6. Congressman W. J. "Billy" Tauzin
House-Commerce

7. Congressman Richard Baker
House-Interior
8. Congressman Jimmy Hayes
House-Public Works
9. Congressman Robert L. Livingston
House-Appropriations
10. Samuel B. Nunez
State Senate President
11. John A. Alario, Jr.
State Speaker of the House of Representatives
12. State Representative Clyde Kimball
Chairman, House Committee on Natural Resources
13. State Senator Francis "Hank" Lauricella
Chairman, Senate Committee on Natural Resources
14. State Representative Manuel Fernandez
House Committee on Natural Resources
15. State Senator Leonard Chabert
Vice-Chairman, Senate Committee on Natural Resources
16. B. Jim Porter
Secretary, Department of Natural Resources
17. Herbert W. Thompson
Commissioner of Conservation
18. Martha A. Madden
Secretary, Department of Environmental Quality
19. Marty J. Chabert
Department of Transportation and Development, Office of Public Works
20. Theodore "Ted" Jones, Coordinator
Federal and State Relations
- b. TECHNICAL
21. Dr. Charles G. "Chip" Groat
Director, Louisiana Geological Survey
22. William S. "Corky" Perrett
Department of Wildlife and Fisheries
23. Jack R. Van Lopik
LSU Center for Wetlands
24. Paul H. Templet
LSU Environmental Studies
25. Donald Boesch
Director, Louisiana Universities Marine Consortium

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 6th day of April, 1987.

Edwin Edwards
Governor

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

Emergency Rules

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Kindergarten Readiness Screening Instruments

The State Board of Elementary and Secondary Education, at its meeting of March 26, 1987, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and approved the nine readiness screening instruments listed below:

| Name of Instrument | Publisher |
|--|---------------------------------------|
| Dial-R (Developmental Indicators for the Assessment of Learning-Revised) | Childcraft Education Corporation |
| Cognitive Skills Assessment Battery | Teachers College Press |
| Denver Developmental Screening Test | Denver Developmental Materials, Inc. |
| Battelle Developmental Inventory | DLM Teaching Resources |
| Chicago Early Assessment Test | Education Teaching Aids |
| Pre-School Screening System | Early Recognition Intervention System |
| Missouri Kindergarten Inventory of Developmental Skills | Educational Records Bureau |
| Brigance K and I Screen | Curriculum Associates, Inc. |
| Gesell School Readiness Screening Test | Programs for Education |

This emergency adoption is necessary because the local school districts must select one instrument for use in their district at the beginning of the 1987-88 school year. Each child entering kindergarten for the first time will be screened for developmental readiness and the results of the screening will be used for placement and planning instruction. No child will be denied entry into kindergarten on the basis of the screening.

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

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

These revisions are mandated by federal regulations as published in the *Federal Register*, Vol. 51, No. 250, Wednesday, December 31, 1986, pages 47378-47397. It is necessary to adopt this as an emergency rule as an April 1, 1987 implementation date is mandated.

RULE

The FAM-4 will be revised to reflect the following Food Stamp Program Policy revisions.

I. Household Concept

For purposes of failure to comply with the work requirements, the head of the household will be defined as the person in the household who is the principal source of earned income in the two months prior to the month of the violation. This provision applies only if the employment involves 20 hours or more

per week or provides weekly earnings at least equivalent to the federal minimum wage multiplied by 20 hours. However, no person of any age living with a parent or person fulfilling the role of a parent who is employed (at least 30 hours per week) or work registered under Food Stamps, AFDC, or Unemployment Compensation can be considered the head of household. If there is no principal source of earned income in the household, the worker shall determine the head of household.

II. Work Requirements

A. Household Responsibilities

Each household member age 16 through 59 who is not exempt is required to be registered for employment at the time of application and once every 12 months after initial registration, as a condition of eligibility.

Persons losing exemption status due to any change in circumstances that are subject to the reporting requirements shall register for employment when the change is reported.

Two exemptions have been added as follows:

(1) a person age 16 or 17 who is not a head of household or who is attending school or enrolled in an employment training program on at least a half-time basis is exempt.

(2) a household member subject to and complying with any work requirement under Title IV of the Social Security Act, including WIN registration.

B. Office of Family Security (OFS) Responsibilities

The OFS shall register for work each household member who is not exempt. The OFS will explain to the applicant the pertinent work requirements, the rights and responsibilities of work registered household members, and the consequences of failure to comply. A written statement of this will also be given to each work registrant. The OFS shall be responsible for screening each work registrant to determine whether or not it is appropriate, based on OFS's criteria, to refer the individual to an employment and training program, if available, and if appropriate, referring the individual to an employment and training program component. Upon entry into each component the registrant applicant or volunteer, should be told either orally or in writing, the requirements of the component, what will constitute noncompliance and the sanctions for noncompliance. The OFS shall take appropriate sanction action within 10 working days after learning of noncompliance.

C. Employment and Training (E&T) Programs

The OFS has prepared and submitted an employment and training program plan to the United States Department of Agriculture, Food and Nutrition Services (FNS) Dallas Regional Office and the FNS Office of Alexandria, Virginia. A copy of the plan is available for public inspection at the Food Stamp Program Office, 618 Main Street, Baton Rouge, Louisiana.

Persons required to register for work and not exempted by the OFS from placement in an employment and training program shall be subject to the requirements imposed by the OFS for that individual. Such individuals are referred to as E&T mandatory participants. Requirements may vary among participants. Failure to comply without good cause with the requirements imposed by the OFS shall result in disqualification. Work registrants shall:

(1) participate in an employment and training program if assigned by the OFS;

(2) respond to a request from the OFS or its designees for supplemental information regarding employment status or availability for work;

(3) report to an employer to whom referred by the OFS or its designee if the potential employment meets the suitability

requirements;

(4) accept a bona fide offer of suitable employment at a wage not less than the higher of either the applicable state or federal minimum wage.

D. Failure to Comply with the Food Stamp Program Work Regulations.

If it is determined that an individual other than the head of household has refused or failed without good cause to comply with the requirements imposed by this Section and by OFS that individual shall be ineligible to participate in the Food Stamp Program for two months and is treated as an ineligible household member.

If the head of household fails to comply, the entire household is ineligible to participate.

Ineligibility in both cases shall continue either until the member who caused the violation complies with the requirement, leaves the household, or becomes exempt from work registration, or for two months, whichever occurs earlier. If any household member who failed to comply joins another household as head of the household, that entire new household is ineligible for the remainder of the disqualification period. If the member who failed to comply joins another household where he/she is not head of household, the individual shall be considered an ineligible household member.

The OFS should determine whether good cause for the non-compliance exists. Within 10 days of determining the non-compliance was without good cause, the OFS shall provide the individual or household with a notice of adverse action. Such notification shall contain the particular act of noncompliance committed, the proposed period of disqualification and shall specify that the individual or household may reapply at the end of the disqualification period. Information shall also be included on or with the notice describing the action which can be taken to end or avoid the sanction and his right to resume participation at the end of the two-month disqualification period if he reapplies and is determined eligible.

The disqualification period shall begin with the first months following the expiration of the adverse notice period, unless a fair hearing is requested. Each individual or household has a right to a fair hearing to appeal a denial, reduction, or termination of benefits due to a determination of nonexempt status, or OFS's determination of failure to comply with the work registration or employment and training requirements. Individuals or households may appeal agency action such as exemption status, the type of requirement imposed, or agency refusal to make a finding of good cause, if the individual or household believes that a finding of failure to comply has resulted from improper decisions on these matters. The OFS or its designee operating the relevant component shall receive sufficient advance notice to either permit the attendance of a representative or ensure that a representative will be available for questioning over the phone during the hearing. A representative of the appropriate agency shall be available through one of these means. A household shall be allowed to examine its employment component casefile at a reasonable time before the date of the fair hearing, except for confidential information (which may include test results) that the agency determines should be protected from release. Information not released to a household may not be used by either party at the hearing. The results of the fair hearing shall be binding on the agency.

Following the end of the two-month disqualification period for noncompliance with the work registration or employment and training requirements, participation may resume if a disqual-

ified individual or household applies again and is determined eligible.

E. Voluntary Quit

The rule entitled "Voluntary Quit in the Food Stamp Program" published in the Louisiana Register Vol. 11, No. 1, January 20, 1985 page 38 and 39 is hereby amended.

If a determination of voluntary quit is established, the OFS shall then determine if the member who quit is the head of household. Persons who have been disqualified for quitting a job as head of household of one household will carry their sanction with them if they join a new household as its head. The new household will be ineligible for the remainder of the sanction period unless the person who caused the disqualification ends it.

Following the end of the disqualification period a household may begin participation in the program if it applies again and is determined eligible.

Eligibility may be reestablished during a disqualification period and the household shall, if otherwise eligible, be permitted to resume participation if the member who caused the disqualification secures new employment which is comparable in salary or hours to the job which was quit, or leaves the household. Eligibility may also be reestablished if the violator becomes exempt from the work requirements. Should a household which has been determined to be noncompliant without good cause split into more than one household, the sanction shall follow the member who caused the disqualification. If a head of household who committed the violation joins another food stamp household as head of the household, that household shall be ineligible for the balance of the period of ineligibility.

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

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

Currently, Skilled Nursing Facility and Intermediate Care Facilities I and II are paid one-half the per diem rate for the absence of a recipient from a facility for home leave for up to 18 days per calendar year. Review of client utilization of home leave days indicates that 86 percent of recipients in nursing homes use nine home leave days or less per calendar year. To improve services provided to recipients, reduce the cost of providing nursing home care, and ensure adequate nursing home services are available for Title XIX recipients, the agency is increasing provider payments and reducing the limit on home leave days. Under this rule Skilled Nursing Facilities and Intermediate Care Facilities I and II shall be paid their full per diem rate during the absence of a recipient from the facility for home leave for up to nine days per calendar year. This rule shall be effective for payments made on or after April 1, 1987 and will be implemented by adjusting home leave days paid for January and February to the full per diem.

RULE

Skilled Nursing Facilities and Intermediate Care Facilities I

and II shall be paid their full per diem rate during the absence of a recipient from the facility for home leave for up to nine days per calendar year.

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

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

DECLARATION OF EMERGENCY

Department of Natural Resources

In accordance with the emergency provisions of the Administrative Procedure Act (R.S. 49:953.B.), the Department of Natural Resources has adopted the emergency rule detailed below, effective April 20, 1987. This emergency rule repeals and repromulgates rules, effective November 20, 1986, which adopted procedures for claiming a conditional severance tax exemption. Due to a perceived inconsistency between the provisions of the November 20, 1986 rules and R.S. 47:648.11, which inconsistency is causing problems with the reporting and collection of the state severance taxes due on oil, the secretary deemed it necessary to announce this declaration of emergency. The rule eliminates both the inconsistency and the accounting problems.

STEP SEVERANCE TAX EXEMPTION

I. Definitions:

(1) Oil means crude petroleum oil, and other hydrocarbons, regardless of gravity, which are produced at the well head in liquid form by ordinary production methods (R.S. 30:3(4)).

(2) A qualified well means any well which is spudded on or after July 15, 1986 and on or before July 15, 1987.

(3) Eligible barrels of oil means the first fifty barrels of oil produced daily from a qualified well or the cumulative total of ten thousand barrels of oil produced from a qualified well in an annual exemption period computed on the basis of no more than 50 eligible barrels of oil per day.

(4) The annual exemption period means the 365 day period commencing the day after a well is determined to be capable of commercial production, except that if such a period commences less than 365 days before July 15, 1990 it shall nonetheless end on such date.

II. General Rule of Exemption:

An exemption from Louisiana's severance tax may be claimed for the first eligible ten thousand barrels of eligible oil produced by a qualified well during an annual exemption period. If a qualified well produces more than 50 barrels of oil on any given day during an annual exemption period, an exemption from Louisiana's severance tax may be claimed for only 50 barrels per day of such production. A taxpayer must claim the exemption for all eligible barrels of oil as they are produced or lose such exemption. The exemption shall expire in each annual exemption period when ten thousand barrels of eligible oil have been produced.

III. Limitations upon the Exemption:

(1) The exemption may be claimed for oil produced from a qualified well only.

(2) The exemption may be claimed for the first ten thou-

sand barrels of eligible oil produced within a well's annual exemption period.

(3) The exemption may be claimed for oil which is sold for \$21 or less per barrel (as reported under R.S. 47:633(7)) only.

IV. Claiming the Exemption:

(1) A claim for exemption from the severance tax shall be filed monthly with the Collector of Revenue.

(2) Forms for claiming the severance tax exemption shall be prepared and distributed by the Collector of Revenue.

(3) At a minimum the claim of exemption form shall require reporting of the cumulative total of production during the current period of exemption and the cumulative total of exempt production claimed during the current period of exemption.

(4) The claim of exemption form shall be accompanied by the producer's report, and the Office of Conservation certification that the subject wells are qualified wells.

B. Jim Porter
Secretary

DECLARATION OF EMERGENCY

Department of Urban and Community Affairs Office of the Secretary

In accordance with the Administrative Procedure Act (R.S. 49:953 B) the Department of Urban and Community Affairs is requesting an emergency rule in order to administer and meet the intent of the Emergency Shelter Grants Program. This program authorizes the Department of Urban and Community Affairs to make the Department of Housing and Urban Development grants available to Louisiana units of local city governments under Public Law 99-500 (approved October 18, 1986). The purpose of the program is for the rehabilitation or conversion of buildings for use as emergency shelters for the homeless, and for the payment of certain operating and social service expenses in connection with that emergency shelter in accordance with S525 (b) for the Homeless Act of 1986.

In addendum to the requirements cited in CFR Part 575, Vol. 51, No. 242, dated Wednesday, December 17, 1986, and in order to ensure that grants will be awarded to Louisiana areas of greatest need and with the highest concentration of homeless, the Department of Urban and Community Affairs will receive and review applications from all Louisiana units of local city government that meet the following requirements:

(1) A minimum population of 50,000 based on 1980 census data;

(2) A minimum unemployment rate of 10 percent with a minimum of 1000 individuals classified as unemployed based on Louisiana Department of Labor data for December, 1986.

A maximum of three separate grants will be awarded to three separate units of local city government. Each grant will be for a minimum of \$45,000 and a maximum of \$75,000 based on the ranking of each grant application. Applications must be postmarked no later than May 30, 1987. Application postmarked after this date will not be eligible for review or consideration. Applications should be mailed to: Emergency Shelter Grants Program, Department of Urban and Community Affairs, Box 94455, Capitol Station, Baton Rouge, LA 70804

For more information, contact: Colby S. LaPlace, Assist-

ant Secretary, Department of Urban and Community Affairs, (504) 342-9790.

V. Elaine Boyle
Secretary

Rules

RULE

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Seed Commission

[Editors Note: This rule is being republished to make minor corrections.]

In accordance with the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:1433, the Department of Agriculture and Forestry, Seed Commission, has adopted amendments to revise the deadline for applications and certification standards for cottonseed, corn and rice seeds.

Title 7 AGRICULTURE AND ANIMALS Part XIII. Seeds

Chapter 87. Rules and Regulations Pursuant to the Louisiana Seed Law Subchapter B. General Seed Certification Requirements

§8729. Application Deadlines

- A. Corn - a minimum of 30 days prior to pollination
- B. Onion bulbs and seeds and shallots - March 1
- C. Clover (crimson, red and white), rescue grass, harding grass, vetch and Irish potatoes - April 1
- D. Oats, wheat, ryegrass and singletary peas - April 15
- E. Watermelon, sweet potatoes and sweet potato plants, tissue culture sugar cane - May 1
- F. Okra - June 15
- G. Cowpeas - a minimum of 30 days prior to harvest
- H. Rice - July 1
- I. Cotton, millet, sesame, sunflower and tree - July 15
- J. Soybeans - August 1
- K. Bermuda grasses
 - 1. New plantings - minimum of 30 days prior to harvest
 - 2. Established stands (fields certified the previous year) - June 1. (Renewal application must be submitted.)
- L. Turf grasses
 - 1. New plantings - at least 15 days prior to land preparation for planting
 - 2. Established stands (fields certified the previous year) - June 1. (Renewal application must be submitted.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

Subchapter C. Requirements for Certification of Specific Crops/Varieties

§8763. Cottonseed Seed Certification Standards

- A. Field Standards

| Factor | Breeder | Foundation | Registered | Certified |
|-------------------------------------|---------|-------------------|-------------------|--------------------|
| **Isolation | | 100 ft. | 100 ft. | 50 ft. |
| Other varieties and off-type plants | None | None | 1 plant per acre | 5 plants per acre |
| Noxious weeds: | | | | |
| Cocklebur | None | 5 plants per acre | 8 plants per acre | 10 plants per acre |

**Fields entered for certification must be isolated at least 600 feet from Sea Island cotton, red leaf cotton or other cottons which vary greatly in plant characteristics from the variety entered for certification, and at least one-half mile from G. barbadense and interspecific hybrids involving G. barbadense.

B. Handling and Storage Requirements

1. Ginning

Cottonseed entered in all classes of certification shall be ginned on a thoroughly cleaned one-variety gin approved by the Louisiana Department of Agriculture and Forestry prior to ginning seed to be certified. With special permission of the Louisiana Department of Agriculture and Forestry.

a. cottonseed for all classes of certification may be ginned on thoroughly cleaned, mixed-variety gins;

b. cottonseed produced for only the certified class may be ginned on a mixed-variety gin if a minimum of three bales are "blown" through the gin prior to catching of the cottonseed to be certified.

An inspector of the Louisiana Department of Agriculture and Forestry must be present if cottonseed for certification is ginned under special permission.

2. Delinting

Delinters must conform to the same requirements set forth for ginners. No cottonseed entered for certification may be delinted outside the State of Louisiana except by special permission of the Department of Agriculture and Forestry.

C. Seed Standards

| Factor | Breeder | Foundation | Registered | Certified |
|-----------------|---------|------------|---------------|---------------|
| Pure seed | 99.00% | 99.00% | 99.00% | 99.00% |
| Inert matter | 1.00% | 1.00% | 1.00% | 1.00% |
| Other crops | None | None | 3 seed/lb. | 5 seed/lb. |
| Noxious weeds: | | | | |
| Cocklebur | None | None | 1 seed/2 lbs. | 1 seed/2 lbs. |
| Germination | None | 70.00% | 70.00% | 70.00% |
| Other varieties | None | 0.03% | 0.05% | 0.10% |

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

§8771. Hybrid Seed Corn Certification Standards

A. Eligibility Requirements

The double-cross hybrid, which is the first generation of a cross between two single crosses, the single-cross hybrid, the three-way hybrid and the modified single hybrid will be eligible for certification.

B. Field Inspection

1. Seed fields shall be inspected at least once prior to the pollination period for purity as to plant type. Any off-type or doubtful plants must be destroyed before they shed pollen.

2. At least three field inspections shall be made during the pollinating period, said inspections to be made without previous notification to the grower.

C. Field Standards

1. Unit of Certification

The entire acreage of any one specific commercial hybrid must be entered for certification.

2. Isolation Requirements

Fields in which commercial hybrid corn is being produced must be so located that the female parent is not less than 600 feet in all directions from other corn of a different kernel color or type (sweet, pop, flint, white, red, etc.)

3. Border Rows

When the kernel type and color of the corn in the contaminating field are the same as those of the parents in the crossing field, the isolation distance may be modified by the planting of border rows of the pollen parent. The following table indicates the minimum number of border rows required for fields of various sizes when located at different distances from other corn:

| Minimum Distance From Other Corn | Field Size | |
|-------------------------------------|---------------------------|------------------|
| | 1 to 20 acres | 20 acres or more |
| -Feet- | - (Minimum) border rows - | |
| 410 | 0 | 0 |
| 370 | 2 | 1 |
| 330 | 4 | 2 |
| 290 | 6 | 3 |
| 245 | 8 | 4 |
| 205 | 10 | 5 |
| 165 | 12 | 6 |
| 125 | 14 | 7 |
| 85 | 16 | 8 |
| 0 | - | 10 |

The above isolation requirements do not apply to crossing fields when the same male or pollen parent is used in each. In such cases the two fields must be clearly divided by use of an area not less than 14 feet or a natural boundary which is permanent and distinctive (e.g., ditch, road, headland, etc.).

4. Detasseling

a. A commercial hybrid will be disqualified for certification when five percent or more of the female seed parent plants have receptive silks:

- i. if more than one percent of the female seed parent plants have shed pollen on one inspection; or
- ii. if a total of two percent of the female seed parent plants have shed pollen on three inspections.

b. Sucker tassels, portions of tassels or tassels on main plants will be counted as shedding pollen when two inches or more of the central stem, the side branches, or a combination of the two have anthers extended from the glumes. In cases where a few silks are out and tassels of the seed parent have begun to shed pollen, the field can be approved by immediate and complete detasseling of the seed parent and removal of the ear shoots with exposed silks, if done to the satisfaction of the Department of Agriculture and Forestry.

D. Seed Standards

| Factor | Certified Class |
|-----------------------------|-----------------|
| Pure seed | 98.0% |
| Inert matter | 2.0% |
| Other varieties | 0.5% |
| Noxious and other weeds | None |
| Off-color, off-type kernels | 0.1% |
| Germination | 90.0% |

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

§8783. Rice Seed Certification Standards

A. Isolation Requirements

1. Fields offered for certification must be clearly separated from other fields by a ditch, levee, roadway, fence or barren strip a minimum of 10 feet if the adjoining crop is the same variety and same class

2. In addition to the preceding regulations, the following isolation distances will pertain if the adjoining crop is a different class or different variety:

| No. of Feet From Same Variety/Different Class Planted By | | | | No. of Feet From Other Varieties/All Classes Planted By | | | |
|--|-----------|-----------|----------|---|-----------|-----------|----------|
| Ground | | Air Right | | Ground | | Air Right | |
| Drill | Broadcast | Angle | Parallel | Drill | Broadcast | Angle | Parallel |
| 10 | 50 | 1,320 | 10 | 20 | 100 | 1,320 | 100 |

Any part of the applicant's field or fields which are closer than these distances must be harvested prior to final inspection or plowed up. Failure to comply with this requirement will disqualify the entire field.

B. Field Standards

| Factor | Breeder | Foundation | Registered | Certified |
|--|---------|------------|--------------------|--------------------|
| Land requirement | 1 yr. | 1 yr. | 1 yr. | 1 yr. |
| Other varieties | None | None | 10 plants per acre | 25 plants per acre |
| *Harmful diseases | None | None | None | None |
| Noxious weeds: | | | | |
| Red Rice (including Black Hull Rice) & Spearhead | None | None | None | 4 plants per acre |
| Curly Indigo | | | 4 plants | 4 plants per acre |

*Diseases seriously affecting quality of seed and transmissible by planting stock.

C. Seed Standards

| Factor | Breeder | Foundation | Registered | Certified |
|---|---------|------------|-------------|-------------|
| Pure seed | 98.00% | 98.00% | 98.00% | 98.00% |
| Inert matter | 2.00% | 2.00% | 2.00% | 2.00% |
| Other crops, including other varieties | None | None | None | 2 seed/lb. |
| Off-color grains, if of similar size, quality, and maturity | None | 5 seed/lb. | 10 seed/lb. | 20 seed/lb. |

| | | | | |
|--------------------------------------|-------|--------|--------|---------------|
| Noxious weeds: | | | | |
| Red Rice (including Black Hull Rice) | None | None | None | 1 seed/4 lbs. |
| Spearhead, Curly Indigo & Mexican | | | | |
| Weed | None | None | None | None |
| Other weeds | 0.05% | 0.05% | 0.05% | 0.10% |
| Germination | | 80.00% | 80.00% | 80.00% |

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

Bob Odom
Commissioner

RULE

Department of Agriculture and Forestry Office of Agro-Consumer Services Agricultural Commodities Commission

In accordance with the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:3410.1, the Department of Agriculture and Forestry, Louisiana Agricultural Commodities Commission, has adopted rules and regulations for the administration of the Self-Insurance Fund.

Title 37 INSURANCE

Part IX Agricultural Commodity Commission

Chapter 1. Self-Insurance Fund

§101. Definitions

As used in this part:

Applicant means any person, firm, corporation, or other legal entity seeking the issuance of a warehouse license or grain dealer's license from the commission or a renewal thereof.

Claim means a written notice and/or proof of loss which is filed with the Agricultural Commodity Commission Self-Insurance Program.

Claimant means any person or entity who in writing alleges a loss covered under the Agricultural Commodity Commission Self-Insurance Program.

Fee with respect to the self-insurance fund, means the charge imposed by the Louisiana Agricultural Commodities Commission for participation in the self-insurance program, as contemplated in R.S. 3:3410.1(C).

Insurance with respect to the self-insurance fund, means the amount of annual coverage the self-insurance program will provide to each warehouse and grain dealer licensee participating in the program.

Licensee means any person holding or required to hold a license as a warehouse or grain dealer issued by the commission.

Loss means a licensee's failure to perform one or more legal obligations directly related to licensee's business, which failure results in damages to one or more producers, one or more holders of warehouse receipts or the Commodities Credit Corporation.

Self-insurance fund means that special fund created in the state treasury for the Agricultural Commodity Commission fees or assessments collected by the commission for participation in the self-insurance fund.

All other definitions given in R.S. 3:3402 and in the regulations are applicable.

§103. The Fund

There is hereby created, pursuant to the authority granted in R.S. 3:3410.1, a fund to be used for the purposes described in the following subsection hereof and said fund shall be known as the Agricultural Commodity Commission Self-Insurance Fund.

§105. Purpose

The self-insurance fund is established to guarantee the faithful performance of all duties and obligations of licensed grain dealers and licensed warehouses to agricultural producers and holders of state warehouse receipts for agricultural commodities and previous holders of state warehouse receipts released in trust in order to have commodity shipped (open storage), included but not limited to Commodity Credit Corporation, banks and lienholders, provided however that this fund does not apply to

federal warehouses with regard to the requirements for federal warehouse license and bond.

§107. Fees

A. Fees for participation in said fund may be determined and announced annually by the commission and the commission in doing so shall consider the self-insurance fund's experience and current market conditions affecting the financial status of licensees.

B. Each applicant for a warehouse license and/or a grain dealer license who participates in the self-insurance fund shall be assessed an annual fee for participation in the self-insurance program. Said fee must accompany the application for a license, and is not refundable unless the license application or renewal is denied and, in that event, the fee will be refunded on a pro rata basis with the commission retaining a proportionate amount for any period during which coverage was provided to the applicant.

C. An applicant who does not pay said fee on or before April 30 of the new license year shall pay an additional sum equal to 10 percent of the annual fee.

D. The amount of the annual fee shall be \$500 for a grain dealer's licensee. The annual fee for a warehouse licensee shall be determined first by calculating the amount of bond required of a license under R.S. 3:3410(C) and (D). If the required bond is \$25,000, then the fee shall be \$135. If the required bond is over \$25,000, then the fee shall be \$135 plus \$4 per each additional \$1,000 of coverage required.

E. Whenever the licensed warehouse capacity increases, the amount of the fee shall be amended to conform with the current licensed capacity of the facility or facilities covered by the fee.

F. For licensees entering the self-insurance fund during the license year, the fee shall be based on a pro-rata basis for each month of coverage provided.

G. Beginning with the license year 1988-89, an applicant applying for the first time, for the first year of participation in the self-insurance fund, will pay fees double the amount that would normally be assessed.

§109. Insurance Coverage

A. Insurance coverage available to the user of a licensed operation shall be limited to the amount of the bond required by R. S. 3:3410 and/or R.S. 3:3411, and shall be accepted in lieu of said bond as follows:

1. each licensed grain dealer shall be insured in the total aggregate amount of \$50,000, for all claims in each licensed year;

2. each licensed warehouse shall be insured, in an amount not less than \$25,000 and not more than \$500,000, in the total aggregate amount in each licensed year as follows:

a. \$.20 per bushel for the first million bushels of licensed capacity;

B. \$.15 per bushel for the second million bushels of licensed capacity;

C. \$.10 per bushel for all bushels over two million.

3. For purposes of this section, one CWT shall equal 2.22 bushels and one barrel shall equal 3.6 bushels.

§111. Claim Provisions

A. The monies in the Agricultural Commodity Commission Self-Insurance Fund shall be used solely for the administration and operation of this program of self-insurance.

B. Any claimant who wishes to assert a claim must provide under oath written and notarized proof of a loss covered under this program within 30 days of the loss.

C. Said written claim shall include the following information:

1. name and address of claimant;
2. name of the licensee(s) against whom claimant is asserting a loss;
3. nature of the relationship and transaction between claimant and licensee(s);
4. the date of the loss which shall be defined as the date on which the claimant knew or should have known that a loss had occurred;
5. the amount of the loss and how calculated;
6. a concise explanation of the circumstances that precipitated the loss;
7. copies of those documents relied upon by claimant as proof of said loss.

D. Failure to furnish such proof of loss within the required time shall not invalidate nor reduce the claim if it was not reasonably possible to give proof within such time, provided such proof is furnished as soon as reasonably possible.

E. Upon receipt of a proof of loss, the commission will review the claim to determine whether it is covered under the program. The burden of proof to establish the loss shall be upon the claimant.

F. Where any loss is or may be covered by other insurance or bond the other insurance is primary and the commission may require the claimant to exhaust his remedies as to the other insurer before considering the payment of the claim.

G. Once a proof of loss has been filed against a licensee(s), the commission may make a complete inspection of the licensee's physical facilities and the contents thereof, as well as an audit of all books and records of the licensee and/or claimant, subject to the confidentiality requirements of R.S. 3:3421.

H. Once proof of loss has been filed against a licensee(s), any other claimants alleging a loss caused by said licensee(s) will have a period of 60 days within which to post and thereby file a written claim. The said 60-day period will begin to run upon publication by the commission of the notice of claim in the official local journal for legal notices, or the print publication with the highest circulation in the area serviced by the licensee. The purpose of said notice is to determine whether there are multiple claims, and in the event of multiple claims which exceed the amount of insurance, then the proceeds available for losses of said licensee(s) will be prorated.

I. The commission shall provide a notice, by published advertisement, in the official local journal for legal notices or the print publication with the highest circulation in the area serviced by the licensee of the failure of a warehouse and/or grain dealer licensee and all claims pursuant thereto must be filed within 60 days of the published advertisement.

J. The commissioner may, at his option, represent the producers and the patrons of a licensee in their claim against a licensee.

K. When claims against different licenses are filed timely and approved by the commission and the aggregate amount claimed exceeds the amount in the fund, those claims filed first will be paid before other claims until the fund is exhausted. However, the commission may for good cause shown permit the payment of any claim or claims over a period of years as it shall determine.

L. The fiscal year for the self-insurance fund shall be from July 1 through June 30 of each year. However, any claims received by the commission on or before August 15 of any calendar year shall be deemed as a claim on the self-insurance fund of

the previous fiscal year. Claims against a licensee which are posted or received by the commission within 60 days of the advertisement of the first claim shall be considered as received on the same date as the first claim.

§113. Appeal Procedure

A. Any decision of the commission to deny or grant a claim for payment from the fund may be appealed to the commission by the licensee or claimant by seeking an adjudicatory hearing to have said decision reconsidered by the commission in accordance with Chapter 13 of Title 49 of the Louisiana Revised Statutes, as well as all subsequent appeals therefrom, provided said appellant files with the commission a written notice of appeal within 30 days of the mailing of the decision of the commission to the affected party.

B. Said notice of appeal shall contain an expressed statement of each and every basis upon which said appeal is sought and the hearing to consider same shall be limited accordingly.

§115. Subrogation

Whenever a claim is paid by the commission from the self-insurance fund, the claimant, by accepting said payment, subrogates his rights to the commission up to the full amount of payment and the commission shall have the right to recover such payments from any responsible person or entity as it shall determine.

§117. Limit of Self-Insurance Fund

The maximum amount necessary to sustain the self-insurance fund is \$10,000,000. When the self-insurance fund has \$10,000,000 available for payment of claims no further fees or assessments will be collected until said fund is reduced by payment of claims or as otherwise provided for herein, provided that every participant in the fund shall have paid fees into the fund for a minimum of 15 years before any such suspension of fees are applicable to said participant.

§119. First Year of Operation

A. During the operation of the self-insurance fund, the commission may utilize an underwriter to underwrite said fund.

B. The commission may collect the annual fee or levy an assessment, to be paid by all warehouse and grain dealer licensees in the state of Louisiana, at any time during the fiscal year from July 1, 1986 through June 30, 1987 by giving 30 days written notice to all licensees or applicants. However, no licensee who has obtained a surety bond or alternate security in accordance with R.S. 3:3410(A) and/or R.S. 3:3411(F) shall be required to pay a fee or an assessment during the fiscal year from July 1, 1986 through June 30, 1987.

§121. Participation in the Self-Insurance Fund

Participation in the agricultural commodity self-insurance fund shall be voluntary; however, for good cause shown the commission may require a licensee to provide other security, in accordance with R.S. 3:3410(A) and/or R.S. 3:3411(F), in lieu of or in addition to participation in the self-insurance fund.

§123. Prohibited Acts: Criminal Penalties

A. Any claimant who provides the commission with false information regarding an alleged loss may be denied payment of the claim on that basis alone.

B. Any warehouse or grain dealer licensee who intentionally provides the commission with false information regarding a claim, or regarding any other matter pertaining to the self-insurance program, shall be subject, upon conviction, to the penalties for perjury established under R.S. 14:123.

C. Any warehouse or grain dealer licensee who intentionally provides the commission with false information regarding a claim, or regarding any other matters pertaining to the self-

insurance fund, shall be subject to a fine of up to \$10,000, imprisonment for not more than 10 years, or both, for each occurrence proven at a hearing conducted in accordance with Chapter 13 of Title 49.

§125. Validity of Rules

If any part of this regulation is declared to be invalid for any reason by any court of competent jurisdiction, said declaration shall not affect the validity of any other part not so declared.

Bob Odum
Commissioner

RULE

**Department of Civil Service
Board of Ethics for Elected Officials**

The Board of Ethics for Elected Officials, acting in its capacity as the Supervisory Committee on Campaign Finance Disclosure pursuant to R.S. 18:1511.1A, amended the following forms used for campaign finance disclosure by candidates and political committees: Candidate's Affidavit In Lieu Of Report and Committee Affidavit In Lieu of Report.

| | | | | | | | | | | | | | | | |
|--|--|---|--------|----|----------|-----|-------|-----|-----|-----|-----|-----|----|-----|--|
| Mail Original Of Completed Form To: CAMPAIGN FINANCE OFFICE 7434 Perkins Road, Suite B Baton Rouge, LA 70808-4379 Or Hand Deliver To Suite D Telephone: (504) 925-3991 | CANDIDATE'S AFFIDAVIT IN LIEU OF REPORT THIS FORM <u>MUST</u> BE NOTARIZED | OFFICE USE ONLY <table border="1"> <tr><td>Cand #</td><td>PC</td></tr> <tr><td>Pri Elec</td><td>Def</td></tr> <tr><td>Filed</td><td>Cat</td></tr> <tr><td>D/C</td><td>S/D</td><td>New</td></tr> <tr><td>W/D</td><td>Pg</td></tr> <tr><td>U/D</td><td></td></tr> </table> | Cand # | PC | Pri Elec | Def | Filed | Cat | D/C | S/D | New | W/D | Pg | U/D | |
| Cand # | PC | | | | | | | | | | | | | | |
| Pri Elec | Def | | | | | | | | | | | | | | |
| Filed | Cat | | | | | | | | | | | | | | |
| D/C | S/D | New | | | | | | | | | | | | | |
| W/D | Pg | | | | | | | | | | | | | | |
| U/D | | | | | | | | | | | | | | | |
| Use ONLY if you meet ALL of the following criteria: 1. You are a candidate for "major" or "district" office; 2. You have not received contributions from one source in excess of your reporting amount; 3. You have not made expenditures in excess of \$5000 for this election; and 4. You have not filed an itemized (long) report in connection with this election. | | | | | | | | | | | | | | | |
| PLEASE TYPE OR CLEARLY PRINT IN BLACK INK ONLY FULL NAME AND COMPLETE MAILING ADDRESS OF CANDIDATE (including ZIP CODE) | | | | | | | | | | | | | | | |
| Day Telephone () | Office Sought | Parish and/or District | | | | | | | | | | | | | |
| DATE OF PRIMARY: | | | | | | | | | | | | | | | |
| DATE OF GENERAL: | | | | | | | | | | | | | | | |
| THIS REPORT COVERS | ___ 180th day prior to primary | ___ 10th day prior to general | | | | | | | | | | | | | |
| FROM | ___ 90th day prior to primary | ___ 40th day after general | | | | | | | | | | | | | |
| month/day/year | ___ 30th day prior to primary | ___ Annual Report (due Jan. 15) | | | | | | | | | | | | | |
| | ___ 10th day prior to primary | ___ Supplemental Report (due Jan. 15) | | | | | | | | | | | | | |
| TO | Final Report ONLY If: ___ Withdrawn ___ Unopposed | | | | | | | | | | | | | | |
| month/day/year | (See Schedule of Reporting and Filing Dates for this Election) | | | | | | | | | | | | | | |

AFFIDAVIT

I do hereby certify, after being duly sworn, that, with respect to the elections described above, I have not received a contribution in excess of my reporting amount, and have not made expenditures totaling in excess of \$5000 in the aggregate from the time of becoming a candidate through the close of the current reporting period.

Signature of Candidate _____

SWORN and subscribed before me this ___ day of _____ Month, 19___ at _____ City, State

NOTARY PUBLIC

FORM 101, Rev. 4/87

| | | | | | | | | | | | | | | | |
|--|--|---|--------|----|----------|-----|-------|-----|-----|-----|-----|-----|----|-----|--|
| Mail Original Of Completed Form To: CAMPAIGN FINANCE OFFICE 7434 Perkins Road, Suite B Baton Rouge, LA 70808-4379 Or Hand Deliver To Suite D Telephone: (504) 925-3991 | COMMITTEE AFFIDAVIT IN LIEU OF REPORT THIS FORM <u>MUST</u> BE NOTARIZED | OFFICE USE ONLY <table border="1"> <tr><td>Cand #</td><td>PC</td></tr> <tr><td>Pri Elec</td><td>Def</td></tr> <tr><td>Filed</td><td>Cat</td></tr> <tr><td>D/C</td><td>S/D</td><td>New</td></tr> <tr><td>W/D</td><td>Pg</td></tr> <tr><td>U/D</td><td></td></tr> </table> | Cand # | PC | Pri Elec | Def | Filed | Cat | D/C | S/D | New | W/D | Pg | U/D | |
| Cand # | PC | | | | | | | | | | | | | | |
| Pri Elec | Def | | | | | | | | | | | | | | |
| Filed | Cat | | | | | | | | | | | | | | |
| D/C | S/D | New | | | | | | | | | | | | | |
| W/D | Pg | | | | | | | | | | | | | | |
| U/D | | | | | | | | | | | | | | | |
| Use ONLY if the committee meets ALL of the following criteria: 1. It has not received contributions from one source in excess of its reporting amount; 2. It has not made expenditures in excess of \$5000 for this election; and 3. It has not filed an itemized (long) report in connection with this election. | | | | | | | | | | | | | | | |
| PLEASE TYPE OR CLEARLY PRINT IN BLACK INK ONLY FULL NAME AND COMPLETE MAILING ADDRESS OF COMMITTEE (including ZIP CODE) | | | | | | | | | | | | | | | |
| Chairman | Treasurer | | | | | | | | | | | | | | |
| Day Telephone () | Office Sought (if Principal Campaign Committee) | | | | | | | | | | | | | | |
| DATE OF PRIMARY: | | | | | | | | | | | | | | | |
| DATE OF GENERAL: | | | | | | | | | | | | | | | |
| THIS REPORT COVERS | ___ 180th day prior to primary | ___ 10th day prior to general | | | | | | | | | | | | | |
| FROM | ___ 90th day prior to primary | ___ 40th day after general | | | | | | | | | | | | | |
| month/day/year | ___ 30th day prior to primary | ___ Annual Report (due Jan. 15) | | | | | | | | | | | | | |
| | ___ 10th day prior to primary | ___ Supplemental Report (due Jan. 15) | | | | | | | | | | | | | |
| TO | Final Report ONLY If: ___ Withdrawn ___ Unopposed | | | | | | | | | | | | | | |
| month/day/year | (See Schedule of Reporting and Filing Dates for this Election) | | | | | | | | | | | | | | |

AFFIDAVIT

I do hereby certify, after being duly sworn, that, with respect to the elections described above, this political committee has not received a contribution in excess of its reporting amount, and has not made expenditures totaling in excess of \$5000 in the aggregate during the aggregating period ending at the close of the current reporting period.

Signature of Chairman or Treasurer _____

SWORN and subscribed before me this ___ day of _____ Month, 19___ at _____ City, State

NOTARY PUBLIC

FORM 201, Rev. 4/87

R. Gray Sexton
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published January 20, 1987 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below: Rule 3.01.58

The board adopted the regulations for implementation of Kindergarten Developmental Readiness Screening Program. (See page 43 of January, 1987 issue of Louisiana Register for complete text of regulations.)

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

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published De-

ember 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 5.03.20

Administration of Funds Raised by Students
Organizations in Vocational-Technical Schools

A student organization is a group of students organized (functioning constitution and bylaws) for a stated purpose related to the vocational school's purposes and approved by the school administrator.

It shall be the policy of the Board of Elementary and Secondary Education that all funds raised by student organizations in the vocational-technical schools shall be deposited in a single bank account for each school and shall be administered by the school director. These funds shall be administered according to the following procedures:

1. Each school having student organizations, shall have a general school account for student organization funds maintained in a cash journal, and have a general ledger to record the monthly totals of the cash journal.

2. The general account shall have two sections: (a) receipt section, and (b) disbursement section.

3. The receipt section shall provide all information concerning money received and deposited.

4. The disbursement section shall show the date paid, to whom paid, check number, purpose of disbursement, and amount of check, for all disbursements. No checks will be issued for cash.

5. Each school organization having money in the general account shall have a subsidiary account set up in the general ledger under their subsidiary organization name.

6. Each organization turning in money for deposit shall receive a numbered receipt for all money turned in. The receipt shall indicate how the money was raised; for example, sale of candy, bake sale, raffle, dues, etc. If the receipt is for dues paid by a student, the student's name shall be listed on the receipt.

7. Each organization account shall be posted monthly from the cash journal.

8. Disbursements for bills shall be made once each month.

9. The school shall receive the invoices for all student organization accounts.

10. The faculty sponsor shall be responsible to the director for all transactions pertaining to his/her organization.

11. All disbursements shall have prior approval of the director and faculty sponsor before any transaction is made.

12. Once disbursement has been approved, a check request shall be completed by the faculty sponsor and shall be signed by the director and the faculty sponsor.

13. The check request, properly executed, along with an invoice and a receiving report that the goods have been received, shall authorize the issuance of a check.

14. All bills shall be paid by check, prepared by the accountant, and shall be signed by the director.

15. At the end of the month, a financial statement of cash receipts and disbursements shall be made from the general account and given to the faculty sponsor of each organization.

16. At the end of each fiscal year, the faculty sponsor shall initial the financial statement balance for his/her club or organization. These initials indicate that the balance is correct and agrees with the organization treasury report.

17. These accounts shall be available for audit and included in the school's annual report. The school shall accept no

gifts from school organizations unless the full ownership, operation, and/or control of the donation is vested entirely with the school.

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

RULE

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

Under authority of the Louisiana Environmental Quality Act, R.S. 30:1061(d)(2) et seq. and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary of the Department of Environmental Quality adopted regulations concerning the establishment of an escrow account to supplement the cost of adjudicatory hearings. Preceding final adoption of the regulations by the secretary, the regulations were forwarded and found acceptable by the Joint Committees on Natural Resources. The effective date of these regulations is March 20, 1987.

The secretary initiated rulemaking procedures to adopt this rule on January 9, 1987 and adopted the rule on March 20, 1987.

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

Martha A. Madden
Secretary

RULE

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

Under authority of the Louisiana Environmental Quality Act, R.S. 30:1139 et seq. and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary of the Department of Environmental Quality adopted revisions to the small quantity generator and reuse/recycle regulations. Preceding final adoption of the revisions by the secretary, the revisions were forwarded and found acceptable by the Joint Committees on Natural Resources. The effective date of these regulations is April 20, 1987.

The secretary initiated rulemaking procedures to adopt this rule on February 9, 1987 and adopted the rule on April 20, 1987.

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

Martha A. Madden
Secretary

RULE

Office of the Governor Office of Women's Services

The following amendments are being made to LAC 4:VII, Chapter 17, Subchapter B:

Subchapter B. Family Violence Programs Minimum Standards

§1733. Core Requirements

A. General Requirements

2. A provider shall allow representatives of the Office of Women's Services in the performance of their mandated duties to inspect all aspects of the program's functioning which impact on clients, and to interview any staff member or any client, if the client so agrees.

J. Confidentiality and Security of Files

2. A provider shall maintain the confidentiality of all clients' case records. Employees of the provider shall not disclose or knowingly permit the disclosure of any information concerning the client or his/her family, directly or indirectly, to any person unauthorized by the client.

5. A provider shall, upon written request from the client, make available information in the case record to the client, the legally responsible person, or legal counsel of the client. If, in the professional judgement of the administration of the provider, it is felt that information contained in the record would be damaging to a client, that information may be withheld from the client except under court order.

M. Representation at Hearings

1. A provider shall, when allowed by law, have a representative at all judicial or administrative hearings which address the services provided to a client of the provider.

§1735. Family Violence Shelter Module

R. Departure and Follow-up

1.c. Clients' permission or refusal to be contacted by the provider by phone and/or mail for follow-up purposes;

S. Client Conduct

1. A provider shall have a clearly written list of rules and regulations governing conduct for clients in residence. These rules and regulations shall be made available to each staff member and each client.

All other standards remain as originally adopted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2122B and R.S. 46:2127B1.

Judy Dunlap
Director

RULE

Office of the Governor Office of Women's Services

Title 4

ADMINISTRATION

Part VII: Governor's Office

Subchapter C. Programs for Victims of Family Violence Fund

§1737. Guidelines for Application of Additional Marriage License Fees

A. Introduction

The Programs for Victims of Family Violence Fund was

established by Acts 60 and 61 of the first Extraordinary Session, 1983 Louisiana Legislature, for the purpose of providing supplemental funding for family violence programs. Act 1056 of the 1986 Louisiana Legislature provides for the collection of additional marriage license fees by the clerk of court in each parish for deposit into the Programs for Victims of Family Violence Fund effective September, 1986. The amount of the additional fee will be \$12.50 per marriage license. The fees will accumulate in the fund each fiscal year to be appropriated by the Legislature for the following fiscal year. After the accumulated fees are appropriated by the Legislature, the Office of Women's Services is authorized to make allocations from the fund to local family violence programs. The maximum allowable amount of monies available for distribution during any fiscal year to a program serving any parish or parishes will be the amount of fees collected in that parish or parishes during that fiscal year. Any monies generated by the fees collected in a parish, which have not been allocated for family violence services during that fiscal year, will remain to the credit of the parish and will be available for distribution to local family violence programs serving that parish.

B. Definitions

1. *Family violence* is any assault, battery, or other physical abuse which occurs between family or household members, who reside together or who formerly resided together.

2. *Family or household members* are spouses, former spouses, or children of either or both such persons.

C. Eligible Organizations

1. In order to be eligible to apply for funds under the Programs for Victims of Family Violence Fund, the applicant organization must, at a minimum, meet the following criteria:

a. must have the primary purpose of providing assistance to victims of family violence or operate a program whose primary purpose is providing assistance to family violence victims;

b. must be locally administered by a public or private non-profit organization;

c. must provide services that include, but are not limited to, the following:

i. counseling for victims or their spouses;

ii. around-the-clock shelter which provides safe refuge and temporary lodging for victims of family violence and their minor, unmarried children, or referral to such a shelter.

iii. support programs that assist victims of family violence in obtaining needed medical, legal or other services and information.

iv. educational programs relating to family violence in order to increase community awareness.

2. Must meet minimum health, safety and program standards adopted by the Office of Women's Services. (Copies of standards available through Office of Women's Services, Box 94095, Baton Rouge, LA 70804-9095).

3. Must demonstrate that it has received or can expect to receive funding equal to 20 percent of its anticipated cost of operation from the area served by the program. In-kind contributions may be evaluated and included as part of the required local funding.

D. Allowable Costs

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

a. the payment of salaries and fringe for personnel working in the program;

b. the payment of travel expenses for personnel to conduct program business;

c. the payment of rent, utilities, food, supplies, and other

general operating expenses of the program;

d. the purchase of equipment and essential furniture for the program;

e. the payment of indirect costs for administration of the family violence grant and for professional consultation services.

2. Line item changes may be made only with prior approval from the Office of Women's Services. The clerk of court may retain five percent of the fees collected in the parish for administrative costs prior to deposit into the fund. The Office of Women's Services will retain five percent of the amount appropriated from the fund for administrative costs.

3. State funds may not be used to urge any elector to vote for or against any candidate or proposition on an election ballot, or to lobby for or against any proposition or matter having the effect of law being considered by the legislature or any local governing authority.

E. Application Process

1. Notification of the availability of funds for family violence programs for fiscal year 1987-88 will be given through the Office of Women's Services.

2. Application packets will be sent to all existing family violence program providers, and all persons/organizations who have made past inquiries regarding funding. Interested/potential applicants may request application packets from the Office of Women's Services, Box 94095, Baton Rouge, LA 70804-9095.

3. The application packet will be mailed within five working days of receipt of request.

4. The applications must be received by the Office of Women's Services by May 25, 1987.

5. All applications will be evaluated and prioritized according to the stated criteria for evaluation. During the evaluation process, applicants may be contacted by the Office of Women's Services to review and negotiate the application and proposed budget.

6. Applicants will be notified by the Office of Women's Services as to the final decision within 60 days of receipt of the application.

7. The contracts will be signed, and distribution of funds will begin within 45 days of final approval of the contract.

F. Criteria For Evaluating Applications

1. The Office of Women's Services will be responsible for the evaluation and prioritization of applications/proposals. The following criteria will be utilized in evaluating applications:

a. the experience of the applicant with similar programs and populations;

b. the need for the program for the clientele/geographic area;

c. the adequacy of programmatic components and services to be offered;

d. the degree of coordination between the proposed program and the necessary support services;

e. the soundness, justifiability, and practicability of the applicant's budget request;

f. review of proposed program site by the Office of Women's Services;

g. review of proposed shelter program site by the Office of Licensing and Regulation to assure that it is or can be brought into compliance with licensing and certification standards.

G. The Annual Statement

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2121.1(1), R.S. 46:2126, R.S. 46:2127 and R.S. 46:2128

Judy Dunlap
Director

RULE

Department of Health and Human Resources AIDS Trust Fund Board

The Louisiana AIDS Trust Fund Board adopts the following rule LAC 46:C.101 to establish the bylaws by which the board will function:

BYLAWS

The Louisiana AIDS Trust Fund Board is established in accordance with Act 874 of the 1986 Legislature.

The purpose of the Louisiana AIDS Trust Fund Board is to determine the eligibility of programs to receive funding to be used solely for conducting research and educating the public regarding Acquired Immune Deficiency Syndrome. The fund consists of monies appropriated or otherwise made available by the legislature for that purpose, funds received from donations of income tax refunds pursuant to R.S. 46:2531 and funds received from any other source.

POWERS AND DUTIES

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

- establish rules and regulations for its own procedures;
- promulgate guidelines and deadlines for the submission of grant applications;

- appoint review panels for the purpose of evaluating grant applications and making recommendations to the board specifying priorities for funding programs;
- recommend to the Joint Legislative Committee on the Budget, for its review and approval, the programs which the board has determined to be eligible and appropriate to receive funding.

MEMBERSHIPS

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

- three members who have experience in the area of public health representing the general public, appointed by the governor.
- one member appointed from a list of three persons, all of whom have experience in dealing with the problem of AIDS, nominated by the Louisiana State AIDS Foundation.
- one member appointed from a list of three persons, all of whom have experience in dealing with the problem of AIDS, nominated by the Louisiana State Medical Society, appointed by the governor.
- one member who shall be a member of the House of Representatives, appointed by the speaker of the House.
- one member who shall be a member of the Senate to be appointed by the president of the Senate.
- the secretary of the Department of Health and Human Resources, or his or her designee, shall serve ex-officio as full voting member.
- the state health officer or his or her designee shall serve

as ex-officio as a full voting member.

Each appointment by the governor shall be submitted to the Senate for confirmation beginning August, 1988 and again every two years after the initial confirmation.

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

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

OFFICERS

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

Section 1. Chairman's duties shall include:

- preside at all regular and special meetings of the board;
- establish agenda for meetings.

Vice-Chairman's duties shall include:

- all duties of the chairman in the event of the absence or inability of the chairman to serve;

- other duties as the chairman may assign him.

Secretary/Treasurer's duties shall include:

- keep complete and accurate records of all meetings and actions taken by the board;

- keep full and accurate financial records and make periodic reports to the board;

- submit a complete annual report in writing to the board and Joint Legislative Committee on the Budget.

Section 2. Membership on the board is the single qualification to hold office.

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

Dr. Louise McFarland
Chairman

RULE

Department of Health and Human Resources Board of Examiners for Nursing Home Administrators

In accordance with the notice of intent published in the February 1987 *Register*, the Louisiana Board of Examiners for Nursing Home Administrators announces the Amendment of LAC 46:XLIX. Chapter 9, effective April 20, 1987:

§903. Approval of Programs of Study

A. Continuing Education Programs of Study

Programs of study are designed to meet the requirements and qualifications for registration of a licensee as a nursing home administrator under and pursuant to the state licensing statute and these rules and regulations shall:

1. be registered as required under §901 of these rules and regulations; and

2. include subject areas selected from the list of subjects as referred to in §509 of which no less than 50 percent shall be applicable to long term care facilities; and

3. be submitted for board approval before training is undertaken.

B. Each licensee must complete 30 hours of approved

continuing education, or the portion thereof designated by the board, during the two-year period preceding the date of re-registration of licenses.

C. 1. Upon completion of an approved program of study, the sponsor or sponsors for the program shall issue certificates of attendance or other evidence of attendance satisfactory to the board.

2. Certificates of attendance must be confirmed by sponsor or sponsors before final acceptance. Transcripts from accredited institutions of higher learning will be considered as having met this provision. Any sponsor or sponsors found certifying to an untruth will no longer be considered as providing acceptable programs of study.

D. Nothing contained in this Section shall preclude the board from providing for any program of study which excludes subjects which shall be in derogation of, or in conflict with, the teachings and practice of any recognized religious faith, provided, however, any applicant seeking to be admitted to such program of study hereunder shall submit evidence satisfactory to the board that he is in fact an adherent of such recognized religious faith.

Winborn E. Davis
Executive Director

RULE

Department of Health and Human Resources Board of Medical Examiners

In accordance with R.S. 49:950 et seq., the Louisiana Administrative Procedure Act, and pursuant to authority granted under R.S. 37:1270B(6) and R.S. 37:1281, the Louisiana State Board of Medical Examiners has adopted amendments to LAC 46:XLVII.125.C governing the licensing of physicians and surgeons. The amendments affect the fees to be charged for the various components of the FLEX examination. These amendments previously were adopted under emergency procedure as set forth in the August 20, 1986 *Louisiana Register* and were published in their entirety.

Chapter 1. Fees and Costs

Subchapter C. Physicians and Surgeons Fees

§125. Licenses, Permits and Examination

C. For registration for and taking of the FLEX, the following fees shall be payable to and recoverable by the board:

| | |
|--|-------|
| 1. Complete FLEX (Components I and II) | \$365 |
| 2. Component I | \$190 |
| 3. Component II | \$240 |

Persons requesting copies and/or further information concerning the rule may contact Delmar Rorison, Executive Administrative Assistant, Louisiana State Board of Medical Examiners, 830 Union Street, New Orleans, LA 70112

J. Morgan Lyons, M.D.
Secretary-Treasurer

RULE

Department of Health and Human Resources Board of Optometry Examiners

The Louisiana State Board of Optometry Examiners adopts amendments to LAC 46:LI. Chapters 1 and 5 regarding the practice of optometry in Louisiana as authorized by R.S. 37:1061, et seq., and R.S. 49:950, et seq.

Chapter 1. General Provisions

§101. Preamble

A. The Louisiana State Board of Optometry Examiners governs the practice of optometry in accordance with the Optometry Practice Act, (The Act), R.S. 37:1041, et seq.

1. The Act is incorporated herein by references, as though copied in full.

2. The Act is the source of the board's authority. Primary reference should be made to the Act in determining the rules governing the operation of the board. The following rules supplement and further the purposes of the Act.

§103. Rulemaking Procedure

The board shall be governed by the provisions of the Optometry Practice Act, R.S. 37:1041, et seq., and the Administrative Procedure Act, R.S. 49:950, et seq., in adopting rules for the operation of the board and the practice of optometry.

§105. Legislative History

A. The practice of Optometry in Louisiana was initially governed by Act 193 of 1918, which was amended by Act 181 of 1920.

B. Act 172 of 1921 revised the law as it then existed.

C. In 1950, Louisiana adopted the Revised Statutes, which codified existing legislation. The practice of Optometry is currently governed by Chapter 12, Title 37 of the Revised Statutes.

§107. Organization of the Board

A. Introduction

See the provisions of the Act relative to the organization of the board. See, in particular R.S. 37:1041 to 37:1048.

B. Definitions

Used in this Chapter, the following terms have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise:

1. *Board* means the Louisiana State Board of Optometry Examiners.

2. *Licensed optometrist* means a person licensed and holding a certificate issued under the provisions of the Act.

3. *Optometry* means that practice in which a person employs or applies any means other than surgery, for the measurement of the power and testing range of vision of the human eye, and determines its accommodative and refractive state, general scope of function, and the adaptation of frames and lenses, including contact lenses in all their phases, to overcome errors of refraction and restore as near as possible normal human vision. The practice of optometry does not include the use of drugs or medication, except the use of topical ocular diagnostic pharmaceutical agents and then only by a licensed optometrist and in accordance with provisions of the Act. The practice of optometry does not include the use of pharmaceutical agents in the treatment of disease.

4. *Diagnostic pharmaceutical agent* means any chemical in solution, suspension, emulsion, or ointment base other than a narcotic which when applied topically to the eye, results in physiological changes which permit more efficient, or otherwise facili-

tate, examination of the external eye or its adnexa or the evaluation of vision, or which is necessary to determine normal physiological function as part of an examination regimen.

5. *The Act* means The Optometry Practice Act, R.S. 37:1041, et seq.

6. Masculine terms shall include the feminine and, when the context requires shall include partnerships and/or professional corporations.

7. Where the context requires, singular shall include the plural or plural shall include the singular.

C. Purpose

The purpose of the board is to regulate the practice of optometry in Louisiana and to carry out the purposes and enforce the provisions of the law of Louisiana relating thereto. The laws of Louisiana relating to the practice of optometry are set forth, in part, in the Optometry Practice Act, R.S. 37:1041, et seq.

D. Location

The location of the office of the board is: 1933 Wooddale Boulevard, Suite J., Baton Rouge, LA 70816 (Box 46431, Baton Rouge, LA 70895-6431); and, such other location as the board shall from time to time designate.

§109. Employment Restrictions

A. An optometrist, duly licensed under the provisions of the Louisiana Optometry Law as set forth in R.S. 37:1041, et seq., is prohibited from accepting employment as an optometrist from a corporation.

B. An optometrist, duly licensed under the provisions of the Louisiana Optometry Law as set forth in R.S. 37:1041, et seq., is prohibited from accepting employment as an optometrist from a partnership composed of persons other than duly licensed optometrists.

C. Optometrists so employed ((A) and (B)) shall be considered in violation of provisions of R.S. 37:1061 and as such subject to refusal by the board of his or her optometry license on its annual renewal date of March 1 of each year (R.S. 37:1056) and/or subject to suspension or revocation of his certificate to practice upon due notice and hearing as provided in R.S. 37:1062.

NOTE: *Michel V. La. State board of Optometry Examiners*, 156 so.2d 457, 345 La. 1, No. 46549 Supreme Court of La. June 28, 1963, Rehearing denied Oct. 9, 1963.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:1048.

Chapter 5. Practicing Optometry

§501. Minimum Standards for an Optometric Examination

A. The optometrist shall keep the visual welfare of the patient uppermost at all times, promote the best care of the visual needs of mankind, strive continuously to develop educational, professional, clinical and technical proficiency and keep himself informed as the new developments within his profession.

B. The optometrist shall conduct his practice in a decorous, dignified and professional manner and in keeping with the rules, regulations and ethics as promulgated by this board.

C. Minimum standards for an optometric examination are necessary in order to insure an adequate examination of a patient for whom an optometrist signs or causes to be signed, a prescription for an ophthalmic lens.

D. In the initial examination of the patient (i.e. the patient has not been examined by the optometrist within the preceding 12 months) the optometrist shall make and record the following findings of the condition of the patient:

1. complete case history (ocular, physical, occupational, medical and other pertinent information);
2. chief ocular complaint;
3. aided and unaided visual acuity;
4. external examination (lids, cornea, sclera, etc.);
5. internal ophthalmoscopic examination (media, fundus, etc);
6. ocular motility (e.g. rotations, fixations);
7. neurological integrity (e.g. pupillary reflexes, direct, consensual);
8. far point subjective examination; static retinoscopy and subjective refraction;
9. near point subjective refraction and subjective examination;
10. tests of accommodation and binocular coordination at far and near, test preferably made with Phoropter;
11. confrontation fields, lateral and vertical;
12. tonometry

E. The minimum standards for examination and fitting of contact lenses are necessary in order to insure an adequate examination of a patient for whom an optometrist signs or causes to be signed a prescription for a contact lens and are as follows:

1. all items contained in the minimum standards for an optometric examination;
2. ophthalmometry or keratometry;
3. slit lamp evaluation;
4. fluorescein examination (for rigid lenses);
5. diagnostic evaluation for soft lenses at the time of fitting;
6. reexamination and reevaluation within the following periods of time:

Rigid lenses - three months

Soft lenses - six months

F. In the event that the examining optometrist is not able, for any reason, to make the record of each of the points set forth herein, he shall record in writing his professional judgment for not making and recording same.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

§503. License to Practice Optometry

A. Introduction

See the provisions of the Act relative to the license to practice Optometry. See, in particular, R.S. 37:1049, et seq.

B. Graduate of Approved School

Optometric educational programs that are duly accredited by the Council on Optometric Education of the American Optometric Association and recommended to the board by the International Association of Boards of Examiners in Optometry as worthy of approval will meet the statutory requirements.

C. Application for Licensure by Reciprocity

The waiver provided for by R.S. 37:1054 (reciprocity) is within the discretion of the board. The board shall refer to the laws provided for in the regulation of the practice of optometry, the public interest, the interest of licensed optometrists and the interest of the applicant in the exercise of discretion.

D. Duplicate License

The secretary of the board, subject to prior board approval, may issue a duplicate certificate upon application of a licensed optometrist if all of the provisions of the Act have been satisfied, and the applicant has paid a fee of \$25 to the board.

E. Beginning Practice

Upon beginning practice, a licensee shall notify the secretary of the board as to the address of his office and the telephone number. If any time any office has relocated, the licensee involved shall notify the secretary of his new office address and telephone number. If, for any reason, he ceases to practice, he shall so notify the secretary.

F. Continuing Education

In order to qualify for the annual license renewal required by R.S. 37:1057, the following information shall be presented to the secretary of the board.

1. Written certification that the doctor requesting license renewal has completed 12 hours of continuing education between January 1 and December 31 of each year immediately preceding the March 1 renewal date set forth in R.S. 37:1057; by attendance and completion of courses approved by the Louisiana State Board of Optometry Examiners.

2. Education hours will not qualify unless they are completed within the above stated calendar period.

3. While the education hours shall be accomplished within the calendar dates set forth in Paragraph 1 hereof, the written evidence of attendance shall be submitted on or before the first day of March of each calendar year provided that same is in the office of the secretary of the board on or before the first day of March of each calendar year in which license renewal is sought.

4. This requirement shall only be waived in cases of certified illness, certification by the commanding officer of those in the military that due to his military assignment it was impossible for him to comply or upon evidence satisfactory to the board that the applicant for renewal was unable to meet the requirement because of undue hardship.

5. Pay to the board the annual renewal fee provided in R.S. 37:1058 on or before the first day of March of each year.

G. Authorization to Use Diagnostic Drugs

1. In order to be approved as an optometrist authorized to use diagnostic drugs, as set forth in Act 123 of 1975 Louisiana Legislature, an optometrist shall present to the secretary of the Louisiana State Board of Optometry Examiners, for approval by the board, the following:

- a. evidence that the applicant is a licensed Louisiana optometrist, holding a current license in compliance with all license renewal requirements of the Louisiana Optometry Practice Act for the year in which he applies for certification and

- b. transcript credits, in writing, evidencing that the applicant has completed a minimum of five university semester hours in pharmacology from an accredited university or college of optometry, subsequent to December 31, 1971. The pharmacology hours shall consist of a minimum of two hours in general pharmacology and a minimum of three hours in ocular pharmacology.

2. Upon submission of the above, the secretary shall present same to the board for approval at the next regular meeting. Upon approval by the board, the secretary shall cause to be issued to the optometrist a certificate indicating compliance with the legislative requirement and intent.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:1048.

James D. Sandefur, O.D.
President

RULE

Department of Health and Human Resources Office of Family Security

The Medical Assistance Program is adopting the following rule effective April 20, 1987. A notice of intent was published in the *Louisiana Register* Vol. 13, No. 2, page 124, dated February 20, 1987. As a result of comments received during the public comment period, the use of medicinal gases has been clarified.

RULE

An individual shall be determined to meet the requirements for maximum level of care [Skilled Nursing Facility (SNF) Care] in a long term care facility when the following criteria, based on current needs, are met. The criteria are meant to be objective, self-explanatory and universally applicable.

1. The individual requires nursing, psychosocial or rehabilitation services, i.e., services that must be performed by or under the supervision of professional personnel; e.g., registered nurse, physical therapist, occupational therapist, speech pathologist or audiologist, or a combination thereof.

2. The individual requires such services on a regular basis.

3. The skilled services need to be provided on an inpatient basis in a skilled nursing facility.

The following services are those which are considered to require the supervision of professional personnel (there may be limited exceptions to these general criteria):

1. Medicinal gases used on a regular or continuous basis.

2. Treatment of Stage III - IV decubitus ulcers, deep skin lesions, or infected skin lesions. For recipients medically certified for ICF level of care, treatment of a stage II through IV decubitus ulcer may continue for one month at that level of care. If there has been no evidence of improvement in the condition of the ulcer after one month of treatment, the recipient will be medically certified for SNF level of care. A waiver of SNF level of care will not be allowed for a recipient with a stage II through IV decubitus ulcer which has shown no evidence of improvement in one month.

3. Restorative nursing such as a regular program of gait training under the supervision of a physical therapist or any other rehabilitative program for recipients determined by their physicians and by Long Term Care staff to have the potential to improve. Long Term Care staff will reevaluate a recipient who is medically certified for SNF level of care to receive this service after three months to determine if the recipient continues to meet this criteria. Continued certification for SNF level of care is allowed if the recipient has shown substantial progress in meeting restorative potential (treatment goals).

EXCEPTION: For recipients medically certified for ICF level of care who require short term physical therapy, a SNF waiver is allowed. A SNF waiver to receive this service will be limited to six weeks.

4. IV fluids and medication. Long Term Care staff will reevaluate the need for this service every 30 days.

5. Observation, assessment, and judgment of a registered nurse of an unstable or complex medical condition. Long Term Care staff will reevaluate the continued need for this service every three months.

6. Frequent or regular aspiration for maintenance of clear airway.

7. Tracheostomy, gastrostomy, nasogastric or colostomy care during the early postoperative and training period for the recipient or facility staff. Long Term Care staff will reevaluate the

continued need for this service every two months.

8. Even though the individual services provided a recipient are not SNF services, a combination of problems and services may result in a determination of SNF level of care; e.g., maximum assistance with activities of daily living and urethral catheter care as an adjunct to active treatment of urinary tract disease. The time frame within which Long Term Care staff will reevaluate the recipient's continued need for SNF level of care is dependent on the nature of the services being provided.

9. In addition to physical problems, recipients may need skilled observation and assessment by professional personnel to assure the safety of the recipient, or of other residents of a facility, in cases of active suicidal or assaultive behaviors. Long Term Care staff will reevaluate the continued need for SNF level of care because of this every three months. For recipients who are medically certified for ICF level of care, a SNF waiver will not be allowed if such behaviors develop. The recipient would be involuntarily transferred to a more restrictive level of care.

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

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

RULE

Department of Health and Human Resources Office of Family Security

The Medical Assistance Program is adopting the following rule effective April 20, 1987. A notice of intent was published in the *Louisiana Register* Vol. 13, No. 2, page 125, dated February 20, 1987.

RULE

Under the agency's definition of Indices utilized to determine per diem rates for providers of long term care services, the term Wage shall be defined as follows:

The average annual hourly wage for production or non-supervisory service workers in SIC Code 80 as furnished by the Dallas Regional Office of the Bureau of Labor Statistics of the U.S. Department of Labor. This figure will be obtained by telephone in May and will be the average annual hourly wage as of December of the prior year. It will be multiplied times 40 hours, times 52 weeks to determine the average annual wage. The adjustment factor derived from the figure will be calculated by dividing the value of the corresponding average annual hourly wage, for December of the year preceding the rate year, by the value of the index one year earlier (December of the second preceding year).

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

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

RULE

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

The Medical Assistance Program is adopting the following rule effective April 20, 1987. A notice of intent was published in the *Louisiana Register* Vol. 13, No. 2, page 125, dated February 20, 1987.

RULE

Reimbursement for physician, osteopath, optometrist and nurse midwife services shall be reduced by six percent.

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

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

| REGION | BASE RATE | MILEAGE RATE |
|--------|-----------|--------------|
| 1 | \$67.50 | \$1.80 |
| 2 | \$67.50 | \$1.80 |
| 3 | \$67.50 | \$1.35 |
| 4 | \$67.50 | \$1.35 |
| 5 | \$67.50 | \$1.35 |
| 6 | \$67.50 | \$1.35 |
| 7 | \$67.50 | \$1.35 |
| 8 | \$45.00 | \$1.12 |

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

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

RULE

**Department of Health and Human Resources
Office of Human Development**

Effective June 20, 1987, the Department of Health and Human Resources, Office of Human Development, Division of Rehabilitation Services, will change the basis of their income exemption for eligibility determination for the following pre-employment services: 1) Physical Restoration; 2) Maintenance; 3) Transportation; 4) Books and Supplies; 5) Occupational Tools and Equipment; 6) Other Goods and Services; 7) Telecommunication, Sensory, and other Technological Aids. Post-Employment Services must meet the same economic needs test as pre-employment services. Eligibility criteria for interpreter services provided through state funds under the Commission for the Deaf shall be established by the commission.

The Manual of Operations, Part I, Section 405.7 III, will incorporate the following policy:

**INCOME EXEMPTION APPLIED TO GROSS INCOME —
MONTHLY AMOUNT**

| One Person | Two Persons | Three Persons | Four Persons | Five Persons | Six Persons |
|------------------|------------------|---------------|--------------|----------------|----------------|
| \$727 | \$950 | \$1,174 | \$1,398 | \$1,621 | \$1,845 |
| Seven Persons | Eight Persons | Nine Persons | Ten Persons | Eleven Persons | Twelve Persons |
| \$1,887 | \$1,929 | \$1,971 | \$2,013 | \$2,055 | \$2,097 |
| Thirteen Persons | Fourteen Persons | | | | |
| \$2,138 | \$2,180 | | | | |

Development by the Bureau of Census from the March 1984 Current Population Survey, 1980 Census of Population, and per capita income estimates from the Bureau of Economic Analysis. (Revised April 20, 1987)

All clients 18 years or older who are recipients of SSI benefits shall be considered as a single family household and automatically meet the Economic Need Criteria as revised.

This rule should be read in conjunction with the notice of intent published in this document regarding amending the state plan to exempt interpreter services for long term training from

RULE

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

The Medical Assistance Program is adopting the following rule effective April 20, 1987. A notice of intent was published in the *Louisiana Register* Vol. 13, No. 2, page 126, dated February 20, 1987.

RULE

The Personal Care Needs Allowance for Medicaid recipients in Skilled and Intermediate Care Facilities will be \$33 for individuals and \$66 for couples.

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

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

RULE

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

The Medical Assistance Program is adopting the following rule effective April 20, 1987. A notice of intent was published in the *Louisiana Register* Vol. 13, No. 2, page 127, dated February 20, 1987.

RULE

In addition to other applicable limits on non-emergency medical transportation reimbursement, the following rates shall apply to payments made on or after May 1, 1987:

1. the mileage rate for non-ambulance providers shall be \$.45 per mile;
2. pick-up fees for non-ambulance providers shall be \$15.30; and
3. the base rate and mileage rate for ambulance providers shall be:

the Economic Needs Test for services of the Division of Rehabilitation Services.

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

RULE

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

The Department of Health and Human Resources, Office of Preventive and Public Health Services in compliance with Act 885 of the 1986 Regular Session of the Louisiana Legislature has established the following procedures regarding the disposition of corpses from hospitals that are infected with contagious diseases.

All deceased patients who died while actively infected or infested with agents of diseases such as pathogenic bacteria, viruses, fungi, parasites, protozoa and rickettsia are potentially contagious. Examples include, but are not limited to the following contagious diseases which the state health officer has declared reportable in the Sanitary Code, State of Louisiana (2:002):

| | |
|---------------------------|----------------------|
| Amebiasis | Diphtheria |
| Anthrax | Encephalitis |
| Aseptic meningitis | (specify primary |
| Acquired Immune | or post-infectious) |
| Deficiency | Gonorrhea |
| Syndrome (AIDS) | Granuloma Inguinale |
| Brucellosis | Hepatitis, Viral |
| Chancroid | (specify type) |
| Cholera | Herpes, neonatal |
| Legionellosis | Rocky Mountain |
| Leprosy | Spotted Fever |
| Leptospirosis | Rubella (German |
| Lymphogranuloma | measles) |
| Venereum | Rubella (congenital |
| Malaria | syndrome) |
| Measles (rubeola) | Salmonellosis |
| Meningitis, | Shigellosis |
| <i>Haemophilus</i> | Syphilis |
| Meningococcal infection | Trichinosis |
| (including meningitis) | Tuberculosis |
| Mumps | Tularemia |
| Mycobacteriosis, atypical | Typhoid fever |
| Pertussis (whooping | Typhus fever, murine |
| cough) | (fleaborne) |
| Plague | Yellow fever |
| Poliomyelitis | |
| Psittacosis | |
| Rabies (animals and man) | |

The state health officer may, at his/her discretion from time to time by public notice, add to or delete from the list of contagious diseases.

Hospitals are required by Act 885 to identify corpses that are infected with a contagious disease, when there is actual knowledge of such infection, and report such to embalmers and funeral directors.

In order for hospitals to fulfill this reporting requirement all corpses with known contagious disease(s) shall not leave the

hospital without a toe tag or accompanying written statement that clearly indicates the name of the contagious disease or causative agent infecting or infesting said corpse.

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

RULE

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

In accordance with the laws of the state of Louisiana, R.S. 40:4, 40:5, and the provisions of Chapter XIII of the State Sanitary Code, the state health officer has determined that the following amendment to the listing entitled "Mechanical Waste-water Treatment Plants for Individual Homes—Acceptable Units" is adopted:

Amend the listing to include an additional plant/model/series, specified as follows:

| MANUFACTURER | PLANT DESIGNATION | RATED CAPACITY |
|--|---|------------------------------|
| Mo-Dad-1, Inc. P.O. Box 96 Denham Springs, LA 70726 | Mo-Dad-1-500s Mo-Dad-1-1000 Mo-Dad-1-1500 | 500GPD 1000GPD 1500GPD |

The specified changes are in compliance with the requirements set forth in Section 6.6 of Appendix A of Chapter XIII of the State Sanitary Code.

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

RULE

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

The Department of Health and Human Resources, Office of Preventive and Public Health Services hereby amends Chapter XIV (Plumbing) of the Sanitary Code, state of Louisiana. This rule change will add two definitions to Section 14:003 (Definition of Terms), amend Table 14:098 (Minimum Facilities Required - "Places of Public Assembly...") by adding Churches, and add three new types of establishments and their specifications to Table 14:098. The "Notes" section following Table 14:098 will also be amended to include notes referring to the newly referenced establishments.

These amendments are necessary to define terms (Available for Public Use, Designated for Public Use) and add establishments (Churches, shopping malls, service stations, restaurants and lounges) and the specifications for these establishments to Table 14:098.

Addressing these terms and establishments not previously included in Chapter XIV will enhance the agency's ability to regulate plumbing as mandated by the Sanitary Code State of Louisiana.

Chapter XIV shall be amended as follows: Add the following definitions to Section 14:003 under the term, public or

public use:

Available for public use applies to plumbing fixtures installed in such a manner or location that the general public would be required to obtain permission and/or directions to utilize the toilet facilities.

Designated for public use applies to plumbing fixtures installed in such a manner or location and with appropriate signs, etc. that the general public would not be required to obtain permission and/or directions to utilize the toilet facilities.

Add the following to Table 14:098, last existing page, under the heading, "Places of Public Assembly...":

Add "Churches" to the listing of places.

Add the following establishments and their specifications to Table 14:098 after the section dealing with "Places of Public Assembly...":

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

RULE

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

The Department of Health and Human Resources, Office of Preventive and Public Health Services, Supplemental Food Program for Women, Infants and Children (WIC) is adopting the following rule which would prohibit the collection of state and/or local sales tax on all WIC food packages. This rule is necessitated by a change in the federal regulations governing the program, which stipulates that beginning October 1, 1987 a state will be ineligible to participate in the WIC Program if state and/or local sales taxes are charged and collected on food purchased by the participants of the WIC Program. This change in the federal regulations is contained in Section 4302 of HR7 (S.2638-260) and states the following:

Section 17(c) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(c)) is amended by adding at the end thereof the following new paragraph:

"(4) A state shall be ineligible to participate in programs authorized under this Section if the secretary determines that state or local sales taxes are collected within the state on purchases of food made to carry out this Section."

The WIC Program (Section 17 of Public Law 95:627) provides supplemental food, health services and nutrition education for women, infants and young children. It is federally funded through the U.S. Department of Agriculture. Failure to implement this change will mean the loss of approximately \$51 million in federal aid annually.

Substantial numbers of pregnant, postpartum and breastfeeding women, infants and children from families with inadequate income are at special risk with respect to their physical and mental health by reason of inadequate nutrition or health care, or both. The WIC Program serves as an adjunct to good health care, during critical times of growth and development to prevent the occurrence of health problems and improve the health status of these persons.

Currently, 93,000 high risk pregnant and breastfeeding women, infants and children are receiving supplemental foods in Louisiana through this grant with an impact of improved birth outcomes, fewer pregnancy complications and improved nutri-

tion and health status.

The rule change disallows sales tax collections on WIC purchases and also brings the program into compliance with existing state law. Act 612 which amended R.S. 47:305:29 by adding R.S. 33:2739, became effective as of September 10, 1982 and exempts all purchases by state agencies from the payment of sales taxes. The rule is consistent with U.S. Department of Agriculture policy regarding disallowing sales collections on food stamp purchases and the rule will be implemented in a similar manner, with local vendors prohibited from charging sales taxes on the purchase of WIC food packages.

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

RULE

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources, Office of the Secretary, is adopting, effective April 20, 1987, a rule to readopt and incorporate into the *Louisiana Administrative Code*, those policies and rules of the department included in Title 48 of the *Louisiana Administrative Code*. This rule supercedes all rules previously published by the department, in the *Louisiana Register*, on the applicable policies and rules.

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

RULE

Department of Public Safety and Corrections Public Safety Services

Constables and Justices of the Peace Supplemental Pay

The Department of Public Safety and Corrections amended and implemented rules for Constables and Justices of the Peace Supplemental Pay. The rules for administration consist of the following: (1) warrants; (2) new employees; (3) changes in status; (4) payroll information and (5) appendices.

All persons may view the rules by contacting the Department of Public Safety and Corrections at 265 South Foster Drive, Baton Rouge, LA 70896. Telephone (504) 925-6103 or 925-6042.

Wiley D. McCormick
Deputy Secretary

RULE

Department of Public Safety and Corrections Public Safety Services

Firemen Supplemental Pay

The Department of Public Safety and Corrections amended and implemented rules for Firemen Supplemental Pay.

The proposed firemen policies and rules for administration consist of the following: (1) warrants; (2) new employees; (3) payroll information and (4) appendices.

All persons interested in seeking review of the rules may do so by contacting the Department of Public Safety and Corrections by phone or in person. Callers may reach the department by calling (504) 925-6103 or 925-6042. Our offices are located at 265 South Foster Drive, Baton Rouge, LA 70896.

Wiley D. McCormick
Deputy Secretary

RULE

Department of Public Safety and Corrections Public Safety Services

Municipal Police Officers' Supplemental Pay

The Department of Public Safety and Corrections amended and implemented rules for Municipal Police Officers' Supplemental Pay. The rules for administration consist briefly of the following: (1) guidelines to warrants and filing of warrants with local employers; (2) applications procedure for officers who seek supplemental pay; (3) information on changes in status for officers presently in the system; (4) procedural process for reinstatement of officers whom for some reason are no longer in the system; and (5) a chronological listing for payroll procedure. Two changes occur in these amended rules. One such change, V-A-2, is whereby the new rules require all officers be "Post" certified and be paid minimum wages. The effects of this change require the officer to be trained and certified under a certain (Post) regulation, in order to qualify to be a member of the system. Previously, officers' training was generally acceptable if certified by any recognizable training regulatory agency. The last modification requires all municipalities to pay officers at least minimum wages.

All persons interested in seeking review of the rules may do so by contacting the Department of Public Safety and Corrections by phone or in person. Callers may reach the department by calling (504) 925-6103 or 925-6042. Our offices are located at 265 South Foster Drive, Baton Rouge, LA 70896.

Wiley D. McCormick
Deputy Secretary

RULE

Department of Revenue and Taxation Tax Commission

Pursuant to the authority granted by R.S. 47:1837, the Louisiana Tax Commission has amended its real/personal property rules and regulations for 1987 as follows:

OIL AND GAS PROPERTIES SECTION

On Pages OG-4, OG-5, OG-5.1 and OG-5.2: All of these pages are to replace previous information contained on Pages OG-4 and OC-5 with new guidelines pertaining to the fair market value of inventory and reads as follows:

GUIDELINES FOR ASCERTAINING THE FAIR MARKET VALUE OF INVENTORY

DEFINITION OF INVENTORY

The term *inventory* is defined as the aggregate of those items of tangible personal property which are:

1. held for sale in the ordinary course of business;
2. are currently in the process of production for subsequent sale;
3. are ultimately to be consumed in the production of the goods or services to be available for sale; or,
4. are utilized in marketing or distribution activities. The term *inventory* embraces the following:

1. Goods Awaiting Sale. Goods or commodities awaiting sale which include, but, are not limited to, the merchandise of a retail or wholesale concern; the finished goods of a manufacturer; commodities from farms, mines and quarries; goods which are used or trade-in merchandise and by-products of a manufacturer.

2. Work In Process. Goods or commodities which are in the course of production, i.e., work in process.

3. Raw Materials and Supplies. Goods which will be consumed or used in either the Louisiana manufacturing process or in any other manner by the taxpayer, directly or indirectly. This category would include, but, not be limited to, raw materials, supplies, repair parts, expendable tools and samples.

INVENTORY RECORDS

The law provides that: all persons, engaged in business in the state, whose gross sales shall be in excess of \$15,000, shall make and keep an inventory of their merchandise, fixtures, machinery, equipment and other assets within the state showing the quantity, description and value thereof as of the first day of January of each year; such persons shall likewise make and keep on hand a true and accurate record of all other business transactions had in connection with their stores, mercantile or manufacturing establishments.

NOTE: SEE ADDENDUM FOR RECORD REQUIREMENTS INSPECTIONS OF INVENTORIES AND RECORDS

The law provides that: these inventories and records shall be separately made for and kept on hand in each store or establishment within the state. The inventories and records for more than one establishment belonging to the same person may be kept for inspection at one place of business within the state.

Such records shall be open for inspection by the tax assessor or any of his deputies, or any other taxing authority, at any reasonable time and shall be made in such a manner as to segregate the stores or establishments from each other and from those in other parishes.

Information as to the place where such inventories and records are kept shall be given the tax assessors and deputies and other taxing authorities on demand.

When demanded by one of the officers, the inventories and records shall be produced and the officers afforded the opportunity to make a complete and thorough examination of the inventory and records for the purpose of ascertaining the proper assessment to be made on the property of such person.

PRESERVATION OF INVENTORY RECORDS

The law provides that: the inventories and records herein provided to be made and kept on hand as herein provided for a period of three years from December 31 of the year for which they were made or kept. (R.S. 47:1961).

REPORTING OF INVENTORY

All persons, engaged in a business in the state, shall report, on Form LAT-5, a full and accurate disclosure of all mer-

chandise on hand without respect as to whether or not all items are recorded on the person's accounting records.

NOTE: SEE ADDENDUM FOR REPORTING REQUIREMENTS INVENTORY VALUES

The law provides that: in the assessment of merchandise or stock in trade on hand, the inventory value of the merchandise shall be ascertained by computing the cost or purchase price at the point of origin, plus the carrying charges to the point of destination, and the average value as so determined during the year preceding the calendar year in which the assessment is made shall be the basis for fixing the assessed value (R.S. 47:1961).

ASSESSMENT OF INVENTORY

The assessed value shall be based upon 15 percent of the average annual inventory cost for the preceding calendar or fiscal year. Any inventory that existed less than a full year shall be averaged for the months it had situs at the reported location.

NOTE: SEE ADDENDUM FOR ASSESSMENT GUIDELINES ADDENDUM

ADDENDUM FOR RECORD REQUIREMENTS

Proper records require that in addition to the above stated, should also include, but is not limited to, a copy of the following:

- the annual report for the business
- federal income tax return
- Louisiana state income tax return
- dealer manufacturer's operating reports-monthly
- floor plan statements- monthly
- insurance valuations and policies
- other inventory reports filed with state agencies- monthly

e.g. (Louisiana Department of Natural Resources Reports R-2, R-3, R-5T, R-6)

All reports are to be kept open and available for inspection by the tax assessors or his deputy, or other taxing authorities on demand.

ADDENDUM FOR REPORTING REQUIREMENTS

The LAT-5 FORM, is required for each business location. If items of inventory are exempt under La. Const. Art. 7§ 21 (D-3), they must be reported in Section 1 (or attachment if required), with type, number of units but without valuation. Notation must be made that this inventory qualifies for exemption under the subject article.

Inventories are to be reported on the actual physical inventory on either month end or three point (beginning, mid and closing) date basis.

For reporting purposes, the value of this inventory is the average cost, production or purchase, at point of origin, plus the carrying charges to the point of destination, for the preceding year. The accounting method used should be noted on the LAT Form.

ADDENDUM FOR ASSESSMENT GUIDELINES

There are a variety of generally accepted cost accounting methods for valuing inventory, such as LIFO (Last-in;First-out); which may not reflect a current FAIR MARKET VALUE for ad valorem tax purposes.

As a part of the Assessment-Appraisal process, an adjustment to the cost or value reported for the inventory on LAT-5 Form, may be necessary to establish the current FAIR MARKET VALUE of the reported inventory.

The assessor-appraiser should request the additional taxpayer records (See: Addendum for Records) in order to determine what, if any, adjustment is necessary to bring the reported inventory value to FAIR MARKET VALUE.

LEASED EQUIPMENT SECTION

On Pages LE-1 and LE-2: Both of these pages revise and replace previous information contained on Pages LE-1, LE-2 and LE-3 with new and expanded guidelines for determining the fair market value of leased equipment and reads as follows:

GUIDELINES FOR ASCERTAINING THE FAIR MARKET VALUE OF LEASED EQUIPMENT

All leased personal property shall be reported, itemized by and assessed to the lessor in the taxing district where the property is located on January 1 of each year on Form LAT-5. The lessee shall be required to furnish the owner's name and address on Form LAT-5.

In applying the income approach, Gross Annual Income from the lease of the equipment shall be reduced by 50 percent to allow for maintenance contracts. A Gross Rent Multiplier of four shall be applied to the resulting value. This will represent the Fair Market Value by this approach.

In applying the cost approach, leased equipment shall be classified by activity/type and the appropriate cost index and percent good table used in the same manner as for other like equipment.

The lessor shall submit to each assessment jurisdiction, the age and original selling price—new of this equipment. The original selling price—new shall include transportation, installation cost and sales tax.

The lessor shall furnish the assessor with the Gross Rent from the lease, along with a listing of equipment, by location, for each taxing district.

The assessor will utilize the approach that is most representative of Fair Market Value.

EQUIPMENT RESTRICTED FOR SALE BY THE FEDERAL GOVERNMENT POSTAGE METERS

The methodology to value this equipment shall be to multiply the average production cost by a level of trade factor of 2.068. This will represent Fair Market Value for such property.

CONSIDERATION OF OBSOLESCENCE

Economic and/or functional obsolescence is a loss in value of personal property above and beyond physical deterioration. Upon a showing of evidence of such loss, substantiated by the taxpayer in writing, economic or functional obsolescence shall be given.

The assessor retains the discretion to decide what constitutes evidence. Once the presence of obsolescence has been proved, the assessor must again exercise his discretion to determine the amount that shall be given.

USE VALUE SECTION

On Page UV-9: Changed under "Capitalization Rate for Timberland" (a) Risk Rate from 2.50 percent to 2.46 percent, (b) Salability Rate from 1.00 percent to 0.10 percent and (d) Management Rate from 0.50 percent to 0.25 percent. Total Capitalization Rate was changed from 15.34 percent to 14.15 percent for Class 1, 2 and 3.

For Timberland Class 4, changed (a) Risk Rate from 5.50 percent to 5.00 percent, (b) Salability Rate from 4.00 percent to 3.50 percent and (d) Management Rate from 0.50 percent to 0.25 percent. Total Capitalization Rate was changed from 21.34 percent to 20.09 percent.

On Page UV-12: Table 12.2 was changed as follows:

- Class 1 - from \$18.34 to \$19.88
- Class 2 - from \$15.25 to \$16.54
- Class 3 - from \$10.63 to \$11.52
- Class 4 - from \$ 7.64 to \$ 8.11

FINANCIAL INSTITUTIONS SECTION

On Pages FI-1, FI-2, FI-3 and FI-4: Entire section is a new addition dealing with determination of fair market value of financial institutions and reads as follows:

GUIDELINES FOR ASCERTAINING THE FAIR MARKET VALUE OF FINANCIAL INSTITUTIONS

The shares of stock of all banks, banking companies, firms, associations or corporations doing a banking business in this state, chartered by the laws of this state or of the United States are hereby declared subject to taxation for all purposes in this state. (R.S. 47: 1967)

The shares of stock of all capital stock associations are hereby declared subject to taxation for all purposes in this state. (R.S. 6: 942) The basis for arriving at the valuation of the shares of stock in any such bank or capital stock association engaged in the banking or capital stock association business shall be the Stockholder Equity Capital, which shall be determined by the addition of paid-in common stock, surplus, undivided profits and all capital reserves, excluding those reserves for loan losses as allowed by the United States Internal Revenue Service. Equity capital shall be adjusted to remove that portion of equity capital based on United States obligations by deducting a percentage of equity capital based on the ratio of U.S. obligations to total assets. Borrowed money and the value of the preferred stock issued by any such bank or capital stock association and actually owned by the United States of America, or any agency thereof, shall not be construed as equity for the purpose of this Section.

For the purposes in determining the fair market value of shares of stock, the following criteria shall be used: Stockholder Equity shall serve as a four times factor, 80 percent, and annual net earnings of the individual institution shall serve as a one time factor, 20 percent. Annual net earnings shall be adjusted to remove that portion of earnings based on United States obligations by deducting a percentage of annual net earnings based on the ratio of interest on United States obligations to total operating income. Negative earnings shall not be considered in this formula, and there shall be no earnings loss carried forward or backward. For the purpose of computing the one time, 20 percent earnings factor, the earnings shall be capitalized by multiplying the annual net earnings of the institution by the price earnings ratio for such institutions as published by a nationwide recognized bond and securities rating firm.

For the purpose of arriving at fair market value of shares of stock in the formula previously outlined above, the Tax Commission or its successor shall compute the formula as follows:

1. In the case of banks, banking companies, firms, associations or corporations created under the laws of the United States, from the statements made to the comptroller of the Currency, and required to be published as of December 31 of each year.

2. In the case of banks, banking companies, firms, associations or corporations created under the laws of this state, from the statement made to the commissioner of Financial Institutions, and required to be published as of December 31 of each year.

3. In the case of capital stock associations created under the laws of the United States, from the statements made to the comptroller of the Currency, and required to be published as of December 31 of each year.

4. In the case of capital stock associations created under the laws of this state, from the statement made to the Commissioner of Financial Institutions, and required to be published as of December 31 of each year.

From the assessment determined by the application of the 15 percent of fair market value provided for above, there shall be deducted 50 percent of the assessed value of real estate, improvements, buildings, furniture and fixtures owned by the institution. If such real estate, improvements, buildings, furniture and fixtures are owned by a separate corporation, the deduction will be allowed provided all the capital stock (except directors' qualifying shares, if any) is owned by the institution.

Except as provided herein, no assessment shall hereafter be made against the capital stock, surplus, undivided profits or reserves of any financial institution engaged in the banking or savings and loan business, chartered under the laws of this state or of the United States, doing business in this state, whose capital stock is represented by shares. (R.S. 47: 1967 and R.S. 6: 942)

LISTING AND ASSESSING OF STOCK; PLACE (MULTI-PARISH BRANCH OFFICES)

When any bank, banking company, firm, association, corporation or capital stock association operates one or more branch offices in any parish or parishes other than the parish of its legal domicile, its assessment shall be divided for state and local purposes, and the number of shares of stock or fractions thereof, to be assessed in each parish in which such branches are maintained shall be determined by the proportion which the capital stock assigned to each branch shall bear to the whole of capital stock. (R.S. 47: 1968 and R.S. 6: 943)

METHODS OF BRANCH OFFICE ALLOCATIONS

Under guidelines hereby established, a financial institution is granted the discretion of electing either of the following approved methods of allocating both Capital Stock and Net Income for each branch office when more than one parish is involved:

1. ACTUAL (Per accounting records) branch capital and Net Income
2. DEPOSITS Quarterly average as a percentage of branch to total institution.

If this method is elected, Form TC-6 shall be submitted to indicate deposit balances for each branch office. The percentage derived shall be applied to both capital and, net income for allocation purposes.

Once an election is made by the institution, a change to the other alternative is permitted only upon prior, written approval of the Tax Commission. If such change is granted, the new allocation method will remain in effect for a period of at least five years thereafter before another change request will be considered.

LISTING AND ASSESSING OF STOCK; BRANCH OFFICES

When any bank, banking company, firm, association, corporation or capital stock association operates a branch office or offices in different municipalities wholly within the limits of the parish of its legal domicile, its tax assessment for state and local purposes may be assessed at its domicile or may be apportioned among the various municipalities in which such institution and its branch or branches are located in the proportion which the respective amount of deposits in such branches shall bear to the total deposits of such institution. The amount of deposits to be determined as of the thirty-first day of December of the preceding year. Exercise of the provisions in this section is discretionary with the financial institution affected hereby and shall not apply to the Parish of Orleans. (R.S. 47: 1969 and R.S. 6: 944)

Jamar W. Adcock
Chairman

Notices of Intent

NOTICE OF INTENT

Department of Civil Service Civil Service Commission

The Civil Service Commission will hold a public hearing on Tuesday, May 5, 1987, at 9 a.m. in the Auditorium of the State Police Training Academy, 7901 Independence Boulevard, Baton Rouge, LA. (If the hearing cannot be concluded on that date, it will continue on Wednesday, May 6, 1987, at 9 a.m. at the same location.)

The purpose of this meeting is to consider the adoption of a classification and pay plan for the state's classified workforce, and the adoption of rules necessary for the implementation and administration of that classification and pay plan, the adoption of rules regarding non-competitive reemployment and the adoption of rules regarding layoffs including preferred reemployment rights. The proposed new and amended rules are in Chapters 1, 5, 6, 8, 11, 17 and 19.

Interested persons may comment to Herbert L. Sumrall at the Department of Civil Service, Box 94111, Capitol Station, Baton Rouge, LA 70804-9111. Copies of the proposed classification and pay plan and the proposed new and amended rules may be viewed in their entirety at 5700 Florida Boulevard, Baton Rouge, LA, (504) 925-1971.

Herbert L. Sumrall
Director

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Bulletin 1196

In accordance with R.S. 49:950 et seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education adopted an amendment to Bulletin 1196, *Louisiana Food and Nutrition Programs Policies of Operation* by changing wording of the second paragraph on page 30 to read as follows:

"People holding master's, bachelor's or associates' degrees from an accredited institution will be certified upon submission of a transcript showing 18 hours credit in Food and Nutrition and/or institutional management courses and successful completion of Phases II and III of the Louisiana School Food Service Training Program and passing the Phase I and Phase II Manager Certification Examinations."

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., June 8, 1987 at the following address: State Board of Elementary and

Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Food and Nutrition

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated impact resulting from this rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
None
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated impact on competition and employment in the public and private sectors as a result of this action.

Joseph F. Kyle
Deputy Superintendent

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Kindergarten Readiness Screening Instruments

In accordance with R.S. 49:950, et seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the nine readiness screening instruments listed below:

| Name of Instrument | Publisher |
|--|---------------------------------------|
| Dial-R (Developmental Indicators for the Assessment of Learning-Revised) | Childcraft Education Corporation |
| Cognitive Skills Assessment Battery | Teachers College Press |
| Denver Developmental Screening Test | Denver Developmental Materials, Inc. |
| Battelle Developmental Inventory | DLM Teaching Resources |
| Chicago Early Assessment Test | Education Teaching Aids |
| Pre-School Screening System | Early Recognition Intervention System |
| Missouri Kindergarten Inventory of Developmental Skills | Educational Records Bureau |
| Brigance K and 1 Screen | Curriculum Associates, Inc. |
| Gesell School Readiness Screening Test | Programs for Education |

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., June 8, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Kindergarten Readiness
Screening Instruments**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
As per Act 146 of 1986, the state shall pay the cost of state required screening materials and reporting required by law and regulation. State costs are estimated at \$172,000 for 1986-87 and \$70,000 for 1987-88 and 1988-89. Local school systems currently screening will have a cost reduction. Those school systems not currently screening will incur costs in manpower as the state monies are only for materials.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Children not currently screened will be screened.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent

David W. Hood
Legislative Fiscal Analyst

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The state will receive approximately \$4.3 million in federal funds through the Migrant Education program in 1987-88.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Approximately 5,700 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 decrease is expected with an anticipated FY-88 allocation of \$4.3 million.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The Migrant Education Program creates full-time instructional positions for more than 270 persons, most of whom are paraprofessional teaching aides. Approximately 60 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.

Joseph F. Kyle
Deputy Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Board of Elementary and Secondary Education
Migrant Education State Plan**

In accordance with the Louisiana Revised Statutes 49:950 et seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the Migrant Education State Plan, FY-88.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., June 8, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: FY-88 Migrant State Plan**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Migrant Education is a 100 percent federally funded program. Its administration does not necessitate employment of persons funded from other sources. It will cost \$279,804 in federal funds.

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendments to Nonpublic School Standards

In accordance with the R.S. 49:950 et seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following amendments to the Nonpublic School Standards:

I. Amend Standard 6.006.01 as follows: (Bulletin 741 amendment)

“All nonpublic schools seeking state approval shall include all grades/programs taught at the school site when applying to the state Department of Education for a classification category.”

II. Insert new standard above 6.037.09 to read as follows: (Bulletin 741 amendment)

“Secondary teachers shall teach no more than two subjects during a class period in the areas of English, Mathematics, Science and Social Studies.”

III. Standards for Nonpublic Alternative Schools/Programs - Add new section 6.150.00-6.151.09 as follows: (Bulletin 741 amendment)

Operation And Administration

Philosophy And Need For Alternative Schools/Programs
6.150.00 If alternative schools/programs are developed and established they shall respond to particular educational needs within the community.

6.150.01 The school shall pass a resolution establishing the need for the alternative school/program and setting forth its goals and objectives.

6.150.02 Each alternative school/program shall develop and maintain a written statement of its philosophy and the major purposes to be served by the school/program.

The statement shall reflect the individual character of the

school/program and the characteristics and needs of the students it serves.

6.150.03 The educational school/program shall be designed to implement the stated goals and objectives, and it shall be directly related to the unique educational requirements of its student body.

Approval Of Alternative Schools/Programs

6.151.00 Alternative schools/programs shall comply with prescribed policies and standards for regular schools except for those deviations granted by the State Board of Elementary and Secondary Education.

6.151.01 Approval shall be obtained from the State Board of Elementary and Secondary Education (SBESE), prior to the establishment of the alternative school/program.

A narrative proposal describing the alternative school/program shall be submitted and shall include the following information:

1. Purpose
2. Needs Assessment
3. Type (Alternative within Regular Education or Alternative to Regular Education placement)
4. List of the *Louisiana Handbook for School Administrators*, Bulletin 741 policy and standard deviations
5. Anticipated date of implementation
6. Student eligibility
7. Entrance and exit criteria
8. Total number of students
9. Individual class sizes
10. Detailed outline of curriculum
11. Methods of instruction to meet individual student needs
12. Type and number of staff including qualifications/certification
13. Plan for awarding Carnegie units, when applicable
14. Grading and reporting procedures
15. Plan for parental and community involvement
16. Educational Support Services
17. In-service
18. Type and location of physical facility
19. Procedure for program evaluation

A school choosing to implement an alternative school/program shall submit the above proposal to the director of the appropriate bureau, (Elementary Education or Secondary Education, State Department of Education) and the State Board of Elementary and Secondary Education no later than March 1 for approval for the subsequent school year.

Refer to guidelines for Alternative schools.

Initial Approval

6.151.03 Within 90 days after a school has begun operation, the school shall be visited by the state Department of Education (SDE) representatives who will determine the school's suitability for state approval.

An annual school report based upon the standards for approval of alternative schools shall be made to the state Department of Education (SDE) on or before the date prescribed by the department.

Special Education

6.151.05 Special education programs within an alternative school shall comply with all state and federal standards.

The Earning of Carnegie Units for Use in Meeting Graduation Requirements

6.151.06 Students enrolled in an alternative school/program shall be allowed to earn Carnegie units when possible.

6.151.07 The integrity of the Carnegie unit shall not be diminished by any alternative school/program.

6.151.08 The Carnegie units shall be granted by regular or special education teachers certified in the subject matter areas in which they are teaching.

Program Evaluation

6.151.09 The educational program of the alternative school shall be evaluated on the basis of its stated goals and objectives.

Evidence as to the attainment of each school's specified goals and objectives shall be maintained at the school site.

IV. Add a third procedural block under Standard 6.099.01 to read as follows (Bulletin 741)

Biology II, Chemistry II and Physics II will be acceptable to meet high school graduation requirements in science, effective August, 1988.

V. Insert new standard after 6.0 (Bulletin 741 amendment)

Adding Electives To The Elementary Program Of Studies

The process of adding electives at the elementary level should be revised and incorporated into Bulletin 741 as a standard to include the following:

Adding Electives To The Program Of Standards

A school choosing to add an elective course to its program of studies shall apply to the director of the Bureau of Elementary Education, state Department of Education (SDE), at least 60 days prior to the anticipated date of implementation.

The application for an elective course shall be signed by the school principal and superintendent, if applicable, and shall contain the following information:

1. Detailed outline of course content
2. Time requirements (minutes per day; days per year or semester)
3. Detailed course objectives and how they shall be measured
4. Qualifications of the instructor
5. When the course is to begin
6. Approximate number of students
7. Criteria for enrollment

If the course is to be offered for the succeeding school year, an end-of-the-year evaluation shall be sent on forms provided, to the Bureau of Elementary Education for determining its continuation.

After an elective course has been in effect for three successive school years and the school wants the course to be a permanent part of its curriculum, the school principal and/or superintendent, if applicable, shall apply by letter to the director of the Bureau of Elementary Education for permission to include it.

Add procedural block found on page 71 of Bulletin 741 (public) to follow page 14 in non-public 741 to read as follows: Grades 7 and 8 (including grade 6 when grouped with grades 7 and 8) may offer electives from the following:

- Reading
- Exploratory Agriculture
- Industrial Arts
- Construction
- Manufacturing
- Communication
- Transportation
- Industry (6th)
- Exploratory Homemaking
- Art

Foreign Languages
Instrumental or Vocal Music
Typing
Speech
Computer Literacy/Computer Science

In Industrial Arts the minimum time for any cluster is six weeks. Maximum time allowed in a cluster is 36 weeks. All areas in each cluster should be taught.

Choice of electives may be alternated during the year and/or semester. Additional electives may be offered with the approval of the state Department of Education.

For a six-period day option:

1. Electives may be offered on alternate days with Health and Physical Education for the entire year provided an equal number of days is given to each subject.

2. Electives may be offered five periods per week for one semester and Health and Physical Education for five periods per week for one semester.

VI. Add: "Eligible students who desire to exit the K-12 program and transfer into Adult Education, with the permission of their parents and the authorization of the principal or counselor, shall be considered as transfer students rather than drop-outs."

VII. Change the terminology from "Registered School Food Service Managers" to "Certified Nutrition Program Managers."

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., June 8, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Amended Nonpublic School Standards

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

There will be some minor monitoring cost associated with the new standards, however, the proposed budgets should have sufficient funds to cover the costs.

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

There is no estimated effect on revenue collections of state or local governmental units.

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

The proposed amended standards for Nonpublic School Standards would be consistent with the standards for public schools.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Some nonpublic schools might need to hire additional personnel in order to comply with the standards; however, it is impossible to estimate the effect because of the uniqueness of each nonpublic school.

Joseph F. Kyle
Deputy Superintendent

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Principles of Technology

In accordance with R.S. 49:950 et seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the course "Principles of Technology" as one of the science courses permitted to meet graduation requirements, with the stipulation that this course will be listed last in the science requirements, to follow the course "Aerospace Science," pending implementation of study guides for distribution to the schools. (Amendment to Bulletin 741 - Program of Studies)

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., June 8, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Principles of Technology

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

The estimated costs for developing the course are: \$2,600 for 650 guides at \$4 each, \$4,500 for 30 substitute teachers during three days of workshops at \$50 per day for each, \$6,500 for reimbursement to 30 teachers for room, meals and mileage at \$216.67 each and, \$48 in miscellaneous costs. These costs total to \$13,648 to be paid from federal (Carl Perkins) monies for curriculum development. These costs are to be incurred in fiscal year 1986-87 and are not expected to recur.

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

No effect on revenue collections is involved in the proposed action.

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

There are no costs to directly affected persons or non-governmental groups. The ultimate recipients of benefits from courses are the students themselves.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on competition and employment in the public and private sectors is anticipated as a result of this rule.

Joseph F. Kyle
Deputy Superintendent

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Display of Reference Books

In accordance with the R.S. 49:950 et seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education adopted a policy requiring that all reference books on a currently approved state list be displayed after adoption, for a period of two weeks in the eight regional centers of the state, in the same manner that textbooks being considered for adoption are displayed.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., June 8, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Display of Textbook Reference Materials

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

There will be no implementation costs or savings to state or local governmental units.

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

There will be no effect on revenue collections of state or local governmental units.

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

There will be no costs and/or economic benefits to persons or non-governmental groups that will be involved.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This change will have no effect on competition or employment.

Joseph F. Kyle
Deputy Superintendent

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Education Educational Employees Professional Improvement Program

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), notice is hereby given that the State Committee for the Louisiana Educational Employees Professional Improvement Program intends to adopt Bulletin 1619, Revised 1986, (R.S. 17:3601 - R.S. 17:3661) along with the addendum thereto.

In summary, BULLETIN 1619, REVISED 1986, along with the addendum thereto, provides the rules and regulations for the continued implementation of the Professional Improvement Program for 1987-88.

A copy of the fiscal impact statement, approved by the Legislative Fiscal Office, stating the fiscal impact that will result from such proposed action, follows this notice of intent. Interested persons may present their views or make inquiries about this intended action at the April 29, 1987 meeting of the State Committee (8 a.m., Louisiana Department of Education Building, A. D. Smith Auditorium, 626 North Fourth Street, Baton Rouge, LA), or at the May 26, 1987 meeting.

Requests for copies of these documents, as well as questions and comments, should be addressed to Fred Shirley, Director of the Bureau of Continuing Education, Louisiana Department of Education, Box 94064, Baton Rouge, LA 70804-9064.

Betty Hill
Chairman

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Professional Improvement Program

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

(1) Adoption of the rule to print and promulgate an addendum to the 1986 Guidelines, Bulletin 1619, Revised 1986, would result in savings of approximately \$5,100. The 82-page bulletin was printed and distributed statewide in February, 1986, at a cost of approximately \$5,600. The 10-page addendum, printed and distributed statewide in February, 1987, cost approximately \$500 for printing and postage.

(2) Adoption of the rule to freeze the increments of those persons who are granted an extension (for the extension year only) would result in the following savings:

Approximately 300 teachers who did not fulfill their 1985-86 course requirements were granted one-year extensions in 1986-87. Assuming that the average increased increment for an additional year's experience is \$50 per year, the savings will be \$15,000 (300 × \$50) + \$1,545 (10.3 percent retirement contribution), for a total of \$16,545 in 1987-88.

In 1988-89, the same assumptions would result in the same savings.

(3) Adoption of the rule to cease the PIP increment of those persons who return to active service after an interruption of employment through retirement or resignation would result in the following savings:

Based on 1986-87 data, assuming that one-half of those who retired or resigned return to service, 375 participants × \$2,700 (average increment) = \$1,012,500 + \$104,287 (10.3 percent retirement contribution) = \$1,116,787 savings in 1987-88.

Assuming that 200 participants who resigned or retired returned to service × \$2,700 (average increment) = \$540,000 + \$55,620 (10.3 percent retirement contribution) + \$1,116,787 savings in 1987-88 = \$1,712,407 for 1988-89.

(4) Adoption of the rule to reduce the size of 70 local PIP committees by attrition (authority granted to the State PIP Committee by Act 131 of the 1986 Regular Session of the Louisiana Legislature) would result in the following savings:

Assuming a 10 percent reduction in size of local committees in 1987-88 - \$6,500

Assuming a further 10 percent reduction in 1988-89 - \$5,850

(These amounts represent funds paid to local school systems to reimburse local committee members for travel expenses and substitute teacher pay.)

(5) Adoption of the rule to allow the Department of Education's Legal Section to set up a mechanism to retrieve funds owed the state through default of PIP participants could result in the recovery of funds as follows:

PIP increments amount to approximately \$1,000,000 were paid to participants who have defaulted since the program's inception. If the Department's attorney were to collect 20 percent of the defaults, \$200,000 would be returned to the State General Fund.

TOTAL SAVINGS:

1987-88 - \$1,144,932

1988-89 - \$1,728,952

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

Effect on State Government

Recovery of 20 percent of funds owed the state by PIP participants who have defaulted since the inception of the program would result in \$200,000 being returned to the State General Fund in 1987-88 and \$197,000 in 1988-89.

Effect on Local Government

There would be no revenue effect.

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

The adoption of these rules would result in reduced benefits to be paid to individuals who were granted extensions of one year.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No estimated effect

Joseph F. Kyle
Deputy Superintendent

David W. Hood
Legislative Fiscal Analyst

over \$5,000. The fee covers the fiscal year period July through June and will not be prorated. Any fee paid where there is less than three months prior to the expiration of current fiscal year will be carried over and given full year credit.

Comments on the proposed rule amendment should be forwarded in writing to Hugh M. Carleton, C.P.P.O., C.P.M., Director of State Purchasing, Box 94095, Baton Rouge, LA 70804-9095. Comments will be accepted within 15 days of the date of publication.

Stephanie Alexander
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Annual Vendor Subscription Fee**

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

There will be no implementation cost to any state or local governments.

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

The additional revenue collection is estimated to be \$6,250.

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

Approximately 250 certified minority vendors are on the current vendor list and the additional cost will generate \$6,250.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition or employment.

Hugh M. Carleton
Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Office of the Governor
Division of Administration
State Purchasing**

In accordance with the provisions of R.S. 39:1561, the Division of Administration, State Purchasing, is hereby giving notice of its intention to amend the vendor subscription fee rule as follows:

TITLE 34
GOVERNMENT CONTRACTS
PROCUREMENT AND PROPERTY CONTROL
PART I. PURCHASING

**Chapter 33. Vendors
§3301. Vendor Fees**

A. Annual subscription of \$50 will be charged vendors to become eligible to be on the computerized state bid list. Failure to be on the computerized State Purchasing bid list will only remove your company from automatically receiving bids. State Purchasing will continue to advertise as required by law all bids

NOTICE OF INTENT

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

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

Currently, Skilled Nursing Facility and Intermediate Care Facilities I and II are paid one-half the per diem rate for the absence of a recipient from a facility for home leave for up to 18 days per calendar year. Review of client utilization of home leave days indicates that 86 percent of recipients in nursing homes use nine home leave days or less per calendar year. To improve services provided to recipients, reduce the cost of providing nursing home care, and ensure adequate nursing home services are available for Title XIX recipients, the agency is increasing provider payments and reducing the limit on home leave days. Under this rule, Skilled Nursing Facilities and Intermediate Care Facilities I and II shall be paid their full per diem rate during the absence of a recipient from the facility for home leave for up to nine days per calendar year. This rule will be implemented by

adjusting home leave days paid for January and February to the full per diem.

The Medical Assistance Program has adopted an emergency rule to implement this change in accordance with R.S. 49:953B. The emergency rule was published in the *Louisiana Register*, Vol. 13, No. 4, Dated April 20, 1987.

PROPOSED RULE

Skilled Nursing Facilities and Intermediate Care Facilities I and II shall be paid their full per diem rate during the absence of a recipient from the facility for home leave for up to nine days per calendar year.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge LA 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on May 6, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Amendment of Home Leave for SNF and ICF I and II

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

Adoption of this measure will result in a savings to the state of \$1,349 in FY 86-87; and \$3,018 in subsequent fiscal years.

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

State revenue from federal financial participation in Title XIX will decrease by \$2,535 in FY 86-87; and \$6,305 subsequent fiscal years.

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

Increased limitation of home leave days will reduce benefits to recipients by: \$3,884 in FY 86-87; and \$9,323 in subsequent fiscal years. Providers will experience no increase or decrease in total reimbursement under this rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

Currently, the number of days Skilled Nursing Facility and Intermediate Care Facilities I and II are paid for the absence of a recipient from a facility for inpatient hospital care is limited to five. Prior to December, 1986 the agency limited hospital leave days to 15 per hospitalization. This limit was reduced to five days to reduce expenditures without reducing the level of care provided to recipients. However, review of recipient hospitalizations indicates that a 10 day limit is necessary to provide sufficient leave days for the majority of recipient hospitalizations. To ensure adequate nursing home services are available for Title XIX recipients, the agency is increasing the number of hospital leave days from five to 10. Under this rule, Skilled Nursing Facilities and Intermediate Care Facilities I and II shall be paid their full per diem rate during the absence of a recipient from the facility for inpatient care for up to 10 days per hospitalization.

The Medical Assistance Program has adopted an emergency rule to implement this change effective April 1, 1987 in accordance with R.S. 49:953B. The emergency rule was published in the *Louisiana Register*, Vol. 13, No. 3, Dated March 20, 1987.

PROPOSED RULE

Skilled Nursing Facilities and Intermediate Care Facilities I and II shall be paid their full per diem rate during the absence of a recipient from the facility for inpatient care for up to 10 days per hospitalization.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge LA 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on May 6, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Hospital Leave Day Limitation - Increase from 5 to 10

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

Adoption of this measure will increase expenditures for hospital leave days by: \$11,669 in FY 86-87; and \$50,193 in subsequent fiscal years.

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

State revenue from federal financial participation in Title XIX will increase by: \$24,442 in FY 86-87; and \$94,371 in subsequent fiscal years.

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

Reduce limitation of hospital leave days will increase benefits to recipients by: \$36,141 in FY 86-87; and \$144,564 in subsequent fiscal years.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Human Resources Office of Human Development

Effective July 1, 1987, for all Vendor and Purchase of Services (POS) Contracted Day Care Services delivered during that month and thereafter, the Department of Health and Human Resources, Office of Human Development, proposes to adopt rule changes which will:

1. establish (as shown in the attached sliding fee scales) the maximum rate paid by this office for Title XX Vendor and POS Contracted Day Care Services in all licensed day care centers at \$154/month/child or \$7/day/child or \$1/hour/child and in all approved day care homes at \$103.18/month/child or \$4.69/day/child or \$.67/hour/child, and

2. allow these Title XX day care providers the option of collecting or not collecting copayments only according to the attached sliding fee scales from families who need day care because the parent/caretaker- relative is employed.

The total amount received by these Title XX Day Care Providers including the OHD maximum reimbursement rate plus the copayment collected from families, may meet but shall not exceed the provider's actual cost of delivering day care services.

This allows the Office to substantially comply with HCR 17 of the 1986 First Extraordinary Session. This effective date also provides the Title XX Vendor and POS Day Care Programs sufficient time to prepare for implementing these rule changes in the new fiscal year and allows providers who elect to implement collection of copayments prescribed by the scale to enhance their provision of the Title XX day care services with the additional funding generated.

The Office of Human Development expects that the Vendor and POS Contracted Day Care providers electing to implement copayments collection will be totally responsible for the administrative activities therein, although the Division of Children, Youth and Family Services will retain responsibility for eligibility determination for children utilizing Vendor Day Care Services. Upon eligibility determination and redetermination, the

Office of Human Development will provide to the family receiving Vendor Day Care Services a copy of the sliding fee scale(s) for their information. DCYFS staff will also share with the Vendor Day Care provider at eligibility determination and redetermination the client information needed for determining the amount of the copayment, including gross monthly family income and number of children in the family and in day care. POS Contracted Day Care providers will retain responsibility for eligibility determination and redetermination and will provide to the family receiving POS Contracted Day Care a copy of the sliding fee scale(s) for their information. The Office of Human Development will monitor periodically fee collections by those Title XX Vendor and POS Contracted Day Care providers who elect to collect copayments to assess their compliance with the sliding fee scale(s) and with the requirement that their total amount received may meet but shall not exceed their actual costs in delivering day care services.

Interested persons may submit written comments on the proposed rule changes until May 8, 1987 to Wayne C. Heap, Assistant Secretary, Office of Human Development, Box 44367, Baton Rouge, LA 70804.

Interested persons may also present their views orally or in writing at a public hearing scheduled for Monday, May 4, 1987 at 10 a.m. at the Louisiana State Police Training Academy Auditorium, 7901 Independence Boulevard, Baton Rouge, LA.

Co-payment Sliding Fee Scale for Employed Parents
Whose Children Receive Day Care Services
From Day Care Homes

HOURLY-HOMES

| <u>Adjusted Gross Max. Limits</u> | <u>Parent's Co-Payment for First Child</u> | <u>OHD Payment</u> | <u>50% Discount for Each Additional Child/OHD Payment</u> | <u>Maximum Monthly Reimbursement Center Could Receive</u> | |
|-----------------------------------|--|--------------------|---|---|----------------------------------|
| | | | | <u>For First Child</u> | <u>For Each Additional Child</u> |
| Up to \$ 659 | NO CHARGE | \$.67 | NO CHARGE | \$.67 | |
| 660 | \$.10 | .67 | \$.05/\$.67 | .77 | \$.72 |
| 816 | .13 | .67 | .07/ .67 | .80 | .74 |
| 971 | .15 | .67 | .08/ .67 | .82 | .75 |
| 1282 | .18 | .67 | .09/ .67 | .85 | .76 |
| 1399 | .21 | .67 | .11/ .67 | .88 | .78 |
| 1486 | .25 | .67 | .13/ .67 | .92 | .80 |
| 1515 | .30 | .67 | .15/ .67 | .97 | .92 |

1516 and over ineligible

DAILY-HOMES

| <u>Adjusted Gross Max. Limits</u> | <u>Parent's Co-Payment for First Child</u> | <u>OHD Payment</u> | <u>50% Discount for Each Additional Child/OHD Payment</u> | <u>Maximum Monthly Reimbursement Home Could Receive</u> | |
|-----------------------------------|--|--------------------|---|---|----------------------------------|
| | | | | <u>For First Child</u> | <u>For Each Additional Child</u> |
| Up to \$ 659 | NO CHARGE | \$4.69 | NO CHARGE | \$4.69 | |
| 660 | .70 | 4.69 | \$.35/\$4.69 | 5.39 | \$5.04 |
| 816 | .91 | 4.69 | .46/ 4.69 | 5.60 | 5.15 |
| 971 | 1.05 | 4.69 | .53/ 4.69 | 5.74 | 5.22 |
| 1282 | 1.26 | 4.69 | .63/ 4.69 | 5.95 | 5.32 |
| 1399 | 1.47 | 4.69 | .74/ 4.69 | 6.16 | 5.43 |
| 1486 | 1.75 | 4.69 | .88/ 4.69 | 6.44 | 5.57 |
| 1515 | 2.10 | 4.69 | 1.05/ 4.69 | 6.79 | 5.74 |

1516 and over ineligible

MONTHLY-HOMES

| <u>Adjusted Gross Max. Limits</u> | <u>Parent's Co-Payment for First Child</u> | <u>OHD Payment</u> | <u>50% Discount for Each Additional Child/OHD Payment</u> | <u>Maximum Monthly Reimbursement Home Could Receive</u> | |
|-----------------------------------|--|--------------------|---|---|----------------------------------|
| | | | | <u>For First Child</u> | <u>For Each Additional Child</u> |
| Up to \$ 659 | NO CHARGE | \$103.18 | NO CHARGE | \$103.18 | |
| 660 | \$15.00 | 103.18 | \$ 8/\$103.18 | 118 | \$111 |
| 816 | 20.00 | 103.18 | 10/ 103.18 | 123 | 113 |
| 971 | 23.00 | 103.18 | 12/ 103.18 | 126 | 115 |
| 1282 | 28.00 | 103.18 | 14/ 103.18 | 131 | 117 |
| 1399 | 32.00 | 103.18 | 16/ 103.18 | 135 | 119 |
| 1486 | 39.00 | 103.18 | 20/ 103.18 | 142 | 123 |
| 1515 | 46.00 | 103.18 | 23/ 103.18 | 149 | 126 |

1516 and over ineligible

Co-payment Sliding Fee Scale for Employed Parents
Whose Children Receive Day Care Services
From Vendor and Purchase of Service Contracted
Day Care Centers

HOURLY-CENTER

| <u>Adjusted</u> <u>Gross</u> <u>Max. Limits</u> | <u>Parent's Co-Payment</u> <u>for First Child</u> | <u>OHD</u> <u>Payment</u> | <u>50% Discount for</u> <u>Each Additional</u> <u>Child/OHD Payment</u> | <u>Maximum Monthly</u> <u>Reimbursement</u> <u>Center Could Receive</u> | |
|---|--|------------------------------|---|---|--|
| | | | | <u>For</u> <u>First Child</u> | <u>Each Additional</u> <u>Child</u> |
| Up to \$ 659 | NO CHARGE | \$1 | NO CHARGE | \$1.00 | |
| 660 | \$.10 | 1 | \$.05/\$1 | 1.10 | \$1.05 |
| 816 | .13 | 1 | .07/ 1 | 1.13 | 1.07 |
| 971 | .15 | 1 | .08/ 1 | 1.15 | 1.08 |
| 1282 | .18 | 1 | .09/ 1 | 1.18 | 1.09 |
| 1399 | .21 | 1 | .11/ 1 | 1.21 | 1.11 |
| 1486 | .25 | 1 | .13/ 1 | 1.25 | 1.13 |
| 1515 | .30 | 1 | .15/ 1 | 1.30 | 1.15 |

1516 and
over ineligible

DAILY-CENTERS

| <u>Adjusted</u> <u>Gross</u> <u>Max. Limits</u> | <u>Parent's Co-Payment</u> <u>for First Child</u> | <u>OHD</u> <u>Payment</u> | <u>50% Discount for</u> <u>Each Additional</u> <u>Child/OHD Payment</u> | <u>Maximum Monthly</u> <u>Reimbursement</u> <u>Home Could Receive</u> | |
|---|--|------------------------------|---|---|--|
| | | | | <u>For</u> <u>First Child</u> | <u>Each Additional</u> <u>Child</u> |
| Up to \$ 659 | NO CHARGE | \$7 | NO CHARGE | \$7.00 | |
| 660 | .70 | 7 | \$.35/\$7 | 7.70 | \$7.35 |
| 816 | .91 | 7 | .46/ 7 | 7.91 | 7.46 |
| 971 | 1.05 | 7 | .53/ 7 | 8.05 | 7.53 |
| 1282 | 1.26 | 7 | .63/ 7 | 8.26 | 7.63 |
| 1399 | 1.47 | 7 | .74/ 7 | 8.47 | 7.74 |
| 1486 | 1.75 | 7 | .88/ 7 | 8.75 | 7.88 |
| 1515 | 2.10 | 7 | 1.05/ 7 | 9.10 | 8.05 |

1516 and
over ineligible

MONTHLY-CENTERS

| <u>Adjusted</u> <u>Gross</u> <u>Max. Limits</u> | <u>Parent's Co-Payment</u> <u>for First Child</u> | <u>OHD</u> <u>Payment</u> | <u>50% Discount for</u> <u>Each Additional</u> <u>Child/OHD Payment</u> | <u>Maximum Monthly</u> <u>Reimbursement</u> <u>Home Could Receive</u> | |
|---|--|------------------------------|---|---|--|
| | | | | <u>For</u> <u>First Child</u> | <u>Each Additional</u> <u>Child</u> |
| Up to \$ 659 | NO CHARGE | \$154 | NO CHARGE | \$154 | |
| 660 | \$15.00 | 154 | \$ 8/\$154 | 169 | \$162 |
| 816 | 20.00 | 154 | 10/ 154 | 174 | 164 |
| 971 | 23.00 | 154 | 12/ 154 | 177 | 166 |
| 1282 | 28.00 | 154 | 14/ 154 | 182 | 168 |
| 1399 | 32.00 | 154 | 16/ 154 | 186 | 170 |
| 1486 | 39.00 | 154 | 20/ 154 | 193 | 174 |
| 1515 | 46.00 | 154 | 23/ 154 | 200 | 177 |

1516 and
over ineligible

Wayne C. Heap
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: OHD Establishment of Maximum
Rate for All Title XX Day Care
Providers and Optional Copayments By Providers**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no estimated implementation costs (savings) to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Vendor and POS Contracted Day Care Providers will be paid by OHD the maximum rate for service provision plus any copayments they elect to collect from families up to but not in excess of their actual costs of delivering day care services. The family may be required by the day care provider to pay for the cost of care an amount determined according to the sliding fee scales attached.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The estimated effect of the proposed action on competition and employment is unknown.

Brenda L. Kelley
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Human Development**

Effective June 20, 1987, the Department of Health and Human Resources, Office of Human Development, Division of Rehabilitation Services, will change the State Plan (Section 6.6 (a) A, Page 1 of 1) and its policy manual amending the income exemption for eligibility determination for the following pre-employment services: 1) Physical Restoration; 2) Maintenance; 3) Transportation; 4) Books and Supplies; 5) Occupational Tools and Equipment; 6) Other Goods and Services; 7) Telecommunication, sensory, and other Technological Aids. Interpreter services for long-term training shall be exempt from the economic needs test. Post-Employment Services must meet the same economic needs test as pre-employment services. Eligibility criteria for interpreter services provided through state funds under the Commission for the Deaf shall be established by the commission.

The Louisiana Department of Health and Human Resources will conduct public hearings on this change in May, 1987 in the major metropolitan areas of the state.

Public hearings for the amended State Plan are scheduled as follows:

- Tuesday, May 19, 1987 in Shreveport, 2 pm State Office Building, Room 205, 1525 Fairfield Avenue, Shreveport, LA.
- Wednesday, May 20, 1987 in Alexandria, 10 am State Office Building, Room 209, 900 Murray Street, Alexandria, LA.
- Thursday, May 21, 1987 in Lafayette, 10 am State Office

Building, 302 Jefferson, Blue Room, First Floor, Lafayette, LA.
Friday, May 22, 1987 in New Orleans, 10 am Orleans Par. OFS Building, Second Floor Auditorium, 2601 Tulane Avenue, New Orleans, LA.

Interested persons may submit written comments on the proposed change prior to May 1, 1987, at the following address: Wayne C. Heap, Assistant Secretary, Office of Human Development, Box 44367, Baton Rouge, LA 70804.

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

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no anticipated effect on state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No effect is anticipated because the Division of Rehabilitation Services expects to collect the same amount of funds as present.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Clients would continue to receive interpreter services with no impact.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no anticipated effect on competition and employment.

Brenda L. Kelley
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Management and Finance, Division of Policy, Planning and Evaluation proposes to adopt the following changes to the Policies and Guidelines for Section 1122 Capital Expenditure Reviews to be effective June 20, 1987. The proposed changes will be made to the rule published in Volume 11, Number 4 of the *Louisiana Register*, April 20, 1985 and to LAC 48:I.12503.

The changes will:

- 1) Add No. 15 to the criteria for Expedited Review (p. 8) to read "Replacement contracts submitted after the expiration of the approval period."
- 2) Make some editorial changes on pages 8 and 8-A.
- 3) Amend the section on Evidence of Obligation/Expiration of Approval to clarify that a construction contract, which has been entered into during the approval period as evidence of a capital obligation, shall be replaced by a different contract after the expiration of the approval period, only when approved by

the Division of Policy, Planning and Evaluation.

This third set of changes will revise the introductory paragraph to the "Construction Projects" subsection (p. 13) and add a part "e" to the same subsection (p. 15).

Pages 8, 8-A, 13 and 15 will read as follows:

Page 8

7. Addition of a new service in an existing facility which will not exceed \$600,000.

8. Incorporation, reorganization, merger, consolidation, majority stock sale or transfer, or other changes in the person owning a health care facility with Section 1122 approval.

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

10. A reduction in approved beds or a discontinuance of an approved service.

11. The cost of site preparation for a mobile CT scanner which is the only capitalized expenditure the Section 1122 health care facility incurs to provide CT services.

12. Acquisition of an additional CT scanner which is not a replacement or backup CT scanner.

13. Sale or transfer of 25 to 50 percent of the ownership of an entity owning a Section 1122 approval.

14. Other proposals for expedited review may be submitted for consideration. Such proposals may be "accepted" for expedited review if no useful public purpose would be served by a full review.

15. Replacement contracts submitted after the expiration of the approval period.

An applicant proposing a capital expenditure which may qualify for an expedited review must submit a written request to DPPE. DPPE will review the request, determine whether a full review or an expedited review will be conducted, and send the appropriate application forms to the applicant.

Pre-Application Conference

At any time prior to submitting an application, an applicant may request a formal conference with DPPE to discuss the proposed project. A mutually acceptable meeting time will be established between the applicant and the agency.

Page 8-A

Procedures for Requests for Adjustments to Long Term Care Resource Goals - The contact person specified on the application will be the only person to whom DPPE sends notification in matters relative to the status of the application during the review process. If the contact person (or his address) changes at any time during the review process, the applicant shall notify DPPE in writing.

1. Expedited Review Procedures

Within 15 days of receipt of an application for an expedited review, DPPE shall review the application for completeness. The application is deemed complete for review purposes as of the date on which all required information is received.

If DPPE fails to notify the applicant within 15 days that additional information is required, the application is deemed complete as of the date received.

After an application is submitted, each time the applicant submits additional information subsequent to the date the original application was submitted, but prior to the application being declared complete, DPPE shall have 15 days from the date the most recent information was submitted to declare the application complete or incomplete.

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Negative Recommendation (Restatement of Federal Regulations)

When a proposal is found by DPPE to be in non-conformity, DHHS ordinarily excludes certain expenses related to the expenditure in determining federal reimbursement to be made under Title XVIII and Title XIX. However, if DHHS determines that one of the following conditions exists, such expenses shall be included in federal reimbursement.

a. the exclusion of costs for the proposal would discourage the operation or expansion of a health care facility which has demonstrated capability of providing comprehensive health services efficiently, effectively, and economically.

b. the exclusion of costs for the proposal would otherwise be inconsistent with the effective organization and delivery of health services.

c. the exclusion of costs for the proposal would be inconsistent with the effective administration of Title XVIII and/or Title XIX.

For additional information, refer to 42 C.F.R. S100.108. Failure To Provide Timely Notice

When DPPE determines that an applicant incurred an obligation for a proposed expenditure without providing 60 days timely notice, DPPE shall send written notification to the applicant, to DHHS, and to any other agency deemed appropriate, that timely notice was not provided. DHHS will make a determination as to whether a penalty should be imposed, and will notify the applicant and DPPE.

Evidence Of Obligation/Expiration Of Approval

Evidence of an obligation to make a capital expenditure must be received by DPPE within one year of the approval of the project (unless a six month extension has been granted), or the approval will expire.

The following documents are acceptable as evidence of an obligation for the specified types of proposals:

1. Construction projects.

A construction contract, enforceable under Louisiana law and duly executed by the appropriate parties is required. A construction contract must obligate the applicant and the building contractor to cause the capital asset approved under Section 1122 to be constructed. When a construction contract which has been accepted as evidence of an obligation is to be replaced with another construction contract, the replacement construction contract must be submitted to DPPE for review. If the contract replacement occurs during the approval period (12 months following conformity with Section 1122 requirements or 18 months for good cause), no action other than submission of the contract to DPPE will be required. Refer to Paragraph e. for the policy regarding replacing an applicable original construction contract after expiration of the approval period.

A construction contract submitted as evidence of an obligation to make a capital expenditure must include the following provisions:

Page 15

documentation shall be duly executed by the parties who execute the construction contract. After review of such documentation, Division of Policy, Planning and Evaluation at its option may grant an extension for the submittal of the sworn affidavit.

e. If an applicant finds it necessary to replace the original contract after the approval period has expired and the replacement contract is intended to serve as evidence of a capital obligation, the applicant must include written documentation of the reasons for the change in contracts. The documentation must

establish that the original contract was replaced for good cause. Good cause includes Acts of God, insolvency, bankruptcy, breach of contract or other situations beyond the control of the applicant.

The documentation must establish that the original contract is legally unenforceable or that from a practical standpoint it is not in the best interest of the project to enforce the contract.

The applicant must submit the proposed replacement contract for review along with the documentation described above. DPPE will review the required documentation and make a determination as to whether the replacement contract may serve as evidence of obligation for the project.

If the documentation does not clearly establish that the replacement of the original contract was for good cause, the project must be constructed with the original contract or the Section 1122 approval will expire.

If the applicant is unable to meet the time frames for vertical construction set forth in Paragraph b. above, the applicant may request an extension of time in accordance with Paragraph d.

2. Acquisition of a facility without financing
The Act of Cash Sale shall be submitted.
3. Acquisition of a facility with financing

A copy of the loan agreement or any other financial agreement shall be submitted. Loan guarantees and loan commitments do not meet requirements for evidence of obligation for such transactions.

4. Lease of facility

A copy of the legally executed lease shall be submitted.

5. A formal internal commitment of funds by a facility (or organization) for a force account expenditure

Documentation shall be submitted from a financial institution verifying that a specific separate account (with funds equivalent to the amount of the proposed expenditure) has been designated by the applicant/owner for the project. In the case of a state-owned facility, an appropriation is considered a force account expenditure.

When a formal internal commitment of funds by a facility (or organization) for a force account expenditure is submitted as evidence of obligation for a project to be constructed, then vertical construction shall commence within 18 months from the date of the Notice of Conformity or 24 months from such date if an extension to submit evidence of obligation was granted. A substantial completion date shall be given upon timely commencement of vertical construction. Vertical construction and substantial completion shall be documented in the manner required in 1b-d above.

6. Donated property

Documentation including the date on which the gift is completed, in accordance with applicable Louisiana law, shall be submitted.

As provided in the regulations, the one year approval period may be extended for up to six months at the discretion of DPPE, upon request of the applicant, if one of the following conditions exist.

Interested persons may submit written comments on the proposed change until May 15, 1987 at the following address: Bonnie W. Smith, Division of Policy, Planning and Evaluation, 200 Lafayette St., Suite 406, Baton Rouge, LA 70801.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Revisions to the 1122 Policy
and Guidelines
Expedited Review Criteria and
Evidence of Obligation/Expiration of Approval**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No implementation costs or savings are anticipated.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No effect on revenue collections is anticipated.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
No costs or benefits are anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No effect on competition and employment is anticipated.

Sandra L. Robinson, M.D., M.P.H. David W. Hood
Secretary and State Health Officer Legislative Fiscal Analyst

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Preventive and Public Health Services, proposes to adopt the following rule pursuant to R.S. 40:33 and R.S. 40:34 (B)(1)(a)(iv) and pertaining to birth registration of illegitimate children.

Proposed Rule

Registration of illegitimate births shall occur in accordance with the provisions set forth hereinunder:

1. The surname of the illegitimate child may differ from that of the mother's maiden name and, if desired, the name of the natural father may appear on the child's birth certificate only if there is agreement between the mother and natural father of said child.

2. That agreement shall be signified by the signature of the natural father on the child's birth certificate. Additionally, an authentic act of acknowledgment or legitimation executed by the father before a notary and two witnesses will be required. The act shall include the father's name, city and state of birth, age and race.

3. The original act shall accompany the birth certificate for recordation in Vital Records Registry.

4. The above shall not apply to situations covered by R.S. 40:34 (B)(1)(a)(iii) and C.C. Arts. 179, 184 and 185.

Interested persons may submit written comments on the proposed rule to Daneta Daniel Bardsley, Ed.D., Office of Preventive and Public Health Services, Box 60630, New Orleans, LA 70160, phone: (504) 568-5052.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Vital Records
Recordation of Illegitimate births**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs to be considered.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This rule will not affect revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There are no estimated costs and/or economic benefits to directly affect persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated impact on competition and employment.

Daneta Daniel Bardsley
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

The Louisiana Department of Health and Human Resources (DHHR) intends to apply for Block Grant federal funding for FY 1987-88 in accordance with Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981, and with federal regulations as set forth in the *Federal Register* Vol. 47, No. 129, Tuesday, July 6, 1982, pages 29472 - 29493. DHHR will continue to administer programs funded under the Block Grants in accordance with provisions set forth in Public Law 97-35 and the federal regulations.

The Block Grants and the DHHR Offices responsible for program administration are as follows:

1. Alcohol and Drug Abuse and Mental Health Services--Office of Mental Health (OMH) and Office of Prevention and Recovery of Alcohol and Drug Abuse (OPRADA). Inquiries and comments regarding Mental Health Services may be addressed to James W. Loe, M.D., Assistant Secretary, Office of Mental Health, Box 4049, Baton Rouge, LA 70821. The application is available for review at any OMH or OPRADA facility. Inquiries regarding Alcohol and Drug Abuse Services may be addressed to Vern Ridgeway, Box 53219, Baton Rouge, LA 70892.

2. Maternal and Child Health Services--Office of Preventive and Public Health Services (OPPHS). Inquiries and comments may be addressed to Daneta Bardsley, Ed.D., Assistant Secretary, Office of Preventive and Public Health Services, Box 69639, New Orleans, LA 70160. The application is available for review at any regional OPPHS facility in New Orleans, Baton Rouge, Lafayette, Alexandria, Shreveport or Monroe.

3. Preventive Health and Health Services--Office of Preventive and Public Health Services (OPPHS). Inquiries and comments may be addressed to Daneta Bardsley, Ed.D., Assistant

Secretary, Office of Preventive and Public Health Services, Box 69639, New Orleans, LA 70160. The application is available for review at any regional OPPHS facility in New Orleans, Baton Rouge, Lafayette, Alexandria, Shreveport or Monroe.

4. Title XX Social Services--Office of Human Development (OHD). Inquiries and comments may be addressed to Wayne Heap, Assistant Secretary, Office of Human Development, 1755 Florida Boulevard, Baton Rouge, LA 70802. The application is available for review at any OHD facility.

5. Low-Income Home Energy Assistance--Office of Human Development (OHD). Inquiries and comments may be addressed to Wayne Heap, Assistant Secretary, Office of Human Development, 1755 Florida Blvd., Baton Rouge, LA 70802. The application is available for review at any OHD Division of Children Youth and Family Services (DCYFS) Parish and Regional Offices.

A copy of each application may be obtained by writing directly to the DHHR Office responsible for administration.

Public hearings on Block Grant Applications for FY 1987-88 are scheduled as follows:

Louisiana Department of Health and Human Resources
Schedule of Block Grant Hearings

| | |
|---|---|
| Tuesday, May 19, 1987 Shreveport State Office Bldg. 1525 Fairfield Ave. Shreveport, LA | 2:00 p.m. Title XX Social Services Low Income Home Energy Assistance Alcohol, Drug Abuse and Mental Health Services Maternal and Child Health Services Preventive Health and Public Health Services |
| Wednesday, May 20, 1987 Alexandria State Office Bldg. 900 Murray Street Alexandria, LA | 10:00 a.m. Title XX Social Services Low Income Home Energy Assistance Alcohol, Drug Abuse and Mental Health Services Maternal and Child Health Services Preventive Health and Public Health Services |
| Thursday, May 21, 1987 Lafayette Lafayette Regional Parish Office of Family Security 302 Jefferson Street Lafayette, LA | 10:00 a.m. Title XX Social Services Low Income Home Energy Assistance Alcohol, Drug Abuse and Mental Health Services Maternal and Child Health Services Preventive Health and Public Health Services |
| Friday, May 22, 1987 New Orleans Orleans Parish OFS Office of Family Security 2nd Floor Auditorium 2601 Tulane Avenue New Orleans, LA | 10:00 a.m. Title XX Social Services Low Income Home Energy Assistance Alcohol, Drug Abuse and Mental Health Services Maternal and Child Health Services Preventive Health and Public Health Services |

At the public hearings all interested persons will have the opportunity to provide recommendations on the proposed Block Grant applications, orally or in writing. Written comments will be accepted through May 29, 1987.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: SSBG (SSA Title XX 1987-88)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation cost of this plan is \$51,816,468 which includes \$50,730,291 federal funds and \$1,086,177 IAT from within DHHR. Federal Funds include \$12,682,572 of Revised FFY '87 plus \$38,047,718 or 75 percent of the anticipated FFY '88 allotment - total \$50,730,291.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Louisiana's FFY '87 allotment published 11/15/85 was \$50,730,291. The FFY '88 allotment published 11/24/86 is \$50,396,171.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The impact of fee collection on family service providers and their protective service clients is unknown at this time. Since fees have not been charged previously and information on income levels has not been maintained, providers have no basis to project the amount of money that will actually be collected. The total amount received by these Title XX Family Service Providers including the OHD maximum reimbursement rate plus the co-payment collected from families, may meet but shall not exceed, the provider's actual cost of delivering family services. The impact of fee collection on day care for children services is described in a separate notice in this register.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No effect is anticipated on competition or employment.

Wayne C. Heap
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: ADAMHS Block Grant 87-88**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no projected increase in the 87-88 Block Grant over the 86-87 Block Grant. The total Block Grant amount will be used to implement Block Grant commitments.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no anticipated change in funding levels for the ADAMHS Block Grant for FY 87-88 from those received in FFY 86-87.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Services provided to clients funded by the ADAMHS Block Grant should be maintained at current levels.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Competition and employment should be enhanced in the public and private sectors.

Vern Ridgeway
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Low-Income Home Energy Assistance
Program Block Grant Plan**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation cost of the plan is \$11,126,210 in federal funds (\$2,708,341 from an anticipated FFY 1987 allotment of \$16,000,830 and \$7,331,692 from an anticipated FFY 1988 allotment of \$10,861,766.) Of the total estimated cost the amount of \$1,086,177 (10 percent of total FFY 1987 allotment) will be transferred to the Social Services Block Grant and \$8,433,628 will be available for energy assistance (84 percent), \$1,506,006 for weatherization (15 percent), and \$100,400 for energy crisis intervention (1 percent). Administrative costs will be limited to \$733,169 which is 7.3024 percent of total cost of these three services.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
For period 7/1/87 thru 6/30/88 a total of \$11,126,210 in federal LIHEAP funds will be available to the state.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
It is anticipated that purchase of service contracted funds will offset the cost of service delivery to designated local community action agencies and qualifying recognized Indian tribal organizations.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Only minimum effect is anticipated on competition and employment as all but the largest community action agencies state they can implement the proposed contracts with existing staff.

Brenda Kelley
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Maternal and Child
Health Block Grant (FY '88)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This block was implemented in FY '82. Neither an increase nor a decrease in implementation costs is expected, as DHHR will continue to administer these programs in accordance with existing federal and state laws and regulations. No workload change is anticipated, as the same amounts and kinds of services are expected to be delivered.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No effect on revenue collections is anticipated. Naturally, if the federal allotment to Louisiana for this block decreases, the state will be required to subsequently decrease the allotment to all programs covered under the block, but this is a factor beyond our control.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

No direct effect is anticipated on patients, groups, units of local government or state agencies other than DHHR.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect is anticipated on competition and employment, as the same kinds and amounts of services are to be offered. Should the amount of federal funds eventually appropriated be at such a decreased level as to warrant reductions in staff, unemployment may result.

Joseph O. Kimbrell
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

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

**Rule Title: Preventive Health and Health Services
State Grant Application 1987-88**

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

There is no increase or decrease expected in implementation costs since DHHR will continue to administer these programs in accordance with existing federal and state laws and regulations.

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

OPPHS anticipates receiving \$2.7 million in federal funds during FFY 1987-88 under this Block grant. The same amount was available in 1986-87.

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

No direct effect is anticipated on patients, groups, units of local government or state agencies other than DHHR.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect is anticipated on competition and employment.

Joseph O. Kimbrell
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Labor
Office of Labor**

The Department of Labor, Office of Labor, intends to amend certain rules and regulations under the Administrative Procedure Act (R.S.49:950, et seq.), for the implementation and administration of the Job Training Partnership Act (JTPA) (Public Law 97-300).

It will hold a public hearing thereon on April 27, 1987 at 9:30 a.m. in the Office of Labor Conference Room, Room 33, 5360 Florida Boulevard, Baton Rouge, LA 70806, at which time all interested parties will be given an opportunity to be heard.

Copies of the proposed rules may be obtained from Robert S. Fore, Federal Training Programs Assistant Director, Office of Labor, Room 7, 5360 Florida Boulevard, Baton Rouge, LA 70806, (504) 925-4230, on or before said hearing date.

The following is a list of proposed amendments to the Job Training Partnership Act rules and regulations.

Title 40

Labor and Employment

Part XIII. Job Training Partnership Act

§101. Definitions

O. *Family* means:

1. One or more persons living in a single residence related by blood, marriage, or adoption. A stepchild or a stepparent is considered to be related by marriage.

2. a. For purposes of paragraph (1) above, persons not living in the single residence but who were claimed as a dependent on another person's Federal Income Tax return for the previous year, unless otherwise demonstrated, shall be presumed to be part of the other person's family.

b. A handicapped individual may be considered a family of one when applying for programs under the Act.

c. An individual 18 years of age or older, except as provided in (a) or (b) above, who receives less than 50 percent of support from the family, and who is not the principal earner nor the spouse of the principal earner, is not considered a member of a family. Such an individual is considered a family of one.

d. Individuals 55 years of age or older may be considered a family of one.

P. *Family income* means all income received from all sources by all members of the family for the six-month period prior to application computed on an annual basis. Family size shall be the maximum number of family members during the income determination period. When computing family income, income of a spouse and/or other family member shall be counted for the portion of the income determination period that the person was actually a part of the family unit of the applicant.

1. For the purpose of determining eligibility, family income includes:

a. gross wages and salaries (before deductions);

b. net self-employment income (gross receipts minus operating expenses); and

c. other money income received from sources such as net rents, royalties, pensions, alimony, periodic income from insurance policy annuities, and other sources of income.

2. Family income does not include:

a. non-cash income such as food stamps, or compensation received in the form of food or housing;

b. rental value of owner-occupied property;

c. welfare payment;

d. cash payments received pursuant to a state plan approved under Titles I, II, IV, X, or XVI of the Social Security Act;

e. federal, state, or local unemployment benefits;

f. payments made to participants in employment and training programs;

g. capital gains and losses;

h. one-time unearned income, such as, but not limited to:

i. payments received for a limited fixed-term under income maintenance programs and supplemental (private) unemployment plans;

ii. one-time or fixed-term scholarship and fellowship grants;

iii. accident, health, and casualty insurance proceeds;

iv. disability and death payments, including fixed-term (but not lifetime) life insurance annuities and death benefits;

v. one-time awards and gifts;

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

- vi. inheritance, including fixed-term annuities;
 - vii. Worker's Compensation weekly benefits and any settlement awards;
 - viii. terminal leave pay;
 - ix. soil bank payments, and
 - x. agriculture crop stabilization payment.
- i. pay or allowances received by any veteran while serving on active duty in the Armed Forces;
- j. educational assistance and compensation payments to veterans and other eligible persons under Chapter 11, 13, 31, 34, 35, and 36 of Title 38, United States Code;
- k. payments received under the Trade Act of 1974 as amended:
- l. black Lung payments received under the Benefits Reform Act of 1977, Pub. Law 95-239, 30 USC 901;
 - m. child support payments;
 - n. income tax refunds;
 - o. foster care payments;
 - p. disaster assistance; and
 - q. quarters (housing) allowances provided to members of the Armed Forces.

§163. Prevention of Fraud and Program Abuse

To ensure that integrity of programs under the Act, special efforts are necessary to prevent fraud and other program abuses. Fraud includes deceitful practices and intentional misconduct, such as willful misrepresentation in accounting for use of program funds. Abuse is a general term which encompasses improper conduct which may or may not be fraudulent in nature. While any violation of the Act or regulations may constitute fraud or program abuse, this rule identifies and addresses specific areas which need clarification.

This rule sets forth specific responsibilities of recipients, Service Delivery Area grant recipients and subrecipients to prevent fraud and program abuse in JTPA.

A. Conflict of Interest

1. No member of any council under the Act shall cast a vote on any matter which has a direct bearing on services to be provided by that member or any organization which such member represents. Caution must be exercised by members to insure that council action does not render the member in violation of R.S. 42:1112, which under certain circumstances may require members to cure the conflict of interest through resignation.

2. Each recipient, Service Delivery Area grant recipient and subrecipient shall avoid personal conflict of interest and appearance of conflict of interest in awarding financial assistance and in the conduct of procurement activities involving funds under the Act.

3. Neither the recipient, any Service Delivery Area grant recipient nor subrecipient shall pay funds under the Act to any individual, institution, or organization to conduct an evaluation of any program under the Act if such individual, institution, or organization is associated with that program as a consultant or technical advisor.

E. Nepotism

The Code of Governmental Ethics contains restrictions against the hiring of certain family members. Questions regarding the hiring of family members should be referred to the Commission on Ethics for Public Employees.

Johnny L. Hodges
Assistant Secretary of Labor

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

The Louisiana Department of Labor (LDOL) anticipates receipt of approximately \$85,000,000 in federal funds to operate the Job Training Partnership Act Program. Of this amount approximately 15 percent will be used by state and local governments for administration of the program. There are no anticipated implementation costs associated with these proposed changes.

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

There will be no effect on revenue collections as a result of these changes to the JTPA state rules and regulations.

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

The successful implementation of the JTPA program will result in job training and employment for unemployed and economically disadvantaged individuals. The proposed rule changes will allow certain family members 55 years of age and older who were heretofore determined ineligible to now participate in JTPA programs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and/or employment if these policies are adopted. The intent of the JTPA program is to provide job training for certain individuals. The training provided will be for future job vacancies in occupations determined by labor market survey to be in demand in local areas. Trainees will not replace those persons who are presently working.

Johnny L. Hodges
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Natural Resources
Office of the Secretary**

FISHERMEN'S GEAR COMPENSATION FUND

In accordance with Louisiana Revised Statutes 49:950 et seq., the Administrative Procedure Act, notice is given by the Department of Natural Resources that the balance in the Fishermen's Gear Compensation Fund is less than one hundred thousand dollars, and, as provided in R.S. 56:700.2, an additional fee will be assessed on July 1, 1987. The fee, in the amount of seven hundred dollars for each state mineral lease and seven hundred dollars for each state right-of-way, will apply to all state mineral leases and state rights-of-way located in the Coastal Zone of Louisiana.

On January 20, 1987, the Department of Natural Resources, Fishermen's Gear Compensation Fund adopted a rule limiting to two each fiscal year the number of claims which may be filed by an applicant.

Questions or comments relative to this fee may be directed to Gerald P. Theriot, Acting Administrator, Fishermen's

Gear Compensation Fund, Box 94396, Capitol Station, Baton Rouge, LA, 70804, (504) 342-0122, and must be received by May 20, 1987.

B. Jim Porter
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Fishermen's Gear Fee Notice**

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

There will be no additional implementation costs (savings) to state or local government units being that existing staff can handle the related workload.

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

This assessment will generate approximately \$1,400,000 (an increase of approximately \$700,000 over FY 86-87 collections) for use in paying claims against the fund during FY 87-88. The additional revenues will result from a \$700 assessment per state mineral lease and per state right-of-way. (The current assessment is \$300).

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

The assessment will be borne by the petroleum exploration and transmission industry. Failure to assess the fees will result in failure of the program to function as intended by the Legislature (i.e., the payment of damaged gear claims by Louisiana fishermen).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment, being that this rule simply announces a fee authorized by an act of the legislature.

F. Carl Rowen
Undersecretary

Davie W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Natural Resources
Office of the Secretary**

The secretary of the Department of Natural Resources does hereby give notice, in accordance with the Administrative Procedure Act, that he intends to repeal and repromulgate the rules and regulations for administering the provisions of R.S. 47:648.11 which established a severance tax exemption for oil produced from wells drilled between July 15, 1986 and July 15, 1987. These amendments are due to a perceived inconsistency between the current rules which were effective November 20, 1986 and the language of R.S. 47:648.11. Copies of the proposed amended rule may be obtained by calling the Legal Division of the Department of Natural Resources at (504) 342-0126 or by writing to the Legal Division at Box 94396, Baton Rouge, LA 70804-9396, or may be viewed at the Legal Division of the Department of Natural Resources, Thirteenth floor, 625 North Fourth Street, Baton Rouge, LA 70802.

The Department of Natural Resources will be open from 8 a.m. to 4:30 p.m., and interested persons may call C. H. Mandell or Charlene Ducote, at this time, holidays and weekends excluded, for a copy of this amended rule. Any interested person wishing to submit written comments relative to this amended rule may do so by submitting the same to the Legal Division, at the address set forth in this notice on or before the close of business hours, May 6, 1987.

This proposed rule may be seen in its entirety in the Emergency Rule Section of this Register.

B. Jim Porter
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Severance Tax Exemption**

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

These rules do not require any additional implementation costs to state or local governmental units because the requirements of these proposed rules are presently being addressed by existing staff and activities of the Department of Revenue and Taxation and the Department of Natural Resources.

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

These rules will have no effect on the revenue collections of local governmental units or the state, beyond the effect on the state resulting from the passage of Act 673 of 1986, itself. A severance tax loss has been projected for FY 86-87 as a result of the passage of Act 673, but this would be partially offset by taxes estimated at \$25,000-\$30,000 per well resulting from additional wells which would be drilled because of the exemption. Losses in the second and third year could range from \$4 million to \$8 million, however taxable production in years past FY 88-89 will be less if Act 673 had not created the exemption.

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

These rules, by establishing that the severance tax exemption will be claimed on forms provided by the Department of Revenue and Taxation, required no cost of, or creates no economic benefit on behalf of, directly affected persons or nongovernmental groups, beyond any costs or economic benefit which are created by the terms of Act 673 of 1986. The economic benefits which will accrue to directly affected persons would be equivalent of the severance taxes on the first 50 barrels of oil produced each day until the annual production eligible for tax exemption exceeds 10,000 barrels through July 15, 1990. If the price of oil meets or exceeds \$21 per barrel, all severance taxes would be due and economic benefit would be suspended.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Act 673 should have no effect on competition, as any operator drilling an oil well between July 15, 1986 and July 15, 1987 is granted the severance tax exemption. The tax incentive for drilling new wells will result in higher employment for drilling and production activities, however, no em-

ployment figure prediction is reasonably possible because the price of oil, per barrel, also dictates the amount of drilling activity.

Cuthbert H. Mandell
General Counsel

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of River Port Pilots Commissioners

The Louisiana Board of River Port Pilots Commission hereby gives notice in accordance with law of its intent to adopt on a permanent basis the rules relating to drug and alcohol abuse that were published as emergency rules on March 20, 1987.

SECTION 1. TERMS

1. *Board* refers to the Board of River Port Pilot Commissioners as defined in R.S. 34:991.
2. *Pilot* refers to river port pilots as defined in R.S. 34:992.
3. *Commission* is the appointment by the governor authorizing one to perform the duties of a river port pilot.
4. *Alcoholic Beverage* refers to any fluid or solid capable of being converted into fluid, suitable for human consumption which contains alcohol.
5. *Drug* refers to all controlled dangerous substances as defined in R.S. 40:961(7).
6. *Prescription Medication* refers to medication which can only be distributed by the authorization of a licensed physician as defined in R.S. 40:961(30).

SECTION 2. DRUG USE

Rule 1

A pilot shall be free of use of any "drug" as defined in Section 1, but excluding "Prescription Medication" as defined in Section 1 so long as use of such "prescription medication" does not impair the physical competence of the pilot to discharge his duties.

Rule 2

The Board of River Port Pilot Commissioners shall designate a testing agency to perform scientific test or tests to screen for the presence of drugs. These tests shall be conducted at random at the discretion of the Board of River Port Pilot Commissioners.

Rule 3

All pilots shall submit to reasonable scientific testing and screening for drugs when directed by the Board of River Port Pilot Commissioners.

Rule 4

A. The results of the drug testing and screening shall be confidential and disclosed only to the Board of River Port Pilot Commissioners and the pilot tested, except that:

- (1) the Board of River Port Pilot Commissioners may report the results to the governor and the Board of Directors of the Crescent River Port Pilot Association; and
- (2) In the event that the Board of River Port Pilot Commissioners determines that a hearing is required pursuant to R.S. 34:991 and/or 1001 there shall be no requirement of confidentiality in connection with such hearing.

Rule 5

Any pilot testing positive for drugs or any residual thereof,

shall be suspended from performing the duties of a pilot pending a hearing pursuant to R.S. 34:991 and 1001.

Rule 6

Any pilot who refuses to submit to reasonable scientific testing or screening for drugs, fails to cooperate fully with the testing procedures, or in any way tries to alter the test results shall be suspended from performing the duties of a pilot pending a hearing pursuant to R.S. 34:991 and 1001.

Rule 7

Any pilot found to be in violation of this Section may be reprimanded, fined, evaluated, and/or treated for drug use and/or have his commission suspended or revoked.

Rule 8

Any pilot who is required to undergo evaluation and/or treatment for drug use shall do so at his own personal expense and responsibility; the physician, as well as the evaluation and treatment facility, must be approved by the Board of River Port Pilot Commissioners.

SECTION 3. ALCOHOL USE

Rule 1

No pilot shall consume any alcoholic beverage within six hours before, or during, the performance of his pilotage duties.

Rule 2

No pilot shall perform his duties as a River Port Pilot if his blood alcohol content is .04 or greater.

Rule 3

Any pilot who believes he would be in violation of any of these rules if he were to perform his duties as a River Port Pilot is obligated to remove himself from duty.

Rule 4

The Board of River Port Pilot Commissioners may request a pilot to submit himself to a blood alcohol test upon complaint or reasonable suspicion that a pilot is performing his duties as a River Port Pilot while under the influence of alcohol.

Rule 5

Any pilot found to be in violation of this Section may be reprimanded, fined, evaluated and/or treated for alcoholism and/or have his commission suspended or revoked.

Rule 6

Any pilot who is required to undergo evaluation and/or treatment for alcoholism shall do so at his own personal expense and responsibility; the physician, as well as the evaluation and treatment facility, must be approved by the Board of River Port Pilot Commissioners.

Interested parties may contact Douglas Grubbs at the Board of River Port Pilots Commissioners at (504) 392-5017 during normal working hours for more information. All interested persons may submit written comments relative to this rule through Monday, May 4, 1987 to the board at 409 Belle Chasse Highway South, Box 848, Belle Chasse, LA 70037-0848.

Captain Douglas J. Grubbs
President

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: River Pilots Rules

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no cost to state or local governments. Expenses of the testing program will be paid by the Crescent River Port Pilot Association, a private association of river pilots.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Any pilot found in violation of the rules will be responsible for the cost of the evaluation/treatment related to the alcohol or drug abuse that may be required by the Board of Commissioners. Other penalties provided for by the rules would also have negative financial impact on affected pilots.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
None

Douglas J. Grubbs
President

Ron Henson
Legislative Fiscal Officer

NOTICE OF INTENT

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

**Title 76
Wildlife and Fisheries
Part VII. Fish and Other Aquatic Life**

§703. Black Drum and Pompano Net Length (Adopt)

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to change the existing regulations governing issuance of permits for the purpose of fishing pompano and black drum in Louisiana coastal waters. Specifically, the maximum length of net permissible will be changed from 1200 to 2400 feet. Authority for this change is included in R.S. 56:406.

Interested parties may submit written comments and comment on this proposed change until 4:30 p.m., June 15, 1987 in person or writing to: J. Burton Angelle, Secretary, Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Pompano and Black Drum
Net length change**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no impact on implementation costs to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no impact on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This will allow for more efficient fishery by commercial interests.

- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no impact on competition and employment.

Mary Mitchell
Chief Fiscal Officer

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

**Title 76
Wildlife and Fisheries
Part V. Wild Quadrupeds and Wild Birds**

Chapter 5. Resident Game Quadrupeds and Birds

§501. Hunting Seasons

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) the Louisiana Wildlife and Fisheries Commission has developed proposed open seasons, rules and regulations for hunting resident game quadrupeds and birds during the period October 1, 1987 to April 30, 1988. This action is exempt from legislative oversight and was taken at a public hearing on April 13, 1987 at 2001 Quail Drive, Baton Rouge, LA (copy of resolution signed by Secretary J. Burton Angelle attached). Authority to establish these rules is vested in the commission by Section 115 of Title 56 of the Louisiana Revised Statutes of 1950. The secretary of the Department of Wildlife and Fisheries has the authority to close seasons or alter any rule or regulation in emergency situations to protect the wildlife resources of the state.

In general these proposals include dates for open hunting seasons and bag limits for all resident game quadrupeds and birds provided for by law. Also proposed are regulations establishing legal methods of taking as well as special open hunting seasons for department controlled wildlife management areas. A summary of the 1987-88 hunting seasons and bag limits for resident game species is attached. (A more detailed copy of the proposed rules and regulations are available upon request at the address listed below.)

- 1. Quail: Nov. 26 - Feb. 28. Daily bag limit 10, possession 20.
 - 2. Rabbit: Oct. 3 - Feb. 28. Daily bag limit 8, possession 16.
 - 3. Squirrel: Oct. 3 - Jan. 17. Daily bag limit 8, possession 16.
 - 4. Bear: Nov. 7 - 15. One per season. (Restricted to small area of Atchafalaya Basin. CLOSED ON SHERBURNE WMA.)
 - 5. Deer: One per day, 6 per season.
- AREA 1, 53 DAYS
9 days still hunting only: Nov. 21 - 29.
44 days with or without dogs: Dec. 5 - Jan. 17.
- AREA 2, 48 DAYS
23 days still hunting only: Nov. 7 - 29.
9 days with or without dogs: Dec. 5 - 13.
16 days with or without dogs: Dec. 19 - Jan. 3.

AREA 3, 48 DAYS
23 days still hunting only: Nov. 7 - 29.
9 days with or without dogs: Dec. 5 - 13.
16 days with or without dogs: Dec. 19 - Jan. 3.

AREA 4, 48 DAYS
23 days still hunting only: Nov. 7 - 29.
9 days still hunting only: Dec. 5 - 13.
16 days still hunting only: Dec. 19 - Jan. 3.

AREA 5, 41 DAYS
9 days still hunting only: Nov. 21 - 29.
9 days still hunting only: Dec. 5 - 13.
23 days still hunting only: Dec. 19 - Jan. 10.

6. Archery Season: October 1 - Jan. 20.

7. Turkey: One per day, 3 per season.

AREA A, 30 days: March 26 - April 24.

AREA B, 30 days: March 26 - April 24.

AREA C, 37 days: March 19 - April 24.

AREA D, 37 days: March 12 - April 17.

AREA E, 29 days: April 2 - 30.

AREA F, 37 days: March 12 - April 17.

AREA G, 30 days: March 26 - April 24.

AREA H, 30 days: March 26 - April 24.

AREA I, 8 days: April 23 - April 30.

Wildlife Management Area Changes:

1. Vehicles - Tractor or implement tires with farm tread designs R1, R2, and R4, known commonly as spade or lug grip types are prohibited on all vehicles.

2. Raccoon Hunting - Raccoon bag limit - one per person per night for raccoon hunters during "take season" with dogs on WMA's EXCEPT no limit on Ouachita (Experimental).

3. Spotlighting for Wildlife - Spotlighting (shining) from vehicles is prohibited on all WMA's.

Interested parties may submit their views in writing to Hugh A. Bateman, Chief, Game Division, Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Hunting Seasons

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

There will be no impact on implementation costs to state or local governmental units.

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

Projected hunting license fee collections for fiscal year 1987-88 is computed at 5.6 million dollars. Failure to adopt rule changes would result in loss of these funds.

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

Hunting in the state generates in excess of \$150,000,000 annually through the commercial sales related to the outdoor activity. Closure of hunting would result in loss of these generated revenues to commercial operations.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no realistic method by which this department can estimate the effect on employment or competition.

Mary Mitchell
Chief Fiscal Officer

David W. Hood
Legislative Fiscal Analyst

Committee Reports

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on March 26, 1987 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the February 20, 1987 *Louisiana Register* with the following results:

1. Proposal by the office of solid and hazardous waste to amend Chapters 21 and 22 of the Louisiana Hazardous Waste Regulations (LHWR) to eliminate the need for environmental quantity generators; to allow for waste accumulation at a central location for small quantity generators; and, to exempt used batteries returned to the manufacturer from regulation.

Approved by a vote of 5-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

House of Representatives Committee on Natural Resources Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on March 26, 1987 and reviewed certain proposed rules by the Louisiana Wildlife and Fisheries Commission to prohibit commercial seining except under a special permit in Old River Lake for which notice of intent was published in the February 20, 1987 *Louisiana Register* with the following results:

1. No determination was made regarding whether the proposed rule was within the intent and scope of the enabling

legislation because no such specific legislation was cited to the subcommittee.

2. It was determined that the proposed rule is contrary to applicable provisions of law and of the constitution. There was no statutory or constitutional authority cited to the subcommittee to authorize the department to create a special permit for commercial seining.

3. Regarding the merit of the proposed rule, the subcommittee objected to the use of a rule to stop seining by one commercial fisherman in Old River Lake and that enforcement of present law may clear up the problem.

4. The subcommittee determined that the rule change was unacceptable because of the finding cited in numbers 1, 2, and 3 above.

Rejected by a vote of 5-0.

In accordance with R.S. 49:968(F), copies of this report are being forwarded this date to the governor, the Wildlife and Fisheries Commission, and the State Register.

Clyde W. Kimball
Chairman

COMMITTEE REPORT
House of Representatives
House Natural Resources Committee
Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on March 26, 1987 and reviewed certain changes in state regulations proposed by the Louisiana Department of Wildlife and Fisheries for which notice of intent was published in the February 20, 1987 *Louisiana Register* with the following results:

1. Proposal by the Louisiana Wildlife and Fisheries Commission to establish a public oyster seed ground in portions of Vermilion, East and West Cote Blanche and Atchafalaya Bays.

Approved by a vote of 5-0.

Clyde W. Kimball
Chairman

| Vol. | Title:Part.Section | Effect | Location |
|------|-------------------------|--------------|--------------------------------|
| 2 | LAC 64:I.706 | Adopted | LR 13:160 January 20, 1987 |
| | LAC 7:XXXVI.17703 | Amended | LR 13:10 |
| | LAC 7:XXXVI.17711 | Amended | LR 13:12 February 20, 1987 |
| | LAC 7:V.Chapter 12 | Adopted | LR 13:77 March 20, 1987 |
| 3 | LAC 7:XIII.Chapter 87 | Amended | LR 13:155 |
| | LAC 7:XXXV.Chapter 175 | Amended | LR 13:157 |
| | LAC 7:XXXVII.Chapter 18 | Amended | LR 13:159 January 20, 1987 |
| | LAC 46:VII.Chapter 1 | Amended | LR 13:28 |
| | LAC 46:VII.Chapter 9 | Adopted | LR 13:27 |
| | LAC 46:VII.Chapter 11 | Adopted | LR 13:24 |
| | LAC 46:XIX.709 | Adopted | LR 13:13 |
| | LAC 46:XIX.1101 | Amended | LR 13:13 |
| | LAC 46:XIX.1303 | Adopted | LR 13:13 |
| | LAC 46:XIX.2101 | Amended | LR 13:13 February 20, 1987 |
| | LAC 46:XIX.2101 | Re-published | LR 13:82 March 20, 1987 |
| 4 | LAC 46:XXVII.Chapter 5 | Repealed | LR 13:176 |
| | LAC 46:XXXIII.301 | Adopted | LR 13:179 |
| | LAC 46:XXXIII.303 | Adopted | LR 13:180 |
| | LAC 46:XXXIII.305 | Adopted | LR 13:180 |
| | LAC 46:XXXIII.901 | Adopted | LR 13:178 |
| | LAC 46:XXXIII.1101 | Adopted | LR 13:178 |
| | LAC 46:LXIII.303 | Amended | LR 13:180 |
| | LAC 46:LXIII.703 | Amended | LR 13:180 January 20, 1987 |
| | LAC 4:V.1167 | Amended | LR 13:23 |
| | LAC 34:XI.Chapter 1 | Adopted | LR 13:14 February 20, 1987 |
| 5 | LAC 4:V.Chapter 9 | Amended | LR 13:85 |
| | LAC 34:I.509.C | Repealed | LR 13:88 |
| | LAC 34:V.121 | Amended | LR 13:87 March 20, 1987 |
| | LAC 4:VII.Chapter 9 | Re-published | LR 13:161 January 20, 1987 |
| | LAC 76:XI.301 | Adopted | LR 13:30 February 20, 1987 |
| | LAC 76:I.301 | Amended | LR 13:115 March 20, 1987 |
| | LAC 76:VII.311 | Adopted | LR 13:189 |
| | LAC 76:VII.313 | Adopted | LR 13:189 February 20, 1987 |
| | LAC 55:III.Chapter 8 | Amended | LR 13:99 |
| | LAC 55:I.Chapter 17 | Adopted | LR 13:99 |
| 7 | LAC 25:III.103 | Adopted | LR 13:83 |
| | LAC 25:III.105 | Adopted | LR 13:82 |

Administrative Code Update

Administrative Code Update
January, 1987 through March, 1987

| Vol. | Title:Part.Section | Effect | Location |
|------|--------------------|----------|------------------------------|
| 1 | LAC 35:III.2115 | Adopted | January 20, 1987 LR 13:14 |
| | LAC 35:III.2903 | Repealed | LR 13:14 |
| | | | March 20, 1987 |

Potpourri

POTPOURRI

Department of Agriculture and Forestry
Crop Pests and Diseases

QUARANTINE

In accordance with LAC 7:XV.9507 and 9509, we are hereby publishing the annual quarantine.

1.0 Sweet Potato Weevil (*Cylas formicarius*, *elegantulus*, Sum)

(A) In the United States: the states of Alabama, Florida, Georgia, Mississippi, Texas, and South Carolina.

(B) In the state of Louisiana:

(1) The entire parishes of: Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Rapides, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Washington, West Baton Rouge, West Feliciana.

(2) The following areas are non-sweet potato areas:

(a) Those portions of the Parish of Catahoula as follows: The property of L. W. Watson in Section 15, Township 8 North, Range 6 East; and all properties within a one mile radius thereof.

(b) Those portions of the Parish of Ouachita as follows: The properties of James Harper and Harrel Oshon in Section 16, Township 16 North, Range 3 East and all properties within a one mile radius thereof.

2.0 Pink Bollworm (*Pectinophora gossypiella*, Saunders)

Pink bollworm quarantined areas are divided into generally infested and/or suppressive areas as described by USDA-PPQ.

ARIZONA

(1) Generally infested area: the entire state.

ARKANSAS

(1) Generally infested area: None.

(2) Suppressive area:

Clark County: The entire county;

Dallas County: The entire county;

Jefferson County: The entire county except that area south of U.S. Highway 65;

Lafayette County: The entire county;

Lonoke County: The entire county lying south of Interstate 40;

Miller County: The entire county;

Quachita County: The entire county;

Pulaski County: That area of the county lying east of the Arkansas River and south of Interstate 40.

CALIFORNIA

(1) Generally infested area: The entire Counties of: Imperial, Inyo, Los Angeles, Orange, Riverside, San Bernardino, San Diego.

(2) Suppressive area: The entire Counties of: Fresno, Kern, Kings, Madera, Merced, San Benito, Tulare.

LOUISIANA

(1) Generally infested area: None

(2) Suppressive area: Caddo

NEVADA

(1) Generally infested area: The entire Counties of Clark and Nyle.

(2) Suppressive area: None.

NEW MEXICO

(1) Generally infested area: The entire state.

OKLAHOMA

(1) Generally infested area: The entire state.

TEXAS

(1) Generally infested area: The entire state.

3.0 Brown Garden Snail (*Helix aspersa*)

The entire States of California and Arizona.

4.0 Leaf Scald (*Xanthomonas albilineans*)

All areas of the country where sugarcane is grown.

5.0 Lethal Yellowing

The states of Florida and Texas and the commonwealth of Puerto Rico.

6.0 Sweet Potato Mosaic

The states of Alabama and Georgia and any other state which may hereafter be found to be infected with sweet potato mosaic; and all other states which do not maintain restrictions against the movement of regulated products from the quarantined area.

7.0 Tristeza, xyloporosis, psorosis, exocortis.

All citrus growing areas of the United States.

8.0 Burrowing nematode (*Radopholus similis*)

The states of Florida and Hawaii and the Commonwealth of Puerto Rico.

9.0 Oak Wilt (*Ceratocystis fagacearum*)

ARKANSAS

Infected counties: Baxter, Benton, Boone, Carroll, Clay, Craighead, Crawford, Franklin, Fulton, Independence, Izard, Johnson, Lawrence, Logan, Madison, Marion, Mississippi, Nevada, Newton, Poinsett, Pope, Randolph, Scott, Searcy, Sharp, Stone, Washington, and Yell.

ILLINOIS

Entire state is quarantined.

IOWA

Entire state is quarantined.

KANSAS

Infected counties: Anderson, Atchison, Cherokee, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Linn, Miami, Neosho, Pottawatomie, Shawnee, and Wyandotte.

MARYLAND

Infected Counties: Allegany, Frederick, Garrett, and Washington.

MICHIGAN

Infected counties: Barry, Barrien, Calhoun, Cass, Clare, Clinton, Grand Traverse, Kalamazoo, Kent, Lake, Livingston, Manistee, Missaukee, Muskegon, Oakland, Roscommon, St. Joseph, Van Buren, Washtenaw, Wayne, and Menominee.

MINNESOTA

Infected counties: Anoka, Aitkin, Blue Earth, Carver, Cass, Chicago, Crow Wing, Dakota, Dodge, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Le Sueur, McLeod, Mille Lacs, Morrison, Mower, Nicollet, Olmsted, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Waseca, Washington, Winona, and Wright.

MISSOURI

Entire state is quarantined.

NEBRASKA

Infected counties: Cass, Douglas, Nemaha, Otoe, Richardson, and Sarpy.

NORTH CAROLINA

Infected counties: Buncombe, Burke, Haywood, Jackson, Lenoir, Macon, Madison, and Swain.

OKLAHOMA

Infected counties: Adair, Cherokee, Craig, Delaware, Haskell, Latimer, LeFlore, Mayes, McCurtain, McIntosh,

Ottawa, Pittsburg, Rogers, Sequoyah, and Wagoner.

PENNSYLVANIA

Infected counties: Adams, Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Centre, Clarion, Clinton, Cumberland, Erie, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lawrence, Mifflin, Perry, Somerset, Venango, Washington, and Westmoreland.

SOUTH CAROLINA

Infected counties: Chesterfield, Kershaw, Lancaster, Lee, and Richland.

TENNESSEE

Infected Counties: Blount, Carter, Cocke, Cumberland, Grainger, Greene, Hamblen, Hancock, Hardeman, Hawkins, Jefferson, Knox, Lincoln, Loudon, Montgomery, Rhea, Roane, Robertson, Sevier, Sullivan, Union, Washington, and White.

TEXAS

Infected counties: Bandera, Bastrop, Bexar, Blanco, Basque, Burnett, Dallas, Erath, Fayette, Gillespie, Hamilton, Kendall, Kerr, Lampasas, Lavaca, McLennan, Midland, Tarrant, Travis, Williamson.

VIRGINIA

Infected counties: Aleshany, Augusta, Bath, Botetoust, Clarke, Frederick, Giles, Highland, Lee, Loudoun, Montgomery, Page, Rockbridge, Rockingham, Scott, Shenandoah, Smyth, Warren, Washington, Wise, and Wythe.

WEST VIRGINIA

Infected counties: all counties *except* Tucker and Webster.

WISCONSIN

Infected counties: Adams, Brown, Buffalo, Chippewa, Clark, Columbia, Crawford, Dane, Dodge, Dunn, Eau Claire, Fond du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kenosha, La Crosse, Lafayette, Lincoln, Marquette, Milwaukee, Monroe, Oconto, Outagamie, Ozaukee, Pepin, Pierce, Polk, Portage, Racine, Richland, Rock, St. Croix, Sauk, Shawano, Trempealeau, Vernon, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood.

10.0 Phony Peach

ALABAMA

Entire state.

FLORIDA

Entire state.

GEORGIA

Entire state.

ARKANSAS

Counties of Arkansas, Ashley, Bradley, Chicot, Columbia, Crittendon, Cross, Desha, Drew, Hempstead, Howard, Jefferson, Lafayette, Lee, Lincoln, Little River, Miller, Monroe, Nevada, Phillips, Pike, Poinsett, St. Francis, Sevier, Union, and Woodruff.

KENTUCKY

County of McCracken.

LOUISIANA

Parishes of Bienville, Bossier, Caddo, Claiborne, DeSoto, Jackson, Lincoln, Morehouse, Natchitoches, Ouachita, Red River and Union.

MISSISSIPPI

Entire state.

MISSOURI

County of Dunklin.

NORTH CAROLINA

Counties of Anson, Cumberland, Gaston, Hoke, Polk and Rutherford.

SOUTH CAROLINA

Counties of Aiken, Allendale, Bamberg, Barnwell, Cherokee, Chesterfield, Edgefield, Greenville, Lancaster, Laurens, Lexington, Marlboro, Orangeburg, Richland, Saluda, Spartanburg, Sumter, and York.

TENNESSEE

Counties of Chester, Crockett, Dyer, Fayette, Hardman, Hardin, Lake, Lauderdale, McNairy, Madison, and Weakley.

TEXAS

Counties of Anderson, Bexar, Brazos, Cherokee, Freestone, Limestone, McLennan, Milan, Rusk, San Augustine, Smith, and Upshur.

11.0 Citrus Canker (*Xanthomonas campestris pv citri* (Hasse) Dawson)

The entire State of Florida.

12.0 Southern Pine Beetle (*Dendroctonus frontalis* Zimm.)

The Parishes of: LaSalle, Catahoula, Grant, Caldwell, Bienville, Jackson, East Feliciana, St. Helena, DeSoto, Red River, Sabine, Natchitoches, and Evangeline.

Bob Odom

Commissioner

POTPOURRI

**Department of Agriculture and Forestry
Office of Agriculture and Environmental Sciences
Apiary Law**

Termination of Quarantine

Honeybee Tracheal Mite

In accordance with the authority of the state entomologist under the provisions of R. S. 3:2304 and LAC 7:XXI.11915, notice is hereby given that the state entomologist for the Department of Agriculture and Forestry has rescinded the honeybee tracheal mite quarantine in the State of Louisiana.

Extensive sampling and testing have confirmed the mite's presence in several geographical areas of the state. Therefore, effective immediately, the movement of bees with mites within the state of Louisiana will no longer be regulated. However, sampling for the purposes of certification of shipments to other states will be continued as required by other states.

Bob Odom

Commissioner

POTPOURRI

**Department of Commerce
Board of Examiners of Certified Shorthand Reporters**

Effective January 1, 1987, the jurisdiction of the Louisiana Board of Examiners of Certified Shorthand Reporters was

extended statewide. The new statute permits, until June 30, 1987, certification without examination for those reporters whose principal occupation in this state, during the year prior to January 1, 1987, was that of a verbatim shorthand reporter. Anyone interested in applying for certification must contact the board's office administrator, Dianne Cassioppi, at (504) 523-4306, between 2 p.m. and 6 p.m., Monday through Friday, or write the Louisiana Board of Examiners, 325 Loyola, Suite 306, New Orleans, LA 70112, for information and application packets.

Stephen R. Plotkin
Chairman

POTPOURRI

Department of Health and Human Resources Board of Veterinary Medicine

The National Veterinary Examination will be given on May 12, 1987 at the Louisiana State University, School of Veterinary Medicine, LSU Campus, Baton Rouge, LA. The Clinical Competency Test will be given on May 13, 1986.

The Louisiana State Veterinary Examination will be given May 23-24, 1987 at the Louisiana State University School of Veterinary Medicine, LSU Campus, Baton Rouge, LA.

Interested persons may obtain further information from Dr. John K. Cooper, Secretary-Treasurer, Board of Veterinary Medicine, Box 15191, Baton Rouge, LA 70895, (504) 925-9538.

Randy Thayer, DVM
President

POTPOURRI

Department of Natural Resources Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56:700.1 through 56:700.5, and regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980, notice is given that 17 claims amounting to \$37,454.57 were received during the month of March, 1987. During the same month 47 claims, amounting to \$49,169.45 were paid.

The following claims are the subjects of public hearings to be held at the locations indicated:

Thursday, April 30, 1987, at 1:30 p.m., in the Police Jury Office, 8201 West Judge Perez Drive, in Chalmette, LA.:
CLAIM NO. 86-3846

Richard J. Berrigan, of P.O. Box 84, Mandeville, LA, 70448 while trawling on the vessel, "MISS DEBBIE," in Lake Borgne, St. Tammany Parish, encountered an unidentified submerged obstruction on October 10, 1986. Causing damage and/or loss. Amount of Claim: \$450.
CLAIM NO. 86-3868

Kenneth Rodriguez, of 211 W. Esplanade #1, Metairie, LA 70005, while trawling on the vessel, "FISHWIFE," in Lake

Pontchartrain, St. Tammany Parish, encountered an unidentified submerged obstruction on October 6, 1986. Causing damage and/or loss. Amount of Claim: \$1,138.27

CLAIM NO. 86-3870

Tony Goutierrez, of P.O. Box 1337, Meraux, LA 70075, while trawling on the vessel, "BAYOU BOY," in the Houma Channel, Terrebonne Parish, encountered an unidentified submerged obstruction on October 15, 1987. Causing damage and/or loss. Amount of Claim: \$1,375.

CLAIM NO. 86-3898

Kevin Lipse, of 2305 Gallant Drive, Chalmette, LA 70043, while trawling on the vessel, "BAYOU BANDIT," about 3/4 mile end of the airport in Lake Pontchartrain, Orleans Parish, encountered an unidentified submerged obstruction on November 8, 1986. Causing damage and/or loss. Amount of Claim: \$1,331.70

CLAIM NO. 86-3910

Joseph Assevado, Jr., of Rt. 2, Box 635, St. Bernard, LA 70085, while trawling on the vessel, "MISS MONA," in Eloi Lake, St. Bernard Parish, encountered an unidentified submerged obstruction on October 9, 1986. Causing damage and/or loss. Amount of Claim: \$1,531.15

CLAIM NO. 86-3913

Wilson Melerine, Jr., of 2908 Pecan Dr., Chalmette, LA 70043, while trawling on the vessel, "CAPT. TODD," in Oak River, Plaquemines Parish, encountered an unidentified submerged obstruction on November 3, 1986. Causing damage and/or loss. Amount of Claim: \$718.80

CLAIM NO. 86-3920

Robert W. Kenney, of 3012 S. Palm Drive, Slidell, LA 70458, while trawling on the vessel, "PAPPY," in Lake Pontchartrain, approximate LORAN-C readings of 28,768.2 and 47,043.1, Orleans Parish, encountered an unidentified submerged obstruction on November 4, 1986. Causing damage and/or loss. Amount of Claim: \$350.

CLAIM NO. 86-3937

Alex Morales, Jr., of Rt. 1, Box 816B, St. Bernard, LA 70085, while trawling on the vessel, "CAPT. STEVIE," in False Bayou, Plaquemines Parish, encountered an unidentified submerged obstruction on November 20, 1986. Causing damage and/or loss. Amount of Claim: \$1,392.87

CLAIM NO. 86-3952

Martin J. Nunez, of Rt. 1 Box 713, St. Bernard, LA 70085, while trawling on the vessel, "MARTY BOY," in West Bay of Venice, LA approximately 3-5 miles East of Tiger Pass, encountered an unidentified submerged obstruction on October 9, 1986. Causing damage and/or loss. Amount of Claim: \$4,100.

CLAIM NO. 86-3954

William A. Thonn, of Rt. 6, Box 229-K, New Orleans, LA 70129, while trawling on the vessel, "MASTER SHAUN," in Lake Borgne, Orleans Parish, encountered an unidentified submerged obstruction on November 24, 1986. Causing damage and/or loss. Amount of Claim: \$1,750.

CLAIM NO. 86-3958

Rodney A. Evans, of Rt. 1, Box 813-A, St. Bernard, LA 70085, while trawling on the vessel, "LA 4941 AY," in Four Horse Lake, Plaquemines Parish, encountered an unidentified submerged obstruction on November 13, 1986. Causing damage and/or loss. Amount of Claim: \$3,500.

CLAIM NO. 86-3959

Stanley Weiskopf, Jr., of P.O. Box 501, St. Bernard, LA 70085, while trawling on the vessel, "LITTLE REEF," in the Mis-

Mississippi Gulf Outlet, St. Bernard Parish, encountered an unidentified submerged obstruction on November 20, 1986. Causing damage and/or loss. Amount of Claim: \$2,671.60
CLAIM NO. 86-3961

Stephen C. Byrnes, of 4631 Eastern St., New Orleans, LA 70122, while trawling on the vessel, "JENNIFER LYNN," in Vermilion Bay about 10 miles south of Intercoastal City, Vermilion Parish, encountered an unidentified submerged obstruction on October 24, 1986. Causing damage and/or loss. Amount of Claim: \$679.

CLAIM NO. 86-3994

Scott Lopez, of Rt. 1, Box 822, St. Bernard, LA 70085, while trawling on the vessel, "LADY PAMELA," outside of California Point, Plaquemines Parish, encountered an unidentified submerged obstruction on December 5, 1986. Causing damage and/or loss. Amount of Claim: \$925.

CLAIM NO. 86-3995

John Martinez, Jr., of Rt. 2, Box 637-A, St. Bernard, LA 70085, while trawling on the vessel, "SAN PEDRO," in the Mississippi River Gulf Outlet, at approximate LORAN-C readings of 28,964.9 and 46,966.3, St. Bernard Parish, encountered an unidentified submerged obstruction on December 13, 1986. Causing damage and/or loss. Amount of Claim: \$1,019.38

CLAIM NO. 86-3998

Wayne A. Nuschler, of 2405 Bartola Drive, Meraux, LA 70075, while trawling on the vessel, "LYNN ANN," in the Mississippi River Gulf Outlet, St. Bernard Parish, encountered an unidentified submerged obstruction on November 24, 1986. Causing damage and/or loss. Amount of Claim: \$2,212.48

CLAIM NO. 86-4000

Ricky Robin, of Rt. 2, Box 502, St. Bernard, LA 70085, while trawling on the vessel, "LIL RICK," in Breton Sound, at approximate LORAN-C readings of 29,070.1 and 46,926.2, St. Bernard Parish, encountered an unidentified submerged obstruction on December 10, 1986. Causing damage and/or loss. Amount of Claim: \$4,390.75

CLAIM NO. 86-4001

Alfred Martin, of 2013 Perez Drive, Braithwaite, LA 70040, while trawling on the vessel, "DADDY'S GIRLS," in Breton Sound, at approximate LORAN-C readings of 29,0082 and 46,881.7, Plaquemines Parish, encountered an unidentified submerged obstruction on December 15, 1986. Causing damage and/or loss. Amount of Claim: \$3,376.

CLAIM NO. 86-4002

Joan Cure, of 2140 Bayou Road, St. Bernard, LA 70085, while trawling on the vessel, "LADY JOAN," in Eloi Bay, St. Bernard Parish, encountered an unidentified submerged obstruction on December 13, 1986. Causing damage and/or loss. Amount of Claim: \$4,518.93

CLAIM NO. 86-4004

Lloyd J. DeSilva, Jr., of 230-1/2 Casa Calvo St., Chalmette, LA 70043, while trawling on the vessel, "HARD TIMES," in the Ship Channel about two miles north of Gas Plant in Shell Beach, St. Bernard Parish, encountered an unidentified submerged obstruction on December 6, 1986. Causing damage and/or loss. Amount of Claim: \$1,200.

CLAIM NO. 86-4006

Jesse Alfonso, of Rt. 1, Box 758C, Delacroix, LA 70085, while trawling on the vessel, "LADY WENDY," in Butter-milk Bend, Plaquemines Parish, encountered an unidentified submerged obstruction on November 20, 1986. Causing damage and/or loss. Amount of Claim: \$2,094.11

CLAIM NO. 86-4007

James F. Franklin, Sr., of Rt. 16, Box 158, Slidell, LA 70461, while trawling on the vessel, "MISS VERA," in Lake Borgne, St. Bernard Parish, encountered an unidentified submerged obstruction on December 16, 1986. Causing damage and/or loss. Amount of Claim: \$2,193.68

CLAIM NO. 86-4008

Norman J. Couture, of 3416 Campagna Dr., Chalmette, LA 70043, while dredging oysters on the vessel, "CHERYL LYNN," in Black Bay, St. Bernard Parish, encountered an unidentified submerged obstruction on December 14, 1986. Causing damage and/or loss. Amount of Claim: \$647.03

CLAIM NO. 86-4012

Stanley Weiskopf, Sr., of 729 St. Bernard Parkway, Braithwaite, LA 70040, while trawling on the vessel, "KAREN-SUSAN," in Grand Isle, Jefferson Parish, encountered an unidentified submerged obstruction on December 16, 1986. Causing damage and/or loss. Amount of Claim: \$2,154.

CLAIM NO. 86-4019

Gerard Lewis, of 413 Chinchilla, Arabi, LA 70032, while trawling on the vessel, "MISS LORI," in Lake Borgne outside Rigolets, Orleans/St. Bernard Parishes, encountered an unidentified submerged obstruction on December 20, 1986. Causing damage and/or loss. Amount of Claim: \$300.

CLAIM NO. 86-4020

Louis F. Molero, Jr., of Rt. 2, Box 633, St. Bernard, LA 70085, while trawling on the vessel, "CAPT. JIM," in Lake Eloi, St. Bernard Parish, encountered an unidentified submerged obstruction on November 3, 1986. Causing damage and/or loss. Amount of Claim: \$1,246.02

CLAIM NO. 86-4021

Kenneth E. Holmes, of P.O. Box 553, Venice, LA 70091, while trawling on the vessel, "LA 6119 AY," in West Bay, West Delta Block 54, Plaquemines Parish, encountered an unidentified submerged obstruction on December 14, 1986. Causing damage and/or loss. Amount of Claim: \$500.

CLAIM NO. 86-4023

W. E. Cassidy, of 2004 Bonnie St., Metairie, LA 70001, while trawling on the vessel, "WINTER HAWK," in the Gulf of Mexico, Plaquemines Parish, encountered an unidentified submerged obstruction on December 21, 1986. Causing damage and/or loss. Amount of Claim: \$1,084.03

CLAIM NO. 86-4025

Wesley Perez, of Rt. 2, Box 643, St. Bernard, LA 70085, while trawling on the vessel, "LA 9346 BK," in Lake Machias, one mile SE of Machias Pass, Plaquemines Parish, encountered an unidentified submerged obstruction on December 1, 1986. Causing damage and/or loss. Amount of Claim: \$437.01

CLAIM NO. 87-4030

Terry S. Alfonso, of Rt. 1, Box 775 St. Bernard, LA 70085, while trawling on the vessel, "LA 3347 AK," in Frenepequant, St. Bernard Parish, encountered an unidentified submerged obstruction on November 27, 1986. Causing damage and/or loss. Amount of Claim: \$3,770.66

CLAIM NO. 87-4043

Charles R. Robin, III, of 1941 Russell Drive, St. Bernard, LA 70085, while trawling on the vessel, "LADY LISA," in the Drum Bay Area, St. Bernard Parish, encountered an unidentified submerged obstruction on December 21, 1986. Causing damage and/or loss. Amount of Claim: \$1,498.86

CLAIM NO. 87-4061

Harry L. Phillips, of Rt. 2, Box 645, St. Bernard, LA 70085, while trawling on the vessel, "BUDDY BOY," off of Ship Channel in Blind Lake, St. Bernard Parish, encountered a sub-

merged cable on December 2, 1986. Causing damage and/or loss. Amount of Claim: \$451.

CLAIM NO. 87-4062

Michael A. Boudreaux, of Rt. 1, Box 781-A, LaPlace, LA 70068, while trawling on the vessel, "MISS PRISS," in East Bay, Plaquemines Parish, encountered an unidentified submerged obstruction on February 8, 1987. Causing damage and/or loss. Amount of Claim: \$1,700.

CLAIM NO. 87-4068

Walter A. Tarantino, of 1409 Chickasaw, Metairie, LA 70005, while trawling on the vessel, "MISS DARNELL," in Grand Lake Barataria Bay, Jefferson Parish, encountered an unidentified submerged obstruction on February 13, 1987. Causing damage and/or loss. Amount of Claim: \$739.16

CLAIM NO. 86-3872

Charles S. Wallace III, Inc., of P.O. Box 1202, Mandeville, LA 70448, while trawling on the vessel "SEA CHARGER," in the Gulf of Mexico, two miles west of Sandy Point, one mile offshore, Plaquemines Parish, encountered an unidentified submerged obstruction on September 19, 1986. Causing damage and/or loss. Amount of Claim: \$5,000.

CLAIM NO. 86-3873

Plaquemines Bunkers, Inc., of P.O. Box 1202, Mandeville, LA 70448, while trawling on the vessel, "SEA BEE," in the Gulf of Mexico, one mile east of Scofield Bayou, one mile offshore, Plaquemines Parish, encountered an unidentified submerged obstruction on September 17, 1986. Causing damage and/or loss. Amount of Claim: \$5,000.

CLAIM NO. 86-3935

Michael E. Gourgues, Sr., of 10801 Wales St., New Orleans, LA 70127, while trawling on the vessel, "MICHAEL JR.," on the North end of the Rigolets, Orleans Parish, encountered an unidentified submerged obstruction on December 1, 1986. Causing damage and/or loss. Amount of Claim: \$1,081.60

CLAIM NO. 86-3936

Michael E. Gourgues, Sr., 10801 Wales St., New Orleans, LA 70127, while trawling on the vessel, "MICHAEL JR.," in Bayou St. Denis, encountered an unidentified submerged obstruction in December, 1986. Causing damage and/or loss. Amount of Claim: \$676.35

CLAIM NO. 86-3992

Joseph Parrett, of 416 Reiss Place, Chalmette, LA 70043, while trawling on the vessel, "MR. SCHLITZ," in Lake Pontchartrain, at approximate LORAN-C readings of 28,771.7 and 47,043.7, Orleans Parish, encountered an unidentified submerged obstruction on November 19, 1986. Causing damage and/or loss. Amount of Claim: \$490.81

CLAIM NO. 86-3993

Joseph Parrett, of 416 Reiss Place, Chalmette, LA 70043, while trawling on the vessel, "MR. SCHLITZ," in Lake Pontchartrain, at approximate LORAN-C readings of 28,793.8 and 47,048.3, Orleans Parish, encountered a cluster of submerged pilings on December 3, 1986. Causing damage and/or loss. Amount of Claim: \$490.81

CLAIM NO. 86-4027

John A. Castelluccio, Jr., of 2901 Dauterive Dr., Chalmette, LA 70043, while trawling on the vessel, "LA 744ZJ," in the Rigolets Lake Borgne, Orleans Parish, encountered an unidentified submerged obstruction on December 19, 1986. Causing damage and/or loss. Amount of Claim: \$1,358.22

CLAIM NO. 86-4028

John A. Castelluccio, Jr., of 2901 Dauterive Dr., Chalmette, LA 70043, while trawling on the vessel, "LA 744

ZJ," in Lake Pontchartrain one mile north of the Lake Front, Orleans Parish, encountered an unidentified submerged obstruction on December 23, 1986. Causing damage and/or loss. Amount of Claim: \$584.71

Thursday, May 7, 1987, at 10:30 a.m., in the Louisiana State University Cooperative Extension Service Office, 511 Roussel Street, Houma, LA.:

CLAIM NO. 86-3925

Conrad J. Picou, Sr., of Rt. 2, Box 755, Chauvin, LA 70344, while trawling on the vessel, "SEA DANCER," in Grand Pass de Ilettes in Calliou Bay, Terrebonne Parish, encountered a submerged pipeline on November 8, 1986. Causing damage and/or loss. Amount of Claim: \$1,809.69

CLAIM NO. 86-3950

Anthony J. Rodriguez, of Rt. 3, Box 263, Montegut, LA 70377, while trawling on the vessel, "LA 9967 BA," in Bayou Barre, Terrebonne Parish, encountered a submerged iron pipe on November 22, 1986. Causing damage and/or loss. Amount of Claim: \$1,602.72

CLAIM NO. 86-3972

Wayne A. Boudwin, of 11354 Hwy. 56, Houma, LA 70363, while trawling on the vessel, "CAPT. WAYNE," in the Gulf of Mexico, one and a half mile SW of Coon Point, Terrebonne Parish, encountered an unidentified submerged obstruction on November 6, 1986. Causing damage and/or loss. Amount of Claim: \$995.34

CLAIM NO. 86-3974

John Lee Levins, of Rt. 1, Box 5020, Gibson, LA 70356, while trawling on the vessel, "DON JAUN," West of Belle Pass, encountered an unidentified submerged obstruction on December 6, 1986. Causing damage and/or loss. Amount of Claim: \$2,280.50

CLAIM NO. 86-4009

John N. Verdin, of Box 4906 Grand Calliou Rd., Houma, LA 70363, while trawling on the vessel, "MR. JOHN," in the Gulf of Mexico, 1/2 mile outside of Past Dezil and Grand Calliou Bayou, Terrebonne Parish, encountered an unidentified submerged obstruction on November 23, 1986. Causing damage and/or loss. Amount of Claim: \$3,489.34

CLAIM NO. 86-4010

Joseph E. Verdin, of Box 4906 Grand Calliou Road Houma, LA 70363, while trawling on the vessel, "CAPT. J. V.," in the Gulf of Mexico, one mile from Raccoon Point, Terrebonne Parish, encountered an unidentified submerged obstruction on November 30, 1986. Causing damage and/or loss. Amount of Claim: \$2,009.18

CLAIM NO. 87-4032

Milton A. Matherne, of 4953 Shrimpers Row, Houma, LA 70363, while trawling on the vessel, "MISS LOLA," in South Marsh Island, Shell Keys, St. Mary Parish, encountered a sunken boat on December 28, 1986. Causing damage and/or loss. Amount of Claim: \$1,447.91

CLAIM NO. 87-4034

Aubrey J. Sutton, of R. R. 1 Box 602, Morgan City, LA 70380, while trawling on the vessel, "EUNIA KAY," in the Gulf of Mexico, at approximate LORAN-C readings of 27,515.9 and 46,908.4, St. Mary Parish, encountered an unidentified submerged obstruction on December 20, 1986. Causing damage and/or loss. Amount of Claim: \$790.

CLAIM NO. 87-4039

Terry Luke, of Rt. 1, Box 849, Dulac, LA 70353, while trawling on the vessel, "MASTER TERRY," in the Gulf of Mexico, at approximate LORAN-C reading of 27,584.1 and

46,875.3, Terrebonne Parish, encountered a submerged pipe on December 30, 1986. Causing damage and/or loss. Amount of Claim: \$1,583.13

CLAIM NO. 87-4042

Henry Luke, of 330 South Van #3, Houma, LA 70360, while trawling on the vessel, "LIL CHAD," in the Houma Navigation Channel, Terrebonne Parish, encountered a submerged shallow sandbar on December 21, 1986. Causing damage and/or loss. Amount of Claim: \$547.51

CLAIM NO. 87-4067

Frank Chaisson, of Box 383 Island Road, Montegut, LA 70377, while trawling on the vessel, "MISS SANDRA," in Bayou Du Lake, Terrebonne Parish, encountered an unidentified submerged obstruction on November 17, 1986. Causing damage and/or loss. Amount of Claim: \$760.32

CLAIM NO. 87-4080

Noah Matherne, of 4727 Grand Caillou Rd., Houma, LA 70363, while trawling on the vessel, "SEA EYE," in Bayou Grand Caillou, Terrebonne Parish, encountered a sunken boat on February 9, 1987. Causing damage and/or loss. Amount of Claim: \$5,000.

CLAIM NO. 87-4088

Lawrence Verdin, of 221 St. Malo St., Houma, LA 70360, while trawling on the vessel, "LITTLE SARAH," in the Gulf of Mexico, approximately 1-1/2 miles south of Southwest Pass outside Vermilion Bay, Iberia Parish, encountered a submerged pipeline on February 10, 1987. Causing damage and/or loss. Amount of Claim: \$499.38

Any person may submit evidence or make objections in person at the hearings. Written comments can be mailed to: Administrator, Fishermen's Gear Compensation Fund, Box 94396, Capitol Station, Baton Rouge, LA 70804, and must be postmarked no later than seven days after the hearing(s).

B. Jim Porter
Secretary

POTPOURRI

Department of Natural Resources Legal Division

The Department of Natural Resources will hold public hearings for the purpose of receiving comments and suggestions regarding implementation of R.S. 47:2189.1. The statute directs the department to develop a marketing plan for the sale of lands which have been adjudicated to the state for non-payment of taxes. Comments and suggestions are being sought from all members of the public and particularly those with experience in real estate matters, especially regarding the practical aspects of implementing the marketing plan envisioned by the statute.

The following is a list of specific subjects, set forth in R.S. 47:2189.1, on which comments are invited:

1. Possible methods for the private sector to assist with appraisal and promotion of these lands for sales.
2. Alternative methods of payment of reasonable compensation to real estate agents directly assisting with the sales, to be included as costs of the sales.
3. Minimum requirements for title examination and

physical inspection of the lands in order to determine appropriateness of sales.

4. In the event a sale is not appropriate, the minimum requirements for a good faith effort by the secretary of the Department of Natural Resources to locate parties having an interest to redeem the property.

The department has not adopted regulations, and the regulations finally proposed will incorporate appropriate comments and suggestions submitted at these public hearings:

HEARINGS

Baton Rouge - May 19, 1987 at 7 p.m., Department of Natural Resources building, 625 North Fourth Street, Baton Rouge, LA 70802.

Harahan - May 21, 1987, at 7 p.m., Jefferson Parish Office Building, 1211 Elmwood Park Boulevard, Harahan, LA 70123.

Further information regarding these hearings may be obtained by contacting Mr. C. H. Mandell or the Legal Division staff, at (504) 342-0126. Written comments may be submitted no later than June 1, 1987, to: Louisiana Department of Natural Resources, Legal Division, Box 94396, Baton Rouge, LA 70804-9493.

Cuthbert H. Mandell
DNR General Counsel

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