

CONTENTS

I. EXECUTIVE ORDERS

EWE 86-31—Reduces state agency spending 10 percent; reduces Minimum Foundation Program, vo-tech and special schools and colleges and universities spending five percent	749
EWE 86-32—Extends the Governor's Commission on Louisiana's Outdoors for one year	749
EWE 86-33—Grants private activity bond allocations	749
EWE 86-34—Modifies allocation of bonds subject to private activity bond volume limits for calendar year ending December 31, 1986	750
EWE 86-35—Authorizes state employees in certain parishes to participate in October 29, 1986 rally	752
EWE 86-36—Authorizes the commissioner of administration to distribute undrawn general fund balances	752

II. EMERGENCY RULES

Agriculture and Forestry Department:	
Office of Management and Finance—Ethanol production—Agricultural Industry Board (LAC 7:XXXVI.17703 and 17711	753
Governor's Office:	
Division of Administration—Facility Planning and Control—Insurance requirements	755
Health and Human Resources Department:	
Office of Family Security—AFDC Program and RCA Program-Reduces grants 11.2 percent	755
Food Stamp Program-Establishes categorical eligibility for certain recipients	755
Food Stamp Program-Provides for definitions and level of benefits for students	756
MAP - Eliminates hospital days extension	757
MAP - Eliminates medical coverage for O,F,V, and I categories of recipients between 18-21 years of age	757
MAP - Eliminates optional state supplementation	757
MAP - Reduces inpatient per diem by 10 percent	758
MAP - Reduces physician, osteopath, optometrist and nurse midwife fee reimbursement by five percent	758
MAP - Removes physical therapy as a covered service of the Home Health Program	758
Natural Resources Department:	
Office of the Secretary—Fishermen's Gear Compensation Fund - Limitation of Claims	759
State Department:	
Office of the Secretary—Fee schedule	759
Transportation and Development Department:	
Office of Highways—Permit fee schedule	759

III. RULES

Commerce Department:	
Board of Architectural Examiners—Examination requirement (LAC 46:I.317.C); Per diem payments—(LAC 46:I.501.B)	760
Licensing Board for Contractors—Additional classifications (LAC 46:XXIX.505)	760
Annual fee for licenses (LAC 46:XXIX.1301) Annual fee for licenses	761
Defines contractor (LAC 46:XXIX.101)	761
Federal Projects (bidding) (LAC 46:XXIX.1107)	761
Federal Projects (public utilities) (LAC 46:XXIX.1107)	761
License requirements (LAC 46:XXIX.303)	761
Culture, Recreation and Tourism Department:	
Office of Cultural Development—Arts Program guidelines	762
Education Department:	
Board of Elementary and Secondary Education—Bulletin 741-Standard 1.105.00 and 2.105.00	762
Curriculum guides on English Language Arts and Mathematics	762
Elementary program of studies and minimum time requirements	762
Hiring of certain full-time/part-time noncertified school personnel	763
Teacher aids (Bulletin 1706)	763
Temporary employment permit	763
Vocational-technical school bus transportation	763
Governor's Office:	
Division of Administration—Payroll deductions (LAC 4:III. Chapter 1)	763
Health and Human Resources Department:	
Board of Medical Examiners—Occupational therapist and occupational therapy assistant licensing	767
Physicians and surgeons licensing	767
Respiratory therapist and respiratory therapy technician licensing	767
Office of Family Security—AFDC Program - Need standard	768
Food Stamp Program - Policy changes, definitions, standard utility allowance	768
MAP - Eyeglass program discontinuance	769
MAP - Pharmacy Program - Adds drugs to LMAC regulations	769
Office of Preventive and Public Health Services - Family Planning Program -Fee adjustment schedule	769
Industrial mechanical sewerage treatment acceptable units	769
Natural Resources Department:	
Office of Conservation—Tertiary recovery incentive	770
Office of the Secretary—Severance tax exemption	771
Public Safety and Corrections Department:	
Hazardous Materials Unit—Transportation of hazardous material/waste	771

This public document was published at a total cost of \$5,766.05. 1,475 copies of this public document were published in this monthly printing at a cost of \$3,766.05. The total cost of all printings of this document including reprints is \$5,766.05. This document was published by Bourque Printing, Inc., 13112 South Choctaw Drive, Baton Rouge, LA 70815, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-970. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

IV. NOTICES OF INTENT

Agriculture and Forestry Department:
Market Commission—Agriculture products processing development program 771
Office of Forestry—Timber stumpage values, 1987 772
Office of Management and Finance—Ethanol production (LAC 7:XXXVI.17703 and 17711) 772
Civil Service Department:
Civil Service Commission—Transition to new classification system job titles 775
Commerce Department:
Board of Certified Public Accountants—Assessment of fees (LAC 46:XIX.2101); CPE credit for reviewers (LAC 46:XIX.709.F); Educational requirements (LAC 46:XIX.1303); Necessity for certificate, license, prohibited acts (LAC 46:XIX.1101) 776
Culture, Recreation and Tourism Department:
Office of State Museum—Admission fees (LAC 25:III.105) 777
Building rental policy (LAC 25:III.103) 777
Education Department:
Board of Elementary and Secondary Education—Environmental Science, World History, Western Civilization, American History and Map Supplement Curriculum Guides 779
Postsecondary Vo-Tech facility bus transportation 779
Postsecondary Vo-Tech residency requirements; nonresident fees 780
Vocational-Technical school regional coordination 780
Vocational-Technical school fee schedule 781
Environmental Quality Department:
Office of Solid and Hazardous Waste—Solid Waste Division-Fee system 781
Governor's Office:
Division of Administration—Facility Planning and Control-Insurance regulations 782
Office of Risk Management-Insurance requirements 782
Office of State Planning-LCDBG Final Statement, FY 1985 786
Governor's Special Commission on Education Services—Student Incentive Grant Program 786
Carl D. Perkins Scholarship Program 787
Governor's Scholars Program 787
Office of Elderly Affairs—GOEA Policy Manual 788
Health and Human Resources Department:
Office of Family Security—MAP - Disabled widow/widower Medicaid benefits 788
MAP - Dispensing fee survey 789
Office of Preventive and Public Health Services—Epidemiology Program-Disposition of Corpses 790
Sanitary Code-fees 790
Office of the Secretary—Collection procedure for licensing fees 791
Implements Act 866 requiring insurance carriers to disclose information on their insureds 792
Labor Department:
Board of Barber Examiners—Due process procedures (LAC 46:VII. Chapter 11) 792
Examinations (LAC 46:VII. Chapter 9) 795
Shops (LAC 46:VII. Chapter 1) 797
Natural Resources Department:
Division of State Lands—Fee increase 798
Office of the Secretary—Fishermen's Gear Compensation Fund-Limitation of Claims 798
Public Safety and Correction Department:
Office of Alcoholic Beverage Control—Shelf Stocking 799
Office of State Police—Division of Charitable Gaming-Licensing of manufacturers distributors and charitable organizations 799
Revenue and Taxation Department:
Tax Commission—Timber stumpage values, 1987 772
State Department:
Office of the Secretary—Fees 800
Transportation and Development Department:
Office of Highways—Escort vehicle registration 800
Treasury Department:
Board of Trustees of the State Employees Group Benefits Program—Article 3, Section VIII (J) amendment 801
Wildlife and Fisheries Department:
Wildlife and Fisheries Commission—Seismic fee increase 801

V. COMMITTEE REPORTS

Environmental Quality Department:
Office of Solid and Hazardous Waste—Hazardous waste generation sites 802
Natural Resources Department:
Office of Conservation—Tertiary recovery incentive 802
Revenue and Taxation Department:
Tax Commission—Guidelines for value of property 802
Transportation and Development Department:
Office of Highways—Permit fee schedule; vending machines at interstate rest areas 802
Wildlife and Fisheries Department:
Wildlife and Fisheries Commission—Anacoco Lake and Lake Vernon netting prohibition; Cypremort Point State Park netting prohibition; Freshwater fish specie designation 803
Goose hunting methods 803

VI. POTPOURRI

Agriculture and Forestry Department:
Horticulture Commission—Floristry exams scheduled 804
Health and Human Resources Department:
Board of Medical Examiners—Hearing scheduled regarding physical therapist proposed rule 804
Natural Resources Department:
Fishermen's Gear Compensation Fund—Claims 804
Office of Conservation—Injection and Mining Division-Hearing scheduled 805

Executive Orders

EXECUTIVE ORDER EWE 86-31

WHEREAS, it has been reported to me by the commissioner of administration that the receipts of the treasury will fall short of revenue estimates for the fiscal year 1986-1987; and

WHEREAS, continued maintenance of the appropriated levels of expenditure will result in a deficit;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, pursuant to 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, do hereby order that all departments and all budget units as defined by R.S. 39:2(7) not within a department submit revised budgets to the commissioner of administration for approval no later than October 24, 1986. The budgets shall reflect a reduction of 10 percent of appropriations affecting the State General Fund and other special funds as designated by the commissioner of administration. However, as authorized by R.S. 39:55 and additionally by Section 10 of Act 17 of the 1986 Regular Session, certain appropriations will be exempt from this reduction, all as further directed by me and to be made known through the commissioner of administration.

The budgets for the Minimum Foundation Program, vocational-technical and special schools, and for colleges and universities shall reflect a reduction of five percent of appropriations affecting the State General Fund, and shall be submitted to the commissioner of administration by the abovementioned date.

No reduction in appropriations shall be required for the Judiciary, the office of revenue, or for the office of corrections.

While reduction of the appropriation for the expenses of the legislature is beyond the authority granted to me by statute, I urge and request that the same 10 percent expenditure reduction be placed in force and that the resulting savings be returned to the State General Fund. If for any reason the legislature does not comply with this request, I request the President of the Senate and the Speaker of the House to notify me in writing so that appropriate revisions can be made to the expenditure schedules.

Budget reductions pursuant to this order shall become effective October 13, 1986.

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

Edwin Edwards
GOVERNOR OF LOUISIANA

ATTEST BY
THE GOVERNOR
Jim Brown
SECRETARY OF STATE

EXECUTIVE ORDER EWE 86-32

WHEREAS, the Governor's Commission on Louisiana's Outdoors was established in the Office of State Parks, Department of Culture, Recreation and Tourism to identify Louisiana's outdoor recreational demand during the next decade and rec-

ommend actions to guarantee Louisiana's adequate outdoor sites to enjoy these recreational activities during the next decade; and

WHEREAS, the commission has evaluated the ability of current resources to meet public needs, assess future recreational needs, and develop recommendations on how to provide for the needs identified; and

WHEREAS, the commission has submitted a report and recommendations to the governor and to the President's Commission on Americans Outdoors; and

WHEREAS, the limited lifespan of the commission allowed time only to prepare a broad overview of the needs established basic recommendations; and

WHEREAS, there is a need to develop a set of long range goals and objectives for Louisiana's outdoors and establish an implementation plan and time frame for achieving these goals;

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

SECTION 1: The Governor's Commission on Louisiana's Outdoors is hereby extended for a period of one year.

SECTION 2: The commission shall use this time to establish a set of executive, legislative and agency actions needed to actively implement its recommendations.

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 14th day of October, A.D., 1986.

Edwin Edwards
Governor of Louisiana

Attest by:
the Governor
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 86-33

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

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

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

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

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

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

AMOUNT OF ALLOCATIONS	NAME OF ISSUER	NAME OF PROJECT
\$5,200,000	La. Public Facilities Authority	The Home Depot, Inc.

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge on this 15th day of October, 1986.

Edwin Edwards
GOVERNOR OF LOUISIANA

ATTEST BY:
THE GOVERNOR
Jim Brown
SECRETARY OF STATE

EXECUTIVE ORDER EWE 86-34

WHEREAS, H.R. 3838, the Tax Reform Act of 1986 (the "Act"), restricts the total principal amount of certain private activity bonds the interest on which is exempt from federal income taxation 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" or "bonds") which may be issued by the State of Louisiana (the "state") during the period commencing August 16, 1986 through and including December 31, 1986 to a dollar amount equal to \$75 per person based on the most recently published estimate of population for the state released by the U.S. Bureau of Census before the beginning of calendar year 1986;

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

WHEREAS, the governor of the state desires to (i) exercise his authority under the Act and under Act Number 51 of the Regular Session of the 1986 Legislature to modify the allocation of bonds subject to the private activity bond volume limits of the Act for the calendar year ending December 31, 1986 (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, be it ordered by Edwin W. Edwards, Governor of the the State of Louisiana, as follows:

ARTICLE I DEFINITIONS

SECTION 1.1: All terms defined in the preamble hereof shall have the same meaning 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 GENERAL ALLOCATION POOL

There is hereby created a pool to be designated the "General Allocation Pool". The entire ceiling of \$336,075,000 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. Until the earlier of November 15, 1986 or the date on which the amount remaining in the General Allocation Pool is reduced below \$112,025,000, 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 Agency (the "LHFA") and at least \$84,645,000 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 November 15, 1986 or the date on which the amount remaining in the General Allocation Pool is reduced below \$112,025,000, (i) at least \$14,107,500 of the General Allocation Pool for allocations to be granted for bonds issued by issuers (other than the LPFA or LHFA) having statewide jurisdiction and (ii) at least \$137,322,500 of the General Allocation Pool for allocations to be granted for bonds issued by all issuers other than those having statewide jurisdiction.

ARTICLE III APPLICATION AND PROCEDURE FOR ALLOCATIONS

SECTION 3.1: Except as limited in Article II 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 3.2: The allocation of the ceiling from the General Allocation Pool created hereby (other than allocations for qualified mortgage bonds) will be considered on the basis of the chronological order of receipt from an issuer of the application set forth in Section 3.3 of this executive order.

SECTION 3.3: 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 ad-

dress 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 requires 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 3.7 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 3.4: Upon receipt of the completed application required by Section 3.3 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 of the ceiling to be applied to the project or purpose requested in the issuer's application.

SECTION 3.5: Until November 15, 1986, 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, 1986, 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, 1986. 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, 1986 up to a total of \$50,000,000 for such project or purpose. Allocations for qualified mortgage bonds issued by the LHFA shall not be governed by this Section.

SECTION 3.6: On the earlier of November 15, 1986 or the date that the amount remaining in the General Allocation

Pool is reduced below \$112,025,000 the remaining amounts reserved in Article II 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 3.7: Upon receipt of the completed application required by Section 3.3 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 3.8: Any allocation from the ceiling (other than as set forth in Article II 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, 1986; 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, 1986. 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 3.9: On November 15, 1986 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 November 1, 1986 through November 14, 1986 a notification of the applicants continued desire to receive an increased allocation. Thereafter, the governor may grant, until the ceiling is exhausted, allocations limited to \$20,000,000 per project or purpose (in addition to previous allocations granted) unless the governor determines that a project satisfies a 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 3.10: In the event the allocation of the ceiling for a particular project or purpose expires as provided in Section 3.8 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 3.11: 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 3.12: 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 amount 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 3.13: 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 3.14: 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 a completed application 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 3.15: The 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 3.16: The responsibility of the SBC staff hereunder shall be exercised by the SBC staff independent of any of its other duties and responsibilities with respect to the State Bond Commission.

SECTION 3.17: The governor may modify, amend, supplement or rescind this executive order to reflect changes in the Act or 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 3.18: It is the intention of this executive order to provide a formula and procedure to allow allocations to be made during the pendency of the Act and upon enactment of the Act into law. While the Act is pending it may be necessary to obtain an allocation for certain types of bonds under the procedures set forth in both Executive Order Number EWE 85-93 and this executive order.

SECTION 3.19: This executive order supercedes Executive Order Number EWE 86-9 and such Executive Order Number EWE 86-9 is hereby rescinded.

SECTION 3.20: This executive order shall be effective on the date of execution hereof by the governor.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Louisiana to be affixed, done at the State Capitol, in the City of Baton Rouge, Louisiana on this 16th day of October, in year of our Lord One Thousand Nine Hundred and Eighty Six.

Edwin Edwards
GOVERNOR OF LOUISIANA

ATTEST:
Jim Brown
SECRETARY OF STATE

EXECUTIVE ORDER EWE 86-35

WHEREAS, state employees have scheduled a rally to be held on October 29, 1986, at the State Capitol to demonstrate to the legislature their desire for increased funding for state government in order to not reduce the pay of state employees or the hours they work and to properly fund essential programs of state government; and

WHEREAS, this administration recognizes the right of these employees to assemble and to petition for a redress of their grievances and desires to facilitate the exercise of this right;

NOW, THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby authorize state employees in the parishes of East Baton Rouge, Livingston, St. Helena, East Feliciana, West Feliciana, West Baton Rouge, Point Coupee, Iberville and Ascension who wish to participate in this rally to be absent from their jobs between the hours of 11 a.m. and 1 p.m., without the loss of compensation or use of leave of any nature.

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 23th day of October, 1986.

Edwin Edwards
GOVERNOR OF LOUISIANA

ATTEST BY
THE GOVERNOR
Jim Brown
SECRETARY OF STATE

EXECUTIVE ORDER EWE 86-36

WHEREAS, Executive Order No. EWE 86-31 was issued October 13, 1986, directing that the budget reductions be effective October 13, 1986; and

WHEREAS, it is my intention that the capability of the state treasurer to maximize investment earning capacity not be placed in extreme jeopardy; and

WHEREAS, investment earnings are an integral part of the state general fund receipts; and

WHEREAS, diminution of the revenue source would further add to the potential deficit; and

WHEREAS, it is the intent of the executive and legislative branches that work programs for which funds have been appropriated extend through the entire fiscal year; and

WHEREAS, if all departments and/or budget units were to accelerate their withdrawals from the state treasury, the state treasurer would not have sufficient cash on hand to meet operating expenses and constitutional requirements for the balance of the year, causing a deficit situation to occur:

NOW THEREFORE I, Edwin Edwards, Governor of the State of Louisiana, pursuant to the authority granted me by Section 8 of Act 17 of the 1986 Regular Session of the Legislature, do instruct the commissioner of administration, under the authority of R.S. 39:52, 53, and 55, to distribute the general fund balances yet undrawn in equal monthly segments.

However, the budgets for the Minimum Foundation Program, vocational-technical and special schools, and for colleges and universities shall reflect a reduction of five percent of each monthly allocation of the appropriations affecting the state general fund and shall be submitted to the commissioner of administration.

In the event that contractual obligations are such that it becomes necessary to accelerate withdrawals from the state treasury in any one month, the remaining funds will be decreased on a *pro-rata* basis in order that sufficient funds will be available to

complete the work program for the entire fiscal year.

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 29th day of October, A.D., 1986.

Edwin Edwards
GOVERNOR OF LOUISIANA

ATTEST BY
THE GOVERNOR
Jim Brown
SECRETARY OF STATE

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry Office of Management and Finance Agricultural Industry Board

In accordance with the emergency provisions of the Administrative Procedure Act (R.S. 49:953(B)) and R.S. 3:3704, the Department of Agriculture and Forestry, Agricultural Industry Board, has adopted the emergency rules detailed below. The board has designated five Certified Market Participants, approved the Certified Market Participant contract form and authorized the commissioner of agriculture and forestry to execute contracts for participation in the ethanol program. In order to make certain that those contracting with the state of Louisiana, sell their ethanol for use in gasohol to be sold in Louisiana and that all taxes are paid and transferred into the Agriculture Incentive Fund, it is necessary prior to the execution of the participation contracts to expend and clarify the regulations with respect to the requirement that the gasohol sales occur in Louisiana, that all taxes on sales are paid and reported and that the proper documentation for these sales and taxes be submitted to the board so that it may assure compliance with the requirements of the Act and regulations.

Amend LR 7:XXXVI.17703 to include a definition for "sold for use in gasohol":

§17703. Definitions

In addition to definitions listed below and unless otherwise provided, the definitions in R.S. 3:3703 shall apply to these regulations.

Act means the Agricultural Ethanol Production Law.

Adjudicatory proceeding means an open public hearing by the board to determine whether violations of the Act or these regulations have occurred. Such proceedings are conducted in accordance with the Louisiana Administrative Procedure Act (R.S. 49:950, et seq.).

Agency contract means a contract between a certified market participant and an intermediary, such as a grain dealer or warehouseman, who purchases or stores agricultural commodities or products for use in ethanol.

Agricultural commodities or products means crops and products made from processing crops. Commodities or products shall include sugar cane, grains (rice, rough rice, corn, wheat, oats, rye, soybeans, barley, milo and grain sorghum), sweet potatoes and sugar beets. Products shall include syrup and molasses. Any other agricultural commodity or product capable of

producing ethanol may be declared to be an agricultural product or commodity by the board.

Applicant means a person who applies for designation as a certified market participant.

Authorized agent means any representative of a certified market participant whose name has been filed with the board is empowered by the certified market participant and the board to act for or on behalf of a certified market participant.

Blender means any person who purchases and mixes ethanol and gasoline for sale as gasohol and who files the required reports with the Louisiana Department of Revenue and Taxation.

Board means the Agricultural Industry Board established by R.S. 3:3704.

Capital costs means all expenditures made for the acquisition of land, equipment, buildings, engineering, construction interests and other expenses necessary to build an ethanol facility.

Central registry means the public filing and listing of security devices encumbering agricultural crops, commodities or products maintained by the commissioner.

Certified market participant means an applicant approved by the board to participate in a cooperative endeavor authorized under this Chapter.

Certified market participant confidential business plan is a confidential financial document or series of documents presented by an applicant or certified market participant periodically with the board, containing proposed agency and producer contracts and all other confidential and financial audit information.

Certified market participant contract means a contract or cooperative endeavor between the board and a certified market participant relating to the production of ethanol.

Commissioner means the Louisiana Commissioner of Agriculture and Forestry or his duly authorized representative.

Controlling interest means ownership by an individual or his spouse, either individually or collectively, of an interest in a person or entity which exceeds 25 percent of any legal entity.

Cooperative endeavor means a contractual relationship between the State of Louisiana through the board with a person for a public purpose.

Ethanol means an ethyl alcohol which meets all of the following conditions in that it:

1. has a purity of at least 99 percent, determined without regard to any added denaturants;
2. has been denatured in conformity with one of the approved methods set forth by the United States Bureau of Alcohol, Tobacco and Firearms;
3. has been derived from agricultural commodities or products; and
4. has been produced in the state of Louisiana wholly from fermentation and distillation in the state of Louisiana.

Ethanol facility means a facility:

1. which is located in Louisiana;
2. owned or leased and shall be permanently constructed or converted and operated for the purpose of producing ethanol as its primary product from agricultural commodities or products;
3. whose entire production, fermentation and distillation shall occur in Louisiana; and
4. whose ethanol shall be produced and sold for use in gasohol in Louisiana.

First point of sale means: (1) the initial time when title to agricultural commodities or products passes from a seller to a buyer; or (2) the time when agricultural commodities or products are removed from storage.

Fund means the Agricultural Industry Incentive Fund established by R.S. 3:3706.

Gasohol means a fuel that contains not more than 90 percent gasoline and at least 10 percent ethanol.

Gasohol multiplier means the number 10, which reflects the fact that 10 gallons of gasohol contains at least one gallon of ethanol.

Grain dealer means any person who purchases agricultural commodities or products from producers, sells agricultural commodities for producers or represents producers in the purchase or sale of agricultural commodities. The term does not include producers who purchase grain commodities for their own use as feed or seed.

Intermediary means any person who purchases or stores agriculture commodities to be used to produce ethanol by a certified market participant. Grain dealers, warehousemen and warehouse operators are intermediaries.

Licensee means any person holding a license as a warehouse or grain dealer issued by the Louisiana Agricultural Commodities Commission.

Person means any individual, partnership, association, corporation or other legal entity.

Principal managers means the individuals or persons responsible for the daily operation of an ethanol facility.

Principal office means the location where the records of the certified market participant will be maintained in the state of Louisiana.

Principal stockholders or owners means any individual who owns directly or indirectly 10 percent of an ethanol facility operated by a certified market participant.

Producer means a farmer, individual or person that engages in the production of agricultural commodities or products.

Producer contract means a two or three party contract between and among an agriculture producer, certified market participant and intermediaries, such as a grain dealer or a warehouseman.

Production records means written evidence of the ethanol produced daily by a certified market participant.

Rules or regulations means the rules or regulations adopted by the Agricultural Industry Board under the authority granted by the Act.

Security device means any assignment, pawn, pledge, mortgage, privilege, lien or other device by which an interest in agricultural commodities or products is encumbered, either legally or conventionally, to secure the fulfillment of any obligation.

Scale ticket means the document issued to a producer when agricultural commodities or products are delivered to intermediaries such as a warehouse or grain dealer.

Settlement sheets means documents which reconcile contracts, shipping tickets, charges, deductions and payments to determine the value and quantity of agriculture commodities or products received by the certified market participant.

Shipping documents means the written evidence of ethanol produced and shipped by a certified market participant.

Sold for use in gasohol means that ethanol will be blended with gasoline and Louisiana taxes are paid on the sale of gasohol in Louisiana. This intent is evidenced by any document of gasohol sales as reported to the Louisiana Department of Revenue and Taxation on its monthly Motor Fuels Report.

Spot or spot sale means a transaction where title to agricultural commodities or products passes from the producer to the buyer on the day of delivery, in which transaction the producer is paid promptly at the market price established on the day of delivery.

Storage means the physical possession by a warehouse, in any manner and/or under any type of fee arrangement, of agricultural commodities or products belonging to any person

other than the owner of the warehouse. The term *storage* does not apply to a transaction in which title passes from the seller to the buyer upon delivery.

Taxes imposed on gasohol means any state tax levied on gasohol and includes any tax levied on gasohol under the provisions of R.S. 47:711, R.S. 47:802, R.S. 47:302(A), R.S. 47:321(A), and R.S. 47:331(A).

Under substantial construction means the certified market participant has entered into binding contracts for capital costs, including contracts for the purchase of land, engineering, capital construction and all other project costs, the total of which shall be not less than 25 percent of the project costs.

Warehouse means any building, structure or any other protected enclosure in which agricultural commodities or products or farm products are stored for the public for a fee. The term includes facilities which commingle commodities, facilities which preserve the identity of separate lots of agricultural commodities or products and facilities which dry and/or condition agricultural commodities or products belonging to any person other than the facility owner.

Warehouseman or warehouse operator means any person or entity operating a warehouse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3703 and R.S. 3:3704.

Amend LAC 7:XXXVI.17711 amending Subsection A.3.b and adding Subsections A.3.e.iv, B.4 and D:

§17711. Incentive Payments to Certified Market Participants

A. Incentive Payments Application Procedure

1. A request for incentive payments shall be submitted in writing on the forms approved by the board.

2. The request for incentive payment form shall be a public record in accordance with R.S. 3:3707(E) and shall contain the following information:

a. name, address and phone number of certified market participant;

b. signature of authorized agent;

c. date submitted;

d. month for which payment is requested;

e. number of gallons of ethanol sold for which incentive payment is requested; and

f. certification by authorized agent that the information reported on the form is true, correct and complete.

3. The following information shall be submitted simultaneously with request for incentive payment and such information shall be exempt from R.S. 44:1 et seq. and be considered confidential information:

a. ethanol buyer's name, address and quantity;

b. total number of gallons of ethanol and gasohol sold in Louisiana;

c. copies of shipping and receiving documents; and

d. certification by authorized agent that the information reported is true, correct and complete, and

e. an affidavit in authentic form provided by the commissioner and executed by the blender attesting to the following:

i. the blender has purchased from _____, the certified market participant, _____ gallons of ethanol on the _____ day of _____, 19____, for use in gasohol to be sold in Louisiana;

ii. the blender shall on or before the twentieth day of each month file with the Louisiana Department of Revenue and Taxation report(s) or document(s) or pay monies as may be appropriate relative to taxes imposed on gasohol; and

iii. the blender shall mail to the certified market participant at its principal office and to the commissioner certified true copies of report(s) or document(s) filed or monies paid by the

blender with the Louisiana Department of Revenue and Taxation.

iv. the blender shall attach as a schedule to his affidavit and mail to the commissioner a copy of a first-in, first-out perpetual inventory report showing each certified market participant's beginning inventory balance, shipments of ethanol received from said certified market participant during the month, sales of ethanol for said certified market participant that month and ending certified market participant's ethanol inventory. A copy of this schedule will also be sent to the certified market participant.

4. The incentive payments shall be made only to certified market participants who have contracts approved by the board.

B. Procedures for Payment to Certified Market Participants

1. Certified market participants must submit a written request for payment which shall be reviewed and approved as to form and completeness by the commissioner or his designee.

2. Within five working days of the fifth day of each month, the Commissioner shall notify each certified market participant of his approval as to form and completeness of application for the month's incentive payment. This approval shall be evidenced by a certificate or certificates, the Agricultural Industry Board Incentive Payment Certificate, in the form approved by the board, signed by the commissioner stating the payment application has been approved as to form and completeness. The commissioner shall on or before the fifth working day following the fifth day of each month issue to certified market participant their specific Agricultural Industry Board Incentive Payment Certificate. The certified market participant may, with board approval, assign those certificates to a producer, intermediary, blender, financial institution or other person.

3. The commissioner is authorized on behalf of the board to take all necessary steps to make payments to certified market participants from the Agricultural Industry Incentive Fund.

4. Each incentive payment made from the fund shall be applied first to the oldest outstanding certificate issued to the certified market participant until all certificates issued to the certified market participant shall be paid.

C. Procedures For Adjustments In Incentive Payments Due To Overpayment

In the event the request for incentive payment is inaccurate or erroneous, the commissioner shall notify the certified market participant and if the certified market participant agrees that an error has been made then the commissioner is authorized to deduct from any future incentive payment requested an amount sufficient to correct any error in payment plus legal interest. If the commissioner and the certified market participant do not agree, then the commissioner shall call an adjudicatory hearing before the board to consider the matter.

D. Procedure for Other Adjustment of Incentive Payments

If on a monthly basis the money in the fund is not sufficient to satisfy all outstanding obligations for incentive payments, the payments shall be divided proportionately among the certified market participants in accordance with the following formula: the payment received by each certified market participant shall be in the same proportion to the total funds available for incentive payments as the number of gallons of ethanol produced and sold by the certified market participant for use in gasohol sold in Louisiana bears to the total number of gallons of ethanol produced and sold by all the certified market participants for use in gasohol sold in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3707, R.S. 3:3705 and R.S. 3:3704.

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Division of Administration Facility Planning and Control

Under the authority of R.S. 39.62B, and due to the lack of professional liability insurance companies providing the limits of insurance presently required of designers, as stated in the 1985 Capital Improvement Projects Procedure Manual for Design and Construction, and due to the inability of Facility Planning and Control to write contracts with designers for capital outlay funded projects without insurance as required by the manual; therefore the following modifications shall be made to the manual:

1. Article 15, Items 15.1, 15.1.1, 15.1.2, 15.1.3, 15.1.4 and 15.1.5 shall be omitted. The following shall be substituted:

"15.1 Insurance - professional liability insurance shall be required as per the owner's requirements on a project by project basis."

2. Article 6, Item 6.1.1.1; change

"Construction Documents Phase 70 percent" to "Construction Documents Phase 65 percent"

Roger Magendie
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 Aid to Families with Dependent Children and Refugee Cash Assistance Programs.

Summary

Circumstances have necessitated the review of all agency programs. As a result of this review, it has been determined that a reduction in the Aid to Families with Dependent and Refugee Cash Assistance Children programs' payment standard is necessary.

This change is necessary to maintain mandatory services in accordance with state and federal laws and regulations and quality and safety standards.

Emergency Rulemaking

Effective December 1, 1986, the Aid to Families with Dependent Children (AFDC) and Refugee Cash Assistance (RCA) programs' payment standard will be reduced by 11.2 percent.

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 Administration Procedure Act, R.S. 49:953B, to adopt the following rule in the Food Stamp Program.

Summary

This rule is mandated by federal regulation as published in the *Federal Register* Vol. 51, No. 150, Tuesday, August 5, 1986 pp. 28196 - 28202.

It is necessary to adopt this as an emergency rule to avoid sanctions as federal regulations mandate a retroactive December 23, 1985 implementation date.

Emergency Rulemaking

Categorical Eligibility for Certain Recipients

A. Households Considered Categorically Eligible

Households in which all members are authorized to receive Public Assistance (AFDC and/or SSI) shall be considered categorically eligible for food stamps.

"Authorized to receive" includes individuals determined eligible for AFDC or SSI benefits but the benefits have not yet been paid. "Recipient" includes a person determined eligible to receive zero benefits, e.g., a person whose benefits are being recouped and an AFDC recipient whose benefits are less than \$10 and therefore does not receive a check.

A household may be considered categorically eligible even if it contains both AFDC and SSI recipients. Individuals entitled only to Medicaid and not public assistance are not categorically eligible.

A household shall *not* be considered categorically eligible if:

- 1) any member of that household is disqualified for an Intentional Program Violation;
- 2) the household is disqualified for failure to comply with monthly reporting requirements;
- 3) the household is disqualified for failure to comply with the work registration requirements.

The following persons shall not be considered a member of a household when determining categorical eligibility:

- 1) an ineligible alien
- 2) an ineligible student
- 3) an institutionalized person

Households which are categorically eligible are considered to have met the following food stamp eligibility factors without additional verification:

- 1) resources
- 2) Social Security Numbers
- 3) sponsored Alien Information
- 4) residency

These households also do not have to meet the gross and net income limits but verification of income not counted for AFDC/SSI is required (e.g. educational assistance). If questionable, the factors used to determine categorical eligibility shall be verified.

Categorically eligible households must meet all food stamp eligibility factors except as outlined above.

Changes reported by categorically eligible food stamp households shall be handled according to established procedures except in the areas of resources or other eligibility factors.

Benefits for categorically eligible households shall be based on net income as for any other households. One and two person households will receive a minimum benefit of \$10. Households which meet categorical eligibility requirements but are not eligible for benefits must be certified and handled as if they were eligible for benefits. The household shall be notified that income exceeds the level at which benefits are issued but that they are categorically eligible and certified for participation. The household shall be advised of their reporting requirements.

B. Application Processing

Households in which all members are applying for Public Assistance (PA) shall continue to be processed according to joint processing procedures. Until a determination is made on the PA application, the household's food stamp eligibility and benefit level shall be based on food stamp eligibility criteria. However, the local office shall postpone denying a potentially categorically eligible household until the thirtieth day in case the household is

determined eligible to receive PA benefits.

The household shall be informed on the notice of denial that it is required to notify the local office if its AFDC or SSI benefits are approved.

If the household is later determined eligible to receive PA benefits after the thirtieth day and is otherwise categorically eligible, benefits shall be provided using the original application along with other pertinent information occurring subsequent to that application.

The local office shall not reinterview the household but shall use any available information to update the application and/or make mail or phone contact with the household or authorized representative to determine any changes in circumstances. Any changes shall be initialed and the updated application resigned by the authorized representative or authorized household member. If eligibility for public assistance is determined within the 30-day food stamp processing time, benefits shall be provided back to the date of application. If eligibility for PA is determined after the food stamp application is denied, benefits for the initial month shall be prorated from the effective date of the PA certification or the date of the food stamp application, whichever is later.

C. Certified Households

Certified households which become categorically eligible due to receipt of SSI benefits shall be eligible for the medical and uncapped shelter deductions from the beginning of the period for which the SSI benefits are authorized or the date of the food stamp application whichever is later. These additional benefits shall be provided through restoration.

D. Refugee Cash Assistance (RCA) Benefits

For Food Stamp purposes, RCA benefits are not considered "Public Assistance." The cases are not categorically eligible and should no longer be classified as Type 1 households.

E. Implementation

These changes are effective retroactively to December 23, 1985. Any household that applied and was denied benefits from that date until implementation of this rule is entitled to restored benefits if it:

- A. was categorically eligible;
- B. is otherwise entitled to benefits; and
- C. requests a review of its case or if the agency otherwise becomes aware that a review is needed.

Restored benefits for these households shall be made available, if appropriate, back to the date of the food stamp application or December 23, 1985, whichever is later.

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 Administration Procedure Act, R.S. 49:953B, to adopt the following rule in the Food Stamp Program.

Summary

This rule is mandated by federal regulation as published in the *Federal Register* Vol. 51, No. 163, Friday, August 22, 1986 pp. 30045 - 30049.

It is necessary to adopt this as an emergency rule to avoid sanctions as federal regulations mandate an August 22, 1986 implementation date.

Emergency Rulemaking

Student Related Provisions

A. The term "institution of higher Education" has been changed to "institution of post secondary education." The definition has also been expanded to include any public or private educational institutions which admit persons who are age 16 or older provided that the institution is legally authorized or recognized by the state to provide an educational program beyond secondary education or provides a program of training to prepare students for gainful employment.

B. Educational loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, and the like that are provided to a third party on behalf of the household for living expenses such as rent or mortgage, personal clothing or food eaten at home shall be treated as money payable directly to the household and not excluded as a vendor payment.

C. Origination fees and insurance premiums on student loans are excludable charges. Only the amount of the loan after these charges have been excluded is to be considered income.

D. Exclusions from Education Assistance

1. Federal Education Assistance

Tuition, mandatory fees, origination fees and insurance premiums are excludable from federal deferred payment educational loans, educational grants, scholarships, fellowships, veteran's educational benefits and the like. No portion of the educational assistance that is provided for the living expenses can be excluded.

2. Non - Federal Education Assistance

Tuition, mandatory fees, origination fees and insurance premiums are excludable from non-federal deferred payment educational loans, educational grants, scholarships, fellowships, veterans' educational benefits and the like. Additionally, if the provider of educational assistance specifically earmarks portions for education expenses, such as travel or books, these may also be excluded. No portion of the educational assistance that is provided for living expenses can be excluded.

Implementation

These changes are effective August 22, 1986, and shall be implemented at application and as case changes are processed. Benefits lost from August 22, 1986 shall be provided through restoration.

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 provisions of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule in the Medical Assistance Program.

Summary

Medical Assistance Program policy currently provides for additional inpatient days when a recipient exhausts the allowable limit for the calendar year, if the need for additional days is due to a life-threatening emergency and the services are not available from a state charity hospital. This provision for additional days is being eliminated.

Circumstances have necessitated the review of all Medicaid services. As a result, a determination has been made that

extensions for hospital days must be eliminated in order to maintain mandatory medically necessary services at reasonable and adequate reimbursement rates to meet the costs that must be incurred by efficiently and economically operated providers to provide services in conformity with applicable state and federal laws, regulations and quality and safety standards. This change is in accordance with 42 CFR 440.10 and 440.200-230.

Rule

Effective November 1, 1986, the Medical Assistance Program shall amend the service limitations for inpatient hospital services to eliminate the provision for additional days beyond maximum annual limit. No exceptions to the annual limit for inpatient hospital days per recipient per calendar year shall be allowed.

Regulatory Exception

Implementation of this rule is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this change shall remain in effect.

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

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

Summary

Current program policy provides Title XIX (Medicaid) services to foster children, IV-E children, and children under the care and supervision of the Office of Human Development and Division of Youth Services between the ages of 18 and 21. These children are included in the F, V, I, and O categories of assistance.

Circumstances necessitate the review of all optional Medicaid services. As a result, a determination has been made to eliminate Title XIX services to these individuals to maintain mandatory services in conformity with applicable state and federal laws, regulations, and quality and safety standards.

Emergency Rulemaking

Effective November 1, 1986, Title XIX coverage for individuals in between the ages of 18 and 21 F, V, I, and O categories of assistance shall be discontinued.

Regulatory Exception

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

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the fol-

lowing rule in the Medical Assistance Program.

Summary

Currently program policy provides a personal care needs allowance greater than \$25 a month (\$28 for grandfathered and converted recipients) as an optional (requirement) under federal regulations for Medicaid recipients in skilled and ICF facilities.

Circumstances necessitate the review of all optional Medicaid services. As a result, a determination has been made that the personal care needs allowance must be reduced from \$35 a month to \$25 a month (\$28 for grandfathered and converted recipients) to maintain mandatory services throughout the remainder of the fiscal year. State supplementation of up to \$10 per month shall terminate effective November 1, 1986.

Emergency Rulemaking

Effective November 1, 1986 the Department of Health and Human Resources, Office of Family Security, will reduce the Personal Care Needs Allowance for Medicaid recipients in skilled and ICF facilities from \$35 to \$25 a month (\$28 for grandfathered and converted recipients). The reduction of the personal care needs allowance to \$25 will terminate optional state supplementation payments of up to \$10 a month, effective November 1, 1986.

Regulatory Exception

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

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

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

Summary

Current policy provides for interim payments to hospitals to be based on a per diem amount calculated by determining allowable costs per day and trending this forward by an appropriate factor. As hospital reimbursement is subject to limitations at year end when cost settlement occurs, interim payments must be reflective of current reimbursement for allowable costs and limits for some. As the limitations for hospital costs have been frozen for the past year and shall remain frozen for a second year, adjustment to interim per diem rates are necessary in order to ensure that hospitals are not overpaid on an interim basis. In addition to the freeze, the anticipated Medicare change to limit allowable costs for capital expenditures will further reduce total reimbursements to hospitals. In order for Medicaid to ensure compliance with state and federal regulations which require tracking of Medicare allowable costs and prohibit overpayments to hospitals for services provided to Medicaid recipients, a 10 percent reduction in interim per diem rates is necessary. This change is in accordance with 42 CFR 4.

Rule

Effective for Medicaid admissions on or after November 1, 1986, the Medical Assistance Program shall reduce hospital interim per diem rates by 10 percent.

Regulatory Exception

Implementation of this rule is dependent on the approval

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

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

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

Summary

Currently physician, osteopath, optometrist and nurse midwife services are reimbursed by the Medical Assistance Program as a mandatory service under Title XIX. These services are provided throughout the state. Circumstances have necessitated the review of all Medicaid services. As a result, a determination has been made that the reimbursement rate for physician, osteopath, optometrist and nurse midwife services must be reduced by 5 percent to maintain mandatory services at reasonable and adequate reimbursement rates to meet the costs that must be incurred by efficiently and economically operated providers to provide services in conformity with applicable state and federal laws, regulations and quality and safety standards. This is in accordance with 42 CFR 440.50 and 440.230. Under this rule, the reimbursement for physician, osteopath, optometrist and nurse midwife services will be reduced by 5 percent effective for services rendered on February 1, 1987.

Emergency Rulemaking

Effective February 1, 1987, reimbursement for physician, osteopath, optometrist and nurse midwife services shall be reduced by 5 percent.

REGULATORY EXCEPTION

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

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

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

Summary

Currently, Home Health Agencies are reimbursed by the Medical Assistance Program for Physical Therapy as an optional service under Title XIX. Circumstances have necessitated the review of all optional Medicaid services. As a result, a determination has been made that Physical Therapy as a home health service must be eliminated to maintain mandatory services at reasonable and adequate reimbursement rates to meet the costs that must be incurred by efficiently and economically operated providers to provide services in conformity with applicable state and federal laws, regulations and quality and safety standards.

This is in accordance with 42 CFR 440.70 and 440.230. Under this rule, Home Health Agencies will no longer be reimbursed for physical therapy effective for services rendered on November 1, 1986.

Rule

Effective for services rendered on November 1, 1986, reimbursement for physical therapy provided by a home health agency shall be discontinued.

Regulatory Exception

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

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

RULE

**Declaration of Emergency
Department of Natural Resources
Office of the Secretary**

Effective October 20, 1986, the Department of Natural Resources is amending the regulations for administration of the Fisherman's Gear Compensation Fund. This emergency rule is necessary to limit to two each fiscal year the number of claims qualified shrimpers and fishermen may file with the Fisherman's Gear Compensation Fund. (R.S. 56:700.1) This extreme measure is based on a dramatic increase in claims and an ever enlarging number of persons filing multi-claims.

Section 2. LIMITATION OF CLAIMS, GEOGRAPHIC BOUNDARY OF FUND

A. The Fishermen's Gear Compensation Fund shall be limited to the payment of no more than two claims for damage or loss of fishing gear filed by qualified claimants during a fiscal year applicable to the department (July 1 - June 30). Claims must be received by the fund within the period indicated. A single claim may not exceed \$5,000 and shall be based on damage or loss of fishing gear due to an encounter with an obstruction in state waters located below the northern boundary of the Louisiana Coastal Zone as set forth in R.S. 49:213.4, and depicted on official maps of the state regulatory authority having jurisdiction over coastal zone management, and extending seaward to the limits of Louisiana's territorial jurisdiction.

B. Jim Porter
Secretary

DECLARATION OF EMERGENCY

**Department of State
Office of the Secretary**

In accordance with the emergency provisions of the Administrative Procedure Act (R.S. 49:953(B)), and under the authority of Act 855 of 1986, the Department of State is hereby adopting the following amendment to its existing fee schedule. Due to the recent budget cuts imposed by Executive Order Number EWE 86-31, this emergency adoption is necessary to enable this department to continue to provide mandated services. Comments may be addressed to James H. "Jim" Brown, Secretary of State, Box 94125, Capitol Station, Baton Rouge, LA 70804; telephone (504) 342-5710. A public hearing has been scheduled for 10 a.m. on Friday, December 5, 1986, on the twentieth floor of the State Capitol, Baton Rouge, La. All interested per-

sons will be afforded an opportunity to submit views in writing or present objections at the public hearing.

RULE

In accordance with the mandate contained in R.S. 49:222, as amended by Act 855 of 1986, the Department of State hereby adopts the following amendment to its existing fee schedule:

ITEM	COST
Administrative Services:	
Service of Process	\$ 25
Corporations, Trademarks, Partnerships:	
Name Reservations	20
Trade Name Reservations	20
Domestic Partnership, filing fees	75
Foreign Partnership, filing fees	125
Corporate Information, processing fee, per page	1
Special Handling fee	10
Commissions:	
Notaries, new	35
Notary bond renewals	20

James H. "Jim" Brown
Secretary

DECLARATION OF EMERGENCY

**Department of Transportation and Development
Office of Highways**

R.S. 48:381 authorizes the DOTD assistant secretary to issue permits for the use and occupancy of state highway right-of-way.

The Department of Transportation and Development is exercising the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, to establish the following fee schedule for the right of way permit inspection to be effective November 20, 1986.

The rules will implement R.S. 48:344 and R.S. 48:381 authorizing the assistant secretary, Office of Highways to assess reasonable fees in connection with the issuance of permits to defray the expense of inspection by the department's employees.

This fee will apply to commercial driveway permits, project permits, geophysical permits and traffic control device permits issued by the Department of Transportation and Development's Headquarters Utility and Permit Section, in accordance with the attached fee schedule.

Definitions

Driveway Permit - form granting permission to construct entrance or exit on highway right of way from adjacent property. A single permit is limited to a single parcel of property.

Project Permit - form granting permission to work or install facilities within highway right of way. A single permit is limited to within a parish of (a) one continuous facility installation or work within the right of way; (b) battery of crossings within a 150 foot spacing.

Geophysical Permit - form granting permission to conduct geophysical surveys on highway right of way. A single permit is limited to the survey of single highway within a parish.

Traffic Control Device Permit - form granting permission to install a traffic control device on a highway. A single permit is limited to one location.

Permit - written form that grants permission to applicant (Facility Owner) to perform work or install facilities within highway right of way.

Rules

Residential - property used for a single family dwelling.
 Agricultural - property used for farming, livestock, or timber.

Single service crossing - a utility facility crossing the highway with the capacity to serve only one customer.

Single service tap - a service connection from a utility located on highway right of way with the capacity to serve only one customer located on the same side of the highway as the utility facility.

FEE SCHEDULE RIGHT OF WAY PERMIT FEE

DRIVEWAY PERMITS

Residential, including Churches	*None
Agricultural.	*None
Local and State Governmental Agencies . .	*None
Commercial	\$130 per Permit

PROJECT PERMITS

Local and State Governmental Agencies . .	*None
Single service crossing and/or service taps	*None
All others	\$130 per Permit

GEOPHYSICAL PERMITS

All	\$130 per Permit
---------------	------------------

TRAFFIC CONTROL DEVICE PERMITS

Local and State Governmental Agencies . .	*None
All others	\$130 per Permit

* A permit will be required, however no fee will be assessed.

ESTIMATED INSPECTION PROGRAM COST

Engineering Specialist III-9	\$252,936
Payroll Additive 58%	<u>146,702</u>
Total Salaries	\$399,638
Automobile Expense	\$18,000
TOTAL ESTIMATE COST	\$417,638
Estimated Inspection Cost 70%	\$292,346

This cost reflects only the expense of the inspection portion of the Right of Way Permit program.

ESTIMATED REVENUE

	ACTUAL NO. ISSUED	ESTIMATED NO. ISSUED	REQ'ING FEE	RATE	FEE REVENUE
Driveway	2126	703	\$130		\$91,390
Project	2277	1448	\$130		188,240
Geophysical	62	62	\$130		8,060
Traffic Control Device	10	2	\$130		260
TOTAL	4475	2215			\$287,950

This notice shall supersede the notice of intent published in the September 20, 1986 issue of the *Louisiana Register* on Page 627.

Robert G. Graves
 Secretary

RULE

Department of Commerce Board of Architectural Examiners

Under the authority of R.S. 37:144 and in accordance with the provisions of R.S. 49:950 et. seq., the Board of Architectural Examiners amended LAC 46:I.317 C. and LAC 46:I.501.B. as follows:

LAC 46:I.317.C. (formerly Rule 1.15)

Out of the funds of the board, each board member shall be compensated at a rate of \$100 for each day in attending board meetings and hearings, attending NCARB regional and national meetings, issuing certificates and licenses, reviewing examinations, necessary travel, and discharging other duties, responsibilities, and powers of the board. In addition, out of said funds each board member shall be reimbursed actual travel, meals lodging, clerical, and other incidental expenses incurred while performing the duties, responsibilities, and powers of the board, including but not limited to performing the aforesaid specific activities.

LAC 46:501.B. (formerly Rule 2.2)

Applications shall be made on a form, furnished by the board, which indicates the applicant has completed an internship of practical working experience, as defined by NCARB and as outlined by the intern development program administration by NCARB. The application must include a complete and approved intern development program record from NCARB for final review and approval by the board.

Repeal: All rules in effect prior to the 1984 revisions (printed in the *Louisiana Register* of October 20, 1984) are hereby repealed.

The primary purpose of the proposed amendment to LAC 46:I.317.C. (formerly Rule 1.15) is to clarify the board's policy on per diem payments to its members, including that board members are authorized to receive \$100 per day in per diem, and the primary purpose of LAC 46:I.501.B. (formerly Rule 2.2) is to clarify the requirement that the application for examination include a complete and approved internal development program record from NCARB for final review and approval by the board. The repeal of the rules effective prior to the 1984 revision completes the comprehensive revision made in 1984, and makes no changes not anticipated in the 1984 revision.

Mary "Teeny" Simmons
 Executive Director

RULE

Department of Commerce Licensing Board for Contractors

At its meeting on October 14, 1986, the State Licensing Board for Contractors made a motion which unanimously passed to amend the following rules in LAC 46:XXIX.505.C.

Chapter 5. Examination

§505. Additional Classifications

C. Additions or changes to an existing license shall be-

come effective after completion of the above requirements and upon board approval at the next regularly scheduled meeting.

J. Warren Landry
Executive Director

RULE

Department of Commerce Licensing Board for Contractors

At its meeting on October 14, 1986, the State Licensing Board for Contractors made a motion which unanimously passed to amend the following rules in LAC 46:XXIX.1301.

Chapter 13. Fees

§1301. Annual Fee for Licenses

The annual fee for licenses for the following year shall be set by the board at its July meeting each year. The annual fee in no case for renewal of licenses shall be more than \$100 for any one major classification or subdivision thereof, and not more than \$50 for each specialty, additional major classification or subdivision thereof. In no case shall the maximum fee exceed \$300 except that a \$400 surcharge shall be assessed each initial applicant domiciled outside the state of Louisiana. In addition there will be a \$25 charge for each examination or re-examination and a \$25 charge for a structural change.

J. Warren Landry
Executive Director

RULE

Department of Commerce Licensing Board for Contractors

At its meeting on October 14, 1986, the State Licensing Board for Contractors made a motion which unanimously passed to amend the following rules in LAC 46:XXIX.1107.A.2.

Chapter 11. Bidding

§1107. Federal Projects

A.2. A license shall not be required to bid on any projects funded in part by the federal government designated for a particular project by an agency of the federal government where a federal regulation or law prohibits such requirement, provided said agency presents specific evidence of a federal regulation or law prohibiting same in the bid documents. Should the agency fail to present such evidence, the bidder shall be required to have a license before bidding. Any successful bidder on any exempt project funded in part by the federal government shall submit an application for a license completed in its entirety and pay the fee prior to commencement of work on federal jobs. After meeting said requirements, a letter shall be issued to said successful bidder authorizing the commencement of work in accordance with R. S. 37:2157D. Thereafter, the application shall be presented to the board at its next regular meeting and following compliance with all remaining requirements including delay periods, a license shall be issued.

J. Warren Landry
Executive Director

RULE

Department of Commerce Licensing Board for Contractors

At its meeting on October 14, 1986, the State Licensing Board for Contractors made a motion which unanimously passed to amend the following rules in LAC 46:XXIX.1107.

Chapter 11. Bidding

§1107. Federal Projects

B.1. There are excepted as provided in R.S. 37:2157(B), any public utility providing gas, electric, or telephone service which is subject to regulation by the Louisiana Public Service Commission or the council of the city of New Orleans, or to any work performed by such utility in furnishing its authorized service.

2. Any contractor bidding or performing work for the public utilities set forth above shall comply with all the provisions of the contractors' licensing law and the rules and regulations promulgated thereunder.

J. Warren Landry
Executive Director

RULE

Department of Commerce Licensing Board for Contractors

At its meeting on October 14, 1986, the State Licensing Board for Contractors made a motion which unanimously passed to amend the following rules in LAC 46:XXIX.101.

Chapter 1.

§101. Define Contractor

B. In addition to those specialty classifications listed as subclassifications in R.S. 37:2156.2, the definition also includes specialty work as follows, but is not limited thereto: Oil and gas well drilling and storage; directional drilling; X-ray of wells; water well drilling; cathodic protection; environmental control systems; solar energy, nuclear energy; mining; furnishing and installing permanent building fixture; building restoration work; carpentry work; dumb waiters, elevators and escalators; glazing; site development; waterproofing; construction management; owner acting as own contractor which will be for rent, sale, public use or public assembly; public address systems, communications lines and systems; sound systems; alarm systems; control systems; instrumentation and calibration; industrial and commercial maintenance; demolition with or without explosives; industrial painting, coating and sandblasting; refractory work.

J. Warren Landry
Executive Director

RULE

Department of Commerce Licensing Board for Contractors

At its meeting on October 14, 1986, the State Licensing Board for Contractors made a motion which unanimously passed to amend the following rules in LAC 46:XXIX.303.A.

Chapter 3. License

§303. Requirements

A. Sixty days for Louisiana domiciled applicants and 120 days for out-of-state applicants have elapsed from the time of receipt in the Baton Rouge office.

J. Warren Landry
Executive Director

RULE

Department of Culture, Recreation and Tourism Office of Cultural Development

*Deadline date for all Program Areas will be March 2, 1987.

—New Mission Statement by LSAC: "The arts are an essential part of life in Louisiana. Each citizen has the right to the arts. The LSAC is a catalyst for participation, education, development and promotion of excellence in the arts. It is our responsibility to support established arts organizations, nurture emerging organizations, and assist individual artists."

—The folklife program will be integrated into the Project Assistance Program as a separate component.

—Folklife apprenticeships will be placed within the Individual Artist Program; also, the addition of a folklife fellowship.

—Design Arts will be incorporated into the project assistance, visual arts category.

—Louisiana Dance Initiative will be a component within the Presenter Program.

—A program 'grid' will be added to simplify where an applicant may apply regarding different program areas.

SPECIFICS ACCORDING TO PROGRAM AREAS DIFFERENT FROM 1986-87 GUIDELINES

AIE—No more than three residency or project applications (or combination thereof) with the total requested not to exceed \$25,000. Applicants submitting more than one application to this program will be required to establish a priority among the applications submitted.

Project Assistance—No more than three project applications with the total requested not to exceed \$20,000. Applicants submitting more than one application to this program will be required to establish a priority among the applications submitted.

Presenter—No more than three applications with total requested not to exceed \$20,000. Presenters may request up to an additional two applications under the Louisiana Dance Initiative Program with total requested not to exceed an additional \$20,000. All applications in this program must include a general public performance.

Specific to ALL Program Areas/87-88—at least 50 percent of the applicant match (for the amount of support requested) be in cash.

Major Institutions—Funding requests may not exceed 25 percent of their prior year actual cash operating revenues (excluding DOA support), and may not exceed \$350,000.

LAA's—Advanced LAA's requests may not exceed 25 percent of their prior year actual operating revenues (excluding DOA support) and may not exceed \$350,000.

Basic LAA's—Requests must show a minimum of 50 percent of the applicant matching funds in actual cash.

AIE—The approved Artist Roster will be added to the guidelines. In-school performances will be reviewed under AIE projects and all must include educational components.

All organizations that previously applied in the AIE Libraries/Communities program will now apply under AIE Projects.

Individual Artist Program—Will combine artist fellowships and folklife apprenticeships along with the addition of folklife fellowships. Fellowship awards will be "up to \$5,000" in order to allow flexibility on the part of the panelists. The committee recommended that two categories of fellowships be established: 1. Lifetime Achievement Award and 2. Emerging Artist Fellowship (\$1500-\$5,000).

DOA/LSAC Initiatives—Include: Expanded DOA Initiatives, Louisiana Folklife Program, Louisiana Dance Initiative, Louisiana Comprehensive Arts Education Initiative, Louisiana

Regional Development Initiative (minority and rural development), Louisiana Economic Development Program (Crafts Program: Made in Louisiana; Design Arts Program: La. Cities by Design; Special Projects.

Fiscal Agent: Non-profit organizations eligible to apply under the DOA grant programs are eligible to act as fiscal agents to individual artists. A limit of "3" applications per Fiscal Agent. These three applications will not be considered as part of the 'umbrellas' eligible amount requested in their own program area.

Robert B. DeBlieux
Assistant Secretary

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

The board adopted the following amendments to Bulletin 741:

Under System Policies, add standard 1.105.00 to read: "Each LEA shall adopt a written policy pertaining to the awarding of one-half unit of credit for all one-unit courses listed in the academic and vocational course offerings."

Add in a procedural block: "This policy shall be included in the Pupil Progression Plan of the LEA."

Under School Policies, reword procedural block under standard 2.105.00 to read: "One-half unit of credit may be awarded by the school for all one-unit courses listed in the academic and vocational course offerings in accordance with the LEA policy."

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 August 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below:
Rule 3.01.50.c

The board adopted the revised curriculum guides on English Language Arts and Mathematics for K-12 and the revised Grade Level Standards as presented by the State Department of Education.

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 Au-

gust 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below:
Rule 3.01.50.y

The board adopted the Schedule for the Elementary Program of Studies and Minimum Time Requirements. (See pages 552 and 553 of August, 1986 issue of *Louisiana Register* for schedule.)

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 August 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below:
Rule 3.01.70.v(37)

The board extended through July 1, 1987, policy 3.01.70.v(37) for hiring full-time/part-time noncertified school personnel with the exception of speech, language and hearing specialists.

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 August 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below:
Rule 4.00.04.j

The Board of Elementary and Secondary Education suspended for one year, Part B, II-A Teacher Aides, in Bulletin 1706 (Regulations implementing R.S. 17:1941, et. seq., - Act 754) for self-contained gifted classrooms until such time as revisions in the regulations are proposed or funds are appropriated for this purpose.

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

The board extended for the 1986-87 school year, policy 3.01.70.v(22) for issuance of the temporary employment permit.

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 August 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below:
Rule 5.03.41

The board directed that if vocational-technical schools under its jurisdiction are going to supply bus transportation to students, the students will be charged an appropriate amount to cover all costs of operating a bus, effective July 15, 1986.

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

RULE

Office of the Governor Division of Administration

Pursuant to the authority of the commissioner of administration and the Division of Administration contained in R. S. 42:455, 456, and 457, the following rules and regulations for application, solicitation, reporting, accounting and renewal of payroll deduction for state employees are adopted. This rule supersedes and replaces any prior rule governing payroll deductions.

Title 4 Administration Part III. Payroll

Chapter 1. Payroll Deductions

§101. Definitions

Administrative Contract is a contractual agreement, appropriately bid and awarded by the state to a company or corporation which meets or exceeds the requirements of R. S. 42:455 to manage a cafeteria plan.

Authorized cafeteria plan is one which has been appropriately bid and awarded by the state to companies and/or corporations that meet or exceed the requirements of R. S. 42:455.

Budget Schedule Number is the six digit number currently used in UPS to identify a payroll group - usually an agency.

Control Number is the three digit identifier in UPS which serves as a key for processing and reporting. It may represent a single agency or a group of agencies.

Coordinator is a vendor representative who provides a single contact for communication between the vendor and the state payroll office and payroll systems independent of UPS.

Department/agency as referenced herein shall be any one of the twenty major departments of state government or any subdivision hereof or any state university.

Deduction shall be defined as any voluntary reduction of net pay under written authority of an employee which is not required by federal or state statute.

General Insurance Vendors are those Insurance Companies which market through payroll deduction, *non tax qualified* life and/or health insurance products.

Governing Board as referenced herein shall mean any one or all of: Board of Regents; Board of Supervisors of Louisiana State University and Agricultural and Mechanical College; and Board of Supervisors of Southern University and The Board of Elementary and Secondary Education as it applies to Vo-Tech schools.

Organization as referenced herein shall be any charitable group qualified under Federal Code 501 (c) (3), state agency credit unions, labor union councils, or other deduction "permitted" by statute.

Permitted deductions are allowed by state statute rather than mandated.

Provider shall be defined as the individual or organization which renders service, provides goods, or guarantees delivery.

Reconciliation referenced herein refers to the monthly match or comparison of vendor accounts receivable/invoice records to the state deduction/remittance records.

State Payroll Office is the section within the Division of Administration primarily responsible for the Uniform Payroll System and administration of rules governing state employee payroll deductions.

Third Party is defined as any agent for or representative of a provider.

University is any one of the state higher education facilities which fall under the jurisdiction of any of the three "governing boards."

UPS is the state Uniform Payroll System.

Vendor referenced herein shall be any company, corporation, or organization having met the requirements of this rule and participating in payroll deduction. IntraOffice deductions such as flower, gift, and coffee funds will not be authorized.

Voluntary Deduction shall be defined as any deduction which the employee is free to accept or decline.

§103. Application Process

A. Application shall be made by the Provider or Organization which is the provider of the coverage, product, service or recipient of monies and shall be signed by two officers of the applicant company, corporation or organization.

B. Any vendor requesting authority to implement a payroll deduction shall submit a completed application form to the state payroll office. Vendors making application for any state university shall submit the application to the governing board for that University. The application shall:

1. Be submitted on a currently approved application form. Form DA-PR2 shall be used by general insurance vendors, Form DA-PR2p by vendors with deductions "permitted" by statute, and Form DA-PR2o shall be used by all other vendors.

2. Include a letter from at least one department secretary or undersecretary, or university chancellor when making application through the governing board of a university, requesting establishment of the particular deduction.

3. Include certification (Form DA-PRc) from the secretary or undersecretary of the requesting department or university chancellor that said vendor has provided evidence that the vendor does meet the requirement of R. S. 42:455; that said deduction will not represent a duplication of product or service of comparable value already provided by payroll deduction; that there is a recognized need for same; and that a reasonable evaluation of the product/service was made by the department which substantiates the request.

4. Indicate whether the request is for participation within a specific agency, or campus or for state-wide authority.

5. Designate a "coordinator" to represent the vendor as

primary contact for resolution of invoicing, refund, or claims problems and for dissemination of information and requirements among representatives presenting the product or service(s) to state employees.

6. Respond to all items on the form (DA-PR2, DA-PR2p, or DA-PROo) for new and annual renewal applications.

C. Applications for the purpose of providing deductions for IRAs are not permitted.

D. IntraAgency deductions for meals and housing will be permitted, provided the respective department head(s) certify that collection of funds from employees is required by and is a benefit to the agency/department.

E. All vendors shall file annual renewal applications with the state payroll office or governing board as scheduled by that office.

§105. Minimum Reserve Balances, Bonding Requirements

A. Any applicant for payroll deduction which is not regulated by the Department of Insurance or Office of Financial Institutions and not permitted by state statute, except charitable organizations, shall:

1. Possess appropriate license or other required certification or providing the particular product or service for a fee.

2. Have been doing business in this state for not less than five years providing the product and/or services anticipated to be offered state employees.

3. Be in compliance with all requirements of any regulatory and/or supervisory office or board charged with such responsibility by state statute or federal regulations.

4. Provide a minimum fidelity bond of \$100,000 and/or evidence of reserve balance(s) of an amount to protect the state, any officer or employee from loss arising out of participation in the program or plan offered by the vendor. The company providing the bond shall be rated "A" or above by A. M. Best.

§107. Notification, Implementation, and Transition

A. 1. The state payroll office or governing board shall notify applicants whether applications, initial or renewal, have been approved.

2. The state payroll office shall notify all UPS agencies and other departments and university governing boards that the application has been approved; governing boards shall notify universities.

3. Payroll systems independent of the state payroll system will advise vendors whether the deduction will be established.

B. The vendor may elect to enroll employees for a bi-weekly or for semi-monthly deduction amount, provided the invoicing cycle is in agreement with the deduction mode as authorized by the state payroll office or governing board prior to implementation of the deduction. Vendors granted deduction authority on UPS after September 1, 1986 will be permitted to use only semi-monthly deduction amounts. Payroll systems independent of UPS that permit monthly deductions may continue same.

C. Any organization currently receiving payment through voluntary state employee payroll deductions shall continue to be approved as a receiving organization under the following conditions.

1. Has a currently approved application on file, provided:

a. insurance vendors have met rating requirements set forth in R. S. 42:455. A. 1, and 2.

b. non-insurance vendors shall have met the requirements set forth in this rule as required in R. S. 42:455 B.

2. All other permitted deduction vendors have filed application for informational purposes.

D. Vendors currently participating in payroll deduction who do not meet the minimum requirements set forth in R. S. 42:455 A. will be allowed to remain active for a maximum of six months.

E. Vendors that are not in compliance with the minimum requirements of this rule as required in R. S. 42:455 within six months of the effective date of this rule will be denied deduction privilege.

F. Vendors that have had deduction authorization revoked may not reapply for participation for a period of two years.

G. Companies or businesses which have been placed on any waiting list for consideration of payroll deduction participation shall not be exempted from compliance with any part of this rule.

§109. Deduction Authorization

A. Vendors shall use the appropriate standard deduction authorization form designated by the Division of Administration. The two forms shall be designated as 1) general insurance vendors, and 2) other vendors. Space on these forms will be available for additional data to identify specific amounts, coverage, etc., provided that such space shall not be used to include any disclaimer or escape clause(s) in favor of the vendor. The authorization shall not stipulate any "contract" or "term of participation" requirements. However, employees may designate a 'cap' or annual maximum for a charitable organization deduction.

B. Payroll deduction authorization form shall clearly indicate the name of the provider. No payroll deduction shall be taken in the name of or made payable to a third party or agent for any vendor, except that such payment shall have been specified in an administrative contract and in the plan document for an authorized cafeteria plan.

1. Vendors that are currently using the form as published in UPS Memorandum #83-17 may continue using that form until January 1, 1988. As of January 1988, these forms must be modified to contain the additional language "and any officer, employee, or agency thereof" AND "This form supersedes and replaces all prior authority for this deduction," as illustrated on the forms contained herein.

2. Vendors that are not currently using the form as published in UPS Memorandum #83-17 must use only the form as authorized herein as of January 1, 1987.

C. The authorization must specify the amount of deduction to be taken and indicate whether the frequency of deduction is bi-weekly or semi-monthly. Bi-weekly deduction amounts (26 deductions annually) will be permitted to continue in UPS only for those vendors which continued bi-weekly deductions as of September 1, 1986. Payroll systems independent of UPS which currently provide a monthly deduction cycle may continue same.

D. An employee shall have only one deduction authorization for a single vendor effective at any one time. (Total current deduction amount must be included on any new form). The form shall indicate:

1. A total monthly amount and the appropriate bi-weekly OR semi-monthly amount.

2. The pay period in which the deduction was calculated to begin.

E. Vendor shall be responsible for completing authorization forms prior to obtaining employee signature and for submitting forms to the appropriate payroll office designated by each employing department/agency.

F. State Employee Group Benefits, La. Deferred Compensation, and U. S. "EE" Savings Bond deduction authorization forms shall be used in lieu of standard deduction forms DA-PRd and DA-PRo.

G. Department/agencies may elect to permit the use of

the standard union dues deduction authorization as modified to reflect payment to council 17. Upon reorder the standard form (DA-PRu) will be used for union dues deductions.

H. Agency payroll personnel shall not accept forms for employee deductions which contain obvious alterations without employee's written acknowledgement of the change.

I. Agency payroll personnel shall be responsible to verify that the deduction amount is in agreement with the monthly amount shown on the authorization.

J. An employee may discontinue any voluntary payroll deduction by providing written notification of that intent to his or her payroll office.

§111. Solicitation of State Employees

A. Employees may be solicited for payroll deduction only:

1. After notification to the vendor and state department/agencies from the state payroll office, or notification from the governing board in the case of universities, that the application has been approved and

2. Upon written authorization from employer department head and agency administrator.

B. Solicitation of employees shall be conducted within the guidelines established by the employer/department.

C. Departments shall provide vendor coordinators a written copy of the agency's requirements concerning solicitation and deduction.

D. Departments/agencies shall provide the state payroll office a written report of acts of noncompliance by any vendor to this rule or to the published guidelines of that department/agency.

E. Vendors may be barred by a department/agency from solicitation within that department/agency. Vendors may be barred from solicitation statewide by the state payroll office.

F. Any vendor representative that has been barred from state participation by a vendor shall not be allowed to represent any vendor for payroll deduction for a minimum of two years.

§113. Vendor Responsibility: Reconciliation

A. Vendors shall be responsible for preparing a reconciliation of monthly payroll deduction/remittances to vendor invoices.

B. Monthly reconciliation shall include total monthly invoice amount, total remittance amount, and shall list all exceptions between the invoice and deduction/remittance by employee within billing/pay groups.

C. Monthly reconciliation exception listing shall be grouped within payroll control numbers for UPS agencies and similarly for payrolls independent of UPS, as designated by that system.

D. Vendors shall furnish evidence of reconciliation to the state payroll office as requested by that office. Like verification may be required by other payroll systems independent of UPS.

E. Monthly certification of reconciliation will not be required of deduction vendors that provide participants/members with monthly or quarterly statements of activity and/or balances.

F. Vendors failing to provide accurate and timely reconciliation verification will be barred from active solicitation until satisfactory certification is submitted to the state payroll office.

§115. Reporting

A. Vendors shall promptly report within 10 days of final approval any change in the name, address, company status, principal officers, and designated coordinator to the state payroll office.

B. Vendors shall provide as required by the state payroll office data disks, mailers, labels, postage or other supplies necessary to avoid cost to the state in providing deduction information.

State of Louisiana Employee
PAYROLL DEDUCTION AUTHORIZATION
ALL OTHER VENDORS

Employee Name	Social Security Number	Code
Department	Agency	Division

I hereby authorize my Employer to deduct from my salary until further notice the amount of \$ _____ each pay period and to remit same to _____ (Vendor Name Here).

I, further, hereby waive on behalf of myself, my heirs, successors, and assigns, any and all rights of action against the State of Louisiana (and any officer, employee, or agency thereof) arising out of the deduction, non-deduction, processing, or any other handling of the above named voluntary deduction.

Annual Total \$ _____
 Monthly Amount \$ _____
 Semi-monthly Deduction \$ _____
 Bi-weekly Deduction \$ _____
 Beginning:
 1st pay day in _____,
 2nd pay day in _____,
 3rd pay day _____.

Vendor Rep. _____ Date _____

(THIS FORM SUPERCEDES AND REPLACES ALL OTHER AUTHORITY FOR THIS DEDUCTION)

EMPLOYEE
Signature: _____
 Address: _____
 City: _____ State: _____
 Zip: _____

State of Louisiana Employee
PAYROLL DEDUCTION AUTHORIZATION
GENERAL INSURANCE VENDORS

Employee Name	Social Security Number	Code
Department	Agency	Division

I hereby authorize my Employer to deduct from my salary until further notice the premium presently payable and which may be hereafter payable for insurance issued by _____ (Vendor Name Here) and to remit same to _____ (Vendor Name Here).

I understand that premium deduction amounts may change and do hereby consent to such changes without the necessity of additional authorization on my part; verbal or written, provided _____ certifies in writing that the change in premium uniformly affects all members of the class to which I belong.

I, further, hereby waive on behalf of myself, my heirs, successors, and assigns, any and all rights of action against the State of Louisiana (and any officer, employee, or agency thereof) arising out of the deduction, non-deduction, processing, or any other handling of the deduction of insurance premiums.

Monthly Premium \$ _____
 Semi-monthly Deduction \$ _____
 Bi-weekly Deduction \$ _____
 Beginning:
 1st pay day in _____,
 2nd pay day in _____,
 3rd pay day _____.

Agent _____ Date _____

THIS FORM SUPERCEDES AND REPLACES ALL PRIOR AUTHORITY FOR THIS DEDUCTION

EMPLOYEE
Signature: _____
 Address: _____
 City: _____ State: _____
 Zip: _____

Darrell W. Hunt
Executive Assistant Commissioner

RULE

**Department of Health and Human Resources
Board of Medical Examiners**

Pursuant to the authority of the Occupational Therapy Practice Act, (the "ACT") R.S. 37:3001 et seq., and in accord-

ance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana State Board of Medical Examiners has adopted rules governing the licensure, certification and practice of occupational therapists and occupational therapy assistants.

On August 20, 1986, the rules were noticed in the *Louisiana Register* in accordance with the normal rulemaking procedures of the Louisiana Administrative Procedure Act. No comments were received on the notice of intent.

Persons requesting copies and/or further information concerning the rules 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 Medical Examiners**

Pursuant to the authority granted under R.S. 37:1270B(6) and R.S. 37:1281, and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana State Board of Medical Examiners has adopted a revision to its rules which increases the annual license renewal fees to \$100 for physicians and surgeons licensed by the board.

On August 20, 1986, the revised rule was noticed in the *Louisiana Register* in accordance with the normal rulemaking procedures of the Louisiana Administrative Procedure Act. No comments were received on the notice of intent.

Persons requesting copies and/or further information concerning the rule revision 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 Medical Examiners**

In accordance with Louisiana Revised Statutes 49:950 et seq., the Administrative Procedure Act, and pursuant to authority granted under R. S. 37:3351 et. seq., the Louisiana Respiratory Therapists Act, the Louisiana State Board of Medical Examiners hereby adopts rules governing the licensing and practice of respiratory therapists and respiratory therapy technicians in the state of Louisiana.

Interested persons may view the rules at the office of the Louisiana State Board of Medical Examiners, 830 Union Street, Suite 100, New Orleans, LA. These rules may also be viewed at the Office of the State Register, Fifth Floor, Capitol Annex Building, Baton Rouge, La.

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

RULE

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

The Department of Health and Human Resources, Office of Family Security, shall adopt a 1.7 percent increase in the Need Standard for the Aid to Families with Dependent Children (AFDC) Program.

R.S. 46:447 of the 1978 Legislature requires that the Office of Family Security establish AFDC and GA Need Standards and that those standards be adjusted each year effective January 1, to reflect the cost of living increase as reported in the Department of Labor's Consumer Price Index.

The current need standards are shown below along with the new AFDC and GA Need Standards based on a 1.7 percent increase in the cost of living:

Size of Household	Non-Urban		Urban-Orleans, Jefferson, East Baton Rouge and St. Bernard	
	Current Need Standard	Increased Need Standard	Current Need Standard	Increased Need Standard
1	\$ 207	\$ 210	\$ 225	\$ 228
2	386	392	431	438
3	547	556	600	610
4	682	693	738	750
5	811	824	872	886
6	932	947	993	1,009
7	1,053	1,070	1,110	1,128
8	1,170	1,189	1,228	1,248
9	1,281	1,302	1,341	1,363
10	1,396	1,419	1,454	1,478
11	1,519	1,544	1,578	1,604
12	1,643	1,670	1,704	1,732
13	1,777	1,807	1,827	1,858
14	1,907	1,939	1,955	1,988
15	2,038	2,072	2,088	2,123
16	2,168	2,204	2,228	2,265
17	2,301	2,340	2,337	2,376
18	2,431	2,472	2,484	2,526

To determine the need standard amount for households exceeding 18 persons, the need standard amount for the number in excess of 18 shall be added to the need standard amount for 18 persons.

GA NEED STANDARD

This is not applicable since the GA program was discontinued as of July 1, 1986.

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

RULE

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

The Department of Health and Human Resources, Office of Family Security, is adopting the following rule in the Food Stamp Program which became effective August 1, 1986, as a result of Emergency Rulemaking promulgated in accordance with R.S. 49:953B and published in the *Louisiana Register*, Vol. 12, No. 8, page 486, dated August 20, 1986. A Notice of Intent was published in the *Louisiana Register*, Vol. 12, No. 9, page

618, dated September 20, 1986.

Effective August 1, 1986 the following changes will be made in the Food Stamp Program:

1. Definition of Elderly and Disabled

The definition of elderly and disabled member has been expanded to read as follows:

A member of a household who: (1) is 60 years of age or older; (2) receives Supplemental Security Income benefits under Title XVI of the Social Security Act or disability or blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act; (3) receives federally or state-administered supplemental benefits under Section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under Title XVI of the Social Security Act; (4) receives federally or state-administered supplemental benefits under Section 212(a) of Pub. L. 93-66; (5) receives disability retirement benefits from a governmental agency because of a disability considered permanent under Section 221(i) of the Social Security Act; (6) a veteran with a service-connected or non-service connected disability rated by the Veteran's Administration (VA) as total or paid as total by the VA under Title 38 of the United States Code; (7) is a veteran considered by the VA to be in need of regular aid and attendance or permanently housebound under Title 38 of the United States Code; (8) is a surviving spouse of a veteran and considered by the VA to be in need of regular aid and attendance or permanently housebound or a surviving child of a veteran and considered by the VA to be permanently incapable of self-support under Title 38 of the United States Code; or (9) is a surviving spouse or surviving child of a veteran and considered by the VA to be entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death under Title 38 of the United States Code and has a disability considered permanent under Section 221(i) of the Social Security Act. "Entitled" as used in this definition refers to those veterans' surviving spouses and surviving children who are receiving the compensation or pension benefits stated or have been approved for such payments, but are not yet receiving them; (10) receives an annuity payment under Section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 and is determined to be eligible to receive Medicare by the Railroad Retirement Board; or Section 2(a)(i)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon the criteria used under Title XVI of the Social Security Act.

2. Standard Utility Allowance (SUA)

The standard utility allowance shall also be made available to those households receiving indirect energy assistance payments but who continue to incur out-of-pocket heating or cooling expenses during any month covered by the certification period.

Households can switch between the SUA and actual utility costs at each recertification and one additional time during each 12 month period following the initial certification.

3. Certification of Information

One adult member in all applicant households must certify in writing under penalty of perjury, the truth of the information contained in the application for the household's coupon allotment.

4. Liability for Overissuance of Coupon

All adult household members are jointly and severally liable for the value of any overissuance of benefits to the household. This is true regardless of whether the overissuance resulted from inadvertent error, an administrative error or an intentional

program violation. This policy will be applied to any overissuances, occurring on or after June 20, 1986.

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 eliminating optional eyeglass services under Title XIX. A notice of intent was published in the *Louisiana Register*, Vol. 12, No. 9, Page 619, dated September 20, 1986.

RULE

Eyeglasses shall no longer be provided to adult categorically and medically needy recipients as an optional service under Title XIX (Medicaid). No eyeglass program services other than mandatory EPSDT services shall be reimbursable effective November 20, 1986.

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

RULE

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

The Medical Assistance Program is adopting the following rule which was implemented by emergency rulemaking effective August 15, 1986 in accordance with R.S. 49:953 B. The emergency rule was published in the *Louisiana Register*, Vol. 12, No. 9, Page 594, dated September 20, 1986. A notice of intent was published in the *Louisiana Register* Vol. 12, No. 9, Page 620, dated September 20, 1986.

RULE

Effective August 15, 1986 Louisiana Maximum Allowable Cost Regulations (LMAC) for reimbursement under Title XIX are amended to include the following multiple source drugs:

- | | | |
|----------------|---------|------------------|
| 1. Haloperidol | 0.5 mg. | Tablet |
| 2. Haloperidol | 1 mg. | Tablet |
| 3. Haloperidol | 2 mg. | Tablet |
| 4. Haloperidol | 5 mg. | Tablet |
| 5. Haloperidol | 10 mg. | Tablet |
| 6. Haloperidol | | Oral Concentrate |

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 amended the Fee Adjustment Schedule as contained in the regulations for the Family Planning Program found in the *Louisiana Register*, Vol. 11 No. 10, page 947 (October 20, 1985). Effective September 20, 1986 the current fee schedule is proposed to be replaced by the following:

FEE ADJUSTMENT SCHEDULE

		%					
Poverty	I	II	III	IV	V	VI	
Income	100%	*100	110%	120%	130%	140%	
Family	No	9% of	18% of	27%	36%	45%	
Size	Charge	Charge	Charge	Charge	Charge	Charge	
1		5,360	5,896	6,432	6,968	7,504	
2		7,240	7,964	8,688	9,412	10,136	
3		9,120	10,032	10,944	11,856	12,768	
4		11,000	12,100	13,200	14,300	15,400	
5		12,880	14,168	15,456	16,744	18,032	
6		14,760	16,236	17,712	19,188	20,664	
7		16,640	18,304	19,968	21,632	24,128	
8		18,520	20,372	22,224	24,076	25,928	
9		20,400	22,440	24,480	26,520	28,560	
10		24,160	26,576	28,992	31,408	33,824	
11		26,040	28,644	31,248	33,852	36,456	
12		27,920	30,712	33,504	36,296	39,088	
13		29,800	32,780	35,760	38,740	41,720	
14		31,680	34,848	38,016	41,184	44,352	
15		33,560	36,916	40,272	43,628	48,326	
16		35,440	38,984	42,528	46,072	49,616	
17		37,320	41,052	44,784	48,516	52,248	
		%					
Poverty	VII	VIII	XI	X	XI	XII	
Income	150%	160%	170%	180%	190%	200%	
Family	54% of	63% of	72% of	81% of	90% of	100% of	
Size	Charge	Charge	Charge	Charge	Charge	Charge	
1	8,040	8,576	9,112	9,648	10,184	10,720	
2	10,860	11,584	12,308	13,032	13,756	14,480	
3	13,680	14,592	15,504	16,416	17,328	18,240	
4	16,500	17,600	18,700	19,800	20,900	22,000	
5	19,320	20,608	21,896	23,184	24,472	25,760	
6	22,140	23,616	25,092	26,568	28,044	29,520	
7	24,960	26,624	28,288	29,952	31,616	33,280	
8	27,780	29,632	31,484	33,336	35,188	37,040	
9	30,600	32,640	34,680	36,720	38,760	40,800	
10	36,240	38,656	41,072	43,488	45,904	48,320	
11	39,060	41,664	44,268	46,872	49,476	52,080	
12	41,880	44,672	47,464	50,256	53,048	55,840	
13	44,700	47,680	50,660	53,640	56,620	59,600	
14	47,520	50,688	53,856	57,024	60,192	63,360	
15	50,340	53,696	57,052	60,408	63,764	67,120	
16	53,160	56,704	60,248	63,792	67,336	70,880	
17	55,980	59,712	63,444	67,176	70,908	74,640	

NOTE: Income shown under group is minimum income for that group.

Action to revise the Fee Adjustment Schedule is the result of the federal requirement that the most recent poverty guidelines as forwarded by the U.S. Office of Management and Budget must be used to update the fee schedule.

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 amendments to the listing entitled "Mechanical Wastewater Treatment Plants for Individual Homes—Acceptable Units" are adopted:

RULE

**Department of Natural Resources
Office of Conservation**

1. Amend the listing to include an additional unit, specified as follows:

MANUFACTURER	PLANT DESIGNATION	RATED CAPACITY
Clearstream Wastewater Systems, Inc. Box 705 Silsbee, TX 77656	Models 500 H	500 GPD
	1000 H	1000 GPD
	1500 H	1500 GPD

2. Amend the listing, as appropriate, to reflect current addresses for all previously listed manufacturers, as follows:

MANUFACTURER	PLANT DESIGNATION	RATED CAPACITY
Delta Process Equipment, Inc. Box 1011 Denham Springs, LA 70726	Models HU-0.5	500 GPD
	HU-1.0	1000 GPD
	HU-1.5	1500 GPD
	Mini-Plant (Including filter)	
Eastern Environmental Controls, Inc. 101 Dixon Drive Box 475 Chestertown, MD 21620	Models F54291-5-S	500 GPD
	F54291-6-S	thru
	F54291-7-S	1500 GPD
	F54291-7.5-S	
	F54291-8-S	
	F54291-9-S	
	F54291-10-S	
	F54291-11-S	
	F54291-12-S	
	F54291-13-S	
	F54291-14-S	
	F54291-15-S	

NOTE: without prefix "F": concrete tank
When used in conjunction with Filter Kit Model 3000, the following Mini-Plant Models 54291-4 thru 54291-15 are approved:

Models 54291-4	400 GPD
54291-5	thru
54291-6	1500 GPD
54291-7	
54291-8	
54291-9	
54291-10	
54291-11	
54291-12	
54291-13	
54291-14	
54291-15	

NOTE: with suffix "F": fiberglass tank; without suffix "F": concrete tank

Jet, Inc. 750 Alpha Drive Cleveland, OH 44143	Model J-150 (Including filter)	500 GPD
MO-Dad-1 P. O. Box 96 Denham Springs, LA 70726	Mo-Dad-1-500 Mo-Dad-1-1000 Mo-Dad-1-1500	500 GPD 1000 GPD 1500 GPD
Multi-Flo, Inc. 2324 East River Road Dayton, OH 45439	Models FTB-0.5 FTB-1.0 FTB-1.5	500 GPD 1000 GPD 1500 GPD
Norwalk Wastewater Equipment Company 220 Republic Street Norwalk, OH 44857	SINGULAIR Model 820 (Including filter, backwash chamber, backwash pump, and appurtenant piping)	500 GPD
Oldham, Inc. Box 197 Sidney, OH 45365	Model WQM-50 (Including filter) Model WQM-100 (Including filter)	500 GPD 1000 GPD
Owens Manufacturing & Speciality Company Box 2443 Lafayette, LA 70502	Kleen Tank Model 650 (Including filter)	500 GPD

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

Pursuant to authority delegated under the laws of the state of Louisiana, and particularly Title 30 of Louisiana Revised Statutes of 1950, and after a public hearing held under Docket No. 86-617 in Baton Rouge, Louisiana, on October 7, 1986, upon the call of the commissioner of conservation following legal publication of notice and notice in accordance with the rules prescribed by the commissioner of conservation, the following rules of procedure are issued and promulgated by the commissioner of conservation as being reasonably necessary to carry out the mandate of the provisions of the Louisiana Revised Statutes of 47:633.4, Tertiary Recovery Incentive.

RULE 1 - APPLICATION AND HEARING TO QUALIFY A TERTIARY RECOVERY PROJECT.

A 30-day notice and a public hearing shall be required as per rules of procedure for conducting hearings before the commissioner of conservation, R.S. 30:5C, R.S. 30:6 and R.S. 47:633.4. The applicant will not be required to give pre-application notice nor to conduct a pre-application conference.

Hearing testimony is to include discussions and exhibits of the following:

- a) geological and engineering data to support "Tertiary Recovery Project" classification as per R.S. 47:633.4;
- b) geological and engineering data necessary to establish the estimated remaining primary/secondary recovery and/or future recovery from the proposed tertiary recovery project;
- c) engineering and economic estimates necessary to support the economic feasibility, payout period in which no severance tax will be paid, the estimated amount of severance tax to be forgiven and the future severance tax expected in accordance with the provisions of R.S. 47:633.4 (B);
- d) estimated date of initiation of actual injection;
- e) any other pertinent information the applicant deems necessary.

RULE 2 - COMMENCEMENT OF TERTIARY RECOVERY AND THE PAYOUT TIME PERIOD

Immediately after the commencement of actual tertiary injection, the unit operator will petition the commissioner of conservation to issue a supplement order establishing the beginning of tertiary recovery as contemplated by Subsection D of R.S. 47:633.4. If there are no primary/secondary reserves producing at the time of commencement of tertiary injection, the beginning of production any time after this date will be tertiary production and no severance tax will be paid on production until payout has been reached. If primary/secondary reserves are still producing at the time of commencement of tertiary injection, a current forecast of the remaining primary/secondary recovery will be submitted for approval. After the approved remaining primary/secondary reserves have been produced, all production thereafter will be considered tertiary production and no severance tax will be paid on production until payout has been reached. The beginning of the payout time period will be coincident with the beginning of tertiary production and payout will be as per Subsection B of R.S. 47:633.4.

RULE 3 - APPLICATION AND HEARING TO ESTABLISH DATE OF ACTUAL PAYOUT

Within 60 days after actual payout has been determined, a 10-day hearing will be required as per rules of procedure for conducting hearings before the commissioner of conservation.

The hearing will be to determine the effective date of actual payout. At which time the forgiving of severance tax will end

and severance tax to be paid on all future production will begin.

Hearing testimony is to include exhibits and discussions of the following:

- a) review of the tertiary recovery project;
- b) engineering, accounting and economic data to support the actual payout date;
- c) any other data the applicant deems necessary.

RULE 4 - ANNUAL REPORT

The unit operator of an approved tertiary recovery project will provide pertinent expenditure and gross revenue data to the Office of Conservation in addition to the required annual report of pressure maintenance and secondary recovery data. The report will be due on or before May 1 of each year providing data for the preceding calendar year. The report must include annual and cumulative values for:

- 1. investment
- 2. expenses
- 3. interest
- 4. tertiary gross revenue
- 5. tertiary net review
- 6. tertiary production

Additionally, the report must include a current estimate of the ultimate tertiary production from the project, noting any significant difference from the original estimate.

The annual tertiary recovery project report will be subject to audit to confirm expenditure claimed, if such is deemed necessary.

These rules of procedure shall be effective on and after November 20, 1986.

Herbert W. Thompson
Commissioner

RULE

**Department of Natural Resources
Office of the Secretary**

In accordance with provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and Act 673 of 1986 (R.S. 47:648.1) the secretary of the Department of Natural Resources has adopted the rules and regulations set forth, below, for procedures for claiming a conditional severance tax exemption, which rules are effective November 20, 1986.

**Rules For Claiming Severance Tax Exemption
Under Act 673 of 1986 (R.S. 47:648.1)**

I. R.S. 47:648.1 established a qualified severance tax exemption on the first 10,000 barrels of oil produced annually from a well which is drilled between July 15, 1986 and July 15, 1987. This exemption is qualified in that it applies only to the first 50 barrels of oil removed from the ground in each day, although the 10,000 barrel limitation is calculated from the total production of the well. This exemption may be claimed from the date of first production from each well until July 15, 1990, except for months when the value of oil, as reported to the Department of Revenue and Taxation under R.S. 47:633(7), exceeds \$21 per barrel.

II. The tax exemption does not apply to:

- 1. condensate, distillate, or similar natural resources produced from a well classified as a gas well by the assistant secretary of the Office of Conservation;
- 2. casinghead gas produced with oil from a well drilled between July 15, 1986 and July 15, 1987;
- 3. oil from a well on which drilling began prior to July 15, 1986;

- 4. oil from a well on which drilling is done after July 15, 1987;
- 5. oil from a well with a price per barrel greater than \$21 as reported under R.S. 47:633(7);
- 6. oil from a well following, or in excess of, the first 50 barrels produced on any day;
- 7. oil from a well following, or in excess of, the first 10,000 barrels produced in any year.

III. The Department of Revenue and Taxation will provide forms for claiming the severance tax exemption, together with instructions. The amount of exempt production will be reported each month by the producer of the oil. A copy of the producer's report will be provided by the producer to the party remitting the taxes. The taxpayer will report the exempt sales on the SEV Old under Tax Rate 7, or upon such other forms as may be specified by the Department of Revenue and Taxation. No production shall be exempt from severance taxes unless the taxpayer first provides an Office of Conservation certification that the well qualifies for the exemption, to the Department of Revenue and Taxation.

B. Jim Porter
Secretary

RULE

**Department of Public Safety and Corrections
Hazardous Materials Unit**

The Louisiana Department of Public Safety and Corrections announces the adoption of amendments to the Hazardous Materials/Waste Regulations adopted pursuant to Act 83 and Act 449 of the 1979 Louisiana Legislature.

These regulations establish the proper procedures for safely transporting hazardous materials and hazardous waste in this state.

Interested persons may review these amendments to the regulations at the following address: Louisiana State Police Hazardous Materials Unit, 7901 Independence Boulevard, Baton Rouge, LA.

Lt. P.A. Touchard
Hazardous Materials Unit

Notices of Intent

NOTICE OF INTENT

**Department of Agriculture and Forestry
State Market Commission**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:450.3, the Department of Agriculture and Forestry, State Market Commission, is hereby giving notice of its intention to adopt rules and regulations for the administration of the Agricultural Products Process-

ing Development Law as detailed below. All comments should be mailed to Bryce Malone, Assistant Commissioner, Department of Agriculture and Forestry, Box 44184, Capitol Station, Baton Rouge, LA 70804 or delivered to 12055 Airline Highway, Baton Rouge. A public hearing has been scheduled for Wednesday, December 3, 1986 at 10 a.m. in the conference room on the twenty-first floor of the State Capitol. Comments will be accepted through December 3, 1986.

These rules were published in their entirety in the September 20, 1986 *Louisiana Register* beginning on page 588.

AUTHORITY NOTE: Promulgated in accordance with R.S.3:450.2, R.S.3:450.3 and R.S.3:450.5.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Ag. Products Processing
Development Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
These rules and regulations will not have any impact on implementation costs to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
These rules and regulations will not have any 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)
These rules and regulations will not have any fiscal impact.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
These rules and regulations will not have any fiscal impact.

Carol H. Guidry
Fiscal Officer

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Forestry
and
Department of Revenue and Taxation
Tax Commission**

The Louisiana Forestry Commission and Tax Commission, as required by R.S. 56:1543, intends to adopt the following timber stumpage values based on current average stumpage market values to be used for severance tax computations for 1987:

- | | |
|----------------------|---------------------|
| 1. Pine Sawtimber | \$120 per M bd. ft. |
| 2. All Hardwoods | \$ 67 per M bd. ft. |
| 3. Pine Pulpwood | \$ 17 per cord |
| 4. Hardwood Pulpwood | \$ 4 per cord |

Interested persons may submit written comments on these proposed stumpage values through December 6, 1986, to Michael

P. Mety, State Forester, Office of Forestry, Department of Agriculture and Forestry, Box 1628, Baton Rouge, LA 70821.

Michael P. Mety, State Forester
Officer of Forestry

Jamar W. Adcock, Chairman
Tax Commission

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Timber Stumpage Values for 1987**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Adoption of these rules will not affect costs or savings for any governmental unit.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Adoption of these rules will reduce the unit value price against which severance taxes are applied. Seventy-five percent of severance collections are remitted to the parish where the resource was severed and twenty-five percent to the state general fund. If production in calendar 1987 remains at the same level projected for 1986 local governing authorities will lose \$422,081 in revenue collections and the state general fund will receive \$140,693 less in revenue collections. (See attached for the estimate of the decrease in revenue collections.)
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Assuming that production remains constant, producers will receive a direct tax reduction of \$562,775.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The effect on competition and employment cannot be determined at this time.

William Mercer
Associate State Forester

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Management and Finance
Agricultural Industry Board**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:3704, the Department of Agriculture and Forestry, Agricultural Industry Board, is hereby giving notice of its intention to adopt amendments to the rules and regulations as detailed below. All comments should be mailed to John Compton, Deputy Commissioner, Department of Agriculture and Forestry, Box 44182, Capitol Station, Baton Rouge, LA 70804 or delivered to 12055 Airline Highway, Baton Rouge. Comments will be accepted through December 4, 1986. A public hearing has been scheduled for Thursday, December 4, 1986 at 11 a.m. in the conference room on the twenty-first floor of the State Capitol.

Amend LR 7:XXXVI.17703 to include a definition for "sold for use in gasohol":

§17703. Definitions

In addition to definitions listed below and unless other-

wise provided, the definitions in R.S. 3:3703 shall apply to these regulations.

Act means the Agricultural Ethanol Production Law.

Adjudicatory proceeding means an open public hearing by the board to determine whether violations of the act or these regulations have occurred. Such proceedings are conducted in accordance with the Louisiana Administrative Procedure Act (R.S. 49:950, et seq.).

Agency contract means a contract between a certified market participant and an intermediary, such as a grain dealer or warehouseman, who purchases or stores agricultural commodities or products for use in ethanol.

Agricultural commodities or products means crops and products made from processing crops. Commodities or products shall include sugar cane, grains (rice, rough rice, corn, wheat, oats, rye, soybeans, barley, milo and grain sorghum), sweet potatoes and sugar beets. Products shall include syrup and molasses. Any other agricultural commodity or product capable of producing ethanol may be declared to be an agricultural product or commodity by the board.

Applicant means a person who applies for designation as a certified market participant.

Authorized agent, means any representative of a certified market participant whose name has been filed with the board is empowered by the certified market participant and the board to act for or on behalf of a certified market participant

Blender means any person who purchases and mixes ethanol and gasoline for sale as gasohol and who files the required reports with the Louisiana Department of Revenue and Taxation.

Board means the Agricultural Industry Board established by R.S. 3:3704.

Capital costs means all expenditures made for the acquisition of land, equipment, buildings, engineering, construction interests and other expenses necessary to build an ethanol facility.

Central registry means the public filing and listing of security devices encumbering agricultural crops, commodities or products maintained by the commissioner.

Certified market participant means an applicant approved by the board to participate in a cooperative endeavor authorized under this Chapter.

Certified market participant confidential business plan is a confidential financial document or series of documents presented by an applicant or certified market participant periodically with the board, containing proposed agency and producer contracts and all other confidential and financial audit information.

Certified market participant contract means a contract or cooperative endeavor between the board and a certified market participant relating to the production of ethanol.

Commissioner means the Louisiana Commissioner of Agriculture and Forestry or his duly authorized representative.

Controlling interest means ownership by an individual or his spouse, either individually or collectively, of an interest in a person or entity which exceeds 25 percent of any legal entity.

Cooperative endeavor means a contractual relationship between the state of Louisiana through the board with a person for a public purpose.

Ethanol means an ethyl alcohol which meets all of the following conditions in that it:

1. has a purity of at least 99 percent, determined without regard to any added denaturants;
2. has been denatured in conformity with one of the approved methods set forth by the United States Bureau of Alcohol, Tobacco and Firearms;
3. has been derived from agricultural commodities or

products; and

4. has been produced in the state of Louisiana wholly from fermentation and distillation in the state of Louisiana.

Ethanol facility means a facility:

1. which is located in Louisiana;
2. owned or leased and shall be permanently constructed or converted and operated for the purpose of producing ethanol as its primary product from agricultural commodities or products;
3. whose entire production, fermentation and distillation shall occur in Louisiana; and
4. whose ethanol shall be produced and sold for use in gasohol in Louisiana.

First point of sale means: (1) the initial time when title to agricultural commodities or products passes from a seller to a buyer; or (2) the time when agricultural commodities or products are removed from storage.

Fund means the Agricultural Industry Incentive Fund established by R.S. 3:3706.

Gasohol means a fuel that contains not more than 90 percent gasoline and at least 10 percent ethanol.

Gasohol multiplier means the number 10, which reflects the fact that 10 gallons of gasohol contains at least one gallon of ethanol.

Grain dealer means any person who purchases agricultural commodities or products from producers, sells agricultural commodities for producers or represents producers in the purchase or sale of agricultural commodities. The term does not include producers who purchase grain commodities for their own use as feed or seed.

Intermediary means any person who purchases or stores agriculture commodities to be used to produce ethanol by a certified market participant. Grain dealers, a warehousemen and warehouse operators are intermediaries.

Licensee means any person holding a license as a warehouse or grain dealer issued by the Louisiana Agricultural Commodities Commission.

Person means any individual, partnership, association, corporation or other legal entity.

Principal managers means the individuals or persons responsible for the daily operation of an ethanol facility.

Principal office means the location where the records of the certified market participant will be maintained in the State of Louisiana.

Principal stockholders or owners means any individual who owns directly or indirectly 10 percent of an ethanol facility operated by a certified market participant.

Producer means a farmer, individual or person that engages in the production of agricultural commodities or products.

Producer contract means a two or three party contract between and among an agriculture producer, certified market participant and intermediaries, such as a grain dealer or a warehouseman.

Production records means written evidence of the ethanol produced daily by a certified market participant.

Rules or regulations means the rules or regulations adopted by the Agricultural Industry Board under the authority granted by the act.

Security device means any assignment, pawn, pledge, mortgage, privilege, lien or other device by which an interest in agricultural commodities or products is encumbered, either legally or conventionally, to secure the fulfillment of any obligation.

Scale ticket means the document issued to a producer when agricultural commodities or products are delivered to intermediaries such as a warehouse or grain dealer.

Settlement sheets means documents which reconcile contracts, shipping tickets, charges, deductions and payments to determine the value and quantity of agriculture commodities or products received by the certified market participant.

Shipping documents means the written evidence of ethanol produced and shipped by a certified market participant.

Sold for use in gasohol means that ethanol will be blended with gasoline and Louisiana taxes are paid on the sale of gasohol in Louisiana. This intent is evidenced by any document of gasohol sales as reported to the Louisiana Department of Revenue and Taxation on its Monthly Motor Fuels Report.

Spot or spot sale means a transaction where title to agricultural commodities or products passes from the producer to the buyer on the day of delivery, in which transaction the producer is paid promptly at the market price established on the day of delivery.

Storage means the physical possession by a warehouse, in any manner and/or under any type of fee arrangement, of agricultural commodities or products belonging to any person other than the owner of the warehouse. The term storage does not apply to a transaction in which title passes from the seller to the buyer upon delivery.

Taxes imposed on gasohol means any state tax levied on gasohol and includes any tax levied on gasohol under the provisions of R.S. 47:711, R.S. 47:802, R.S. 47:302(A), R.S. 47:321(A), and R.S. 47:331(A).

Under substantial construction means the certified market participant has entered into binding contracts for capital costs, including contracts for the purchase of land, engineering, capital construction and all other project costs, the total of which shall be not less than 25 percent of the project costs.

Warehouse means any building, structure or any other protected enclosure in which agricultural commodities or products or farm products are stored for the public for a fee. The term includes facilities which commingle commodities, facilities which preserve the identity of separate lots of agricultural commodities or products and facilities which dry and/or condition agricultural commodities or products belonging to any person other than the facility owner.

Warehouseman or Warehouse operator means any person or entity operating a warehouse.

Amend LAC 7:XXXVI.17711 amending Subsections A.3.b and A.3.e.iii and adding Subsections A.3.e.iv, B.4 and D:

§17711. Incentive Payments to Certified Market Participants

A. Incentive Payments Application Procedure

1. A request for incentive payments shall be submitted in writing on the forms approved by the board.

2. The request for incentive payment form shall be a public record in accordance with R.S. 3:3707(E) and shall contain the following information:

- a. name, address and phone number of certified market participant;
- b. signature of authorized agent;
- c. date submitted;
- d. month for which payment is requested;
- e. number of gallons of ethanol sold for which incentive payment is requested; and
- f. certification by authorized agent that the information reported on the form is true, correct and complete.

3. The following information shall be submitted simultaneously with request for incentive payment and such information shall be exempt from R.S. 44:1 et seq. and be considered confidential information:

- a. ethanol buyer's name, address and quantity;
- b. total number of gallons of ethanol and gasohol sold in Louisiana;
- c. copies of shipping and receiving documents; and
- d. certification by authorized agent that the information reported is true, correct and complete; and

e. an affidavit in authentic form provided by the commissioner and executed by the blender attesting to the following:

i. the blender has purchased from _____, the certified market participant, _____ gallons of ethanol on the _____ day of _____, 19 ____, for use in gasohol to be sold in Louisiana;

ii. the blender shall on or before the twentieth day of each month file with the Louisiana Department of Revenue and Taxation report(s) or document(s) or pay monies as may be appropriate relative to taxes imposed on gasohol; and

iii. the blender shall attach to his affidavit and mail to the commissioner certified true copies of report(s) or documents(s) filed or monies paid by the blender with the Louisiana Department of Revenue and Taxation.

iv. the blender shall attach as a schedule to his affidavit and mail to the commissioner a copy of a first-in, first-out perpetual inventory report showing each certified market participant's beginning inventory balance, shipments of ethanol received from said certified market participant during the month, sales of ethanol for said certified market participant that month and ending certified market participant's ethanol inventory. A copy of this schedule will also be sent to the certified market participant.

4. The incentive payments shall be made only to certified market participants who have contracts approved by the board.

B. Procedures for Payment to Certified Market Participants

1. Certified market participants must submit a written request for payment which shall be reviewed and approved as to form and completeness by the commissioner or his designee.

2. Within five working days of the fifth day of each month, the Commissioner shall notify each certified market participant of his approval as to form and completeness of application for the month's incentive payment. This approval shall be evidenced by a certificate or certificates, the Agricultural Industry Board Incentive Payment Certificate, in the form approved by the board, signed by the commissioner stating the payment application has been approved as to form and completeness. The commissioner shall on or before the fifth working day following the fifth day of each month issue to certified market participant their specific Agricultural Industry Board Incentive Payment Certificate. The certified market participant may, with board approval, assign those certificates to a producer, intermediary, blender, financial institution or other person.

3. The commissioner is authorized on behalf of the board to take all necessary steps to make payments to certified market participants from the Agricultural Industry Incentive Fund.

4. Each incentive payment made from the fund shall be applied first to the oldest outstanding certificate issued to the certified market participant until all certificates issued to the certified market participant shall be paid.

C. Procedures For Adjustments In Incentive Payments Due To Overpayment

In the event the request for incentive payment is inaccurate or erroneous, the commissioner shall notify the certified market participant and if the certified market participant agrees that an error has been made then the commissioner is authorized to deduct from any future incentive payment requested an amount sufficient to correct any error in payment plus legal interest. If the commissioner and the certified market participant do

not agree, then the commissioner shall call an adjudicatory hearing before the board to consider the matter.

D. Procedure for Other Adjustment of Incentive Payments

If on a monthly basis the money in the fund is not sufficient to satisfy all outstanding obligations for incentive payments, the payments shall be divided proportionately among the certified market participants in accordance with the following formula: the payment received by each certified market participant shall be in the same proportion to the total funds available for incentive payments as the number of gallons of ethanol produced and sold by the certified market participant for use in gasohol sold in Louisiana bears to the total number of gallons of ethanol produced and sold by all the certified market participants for use in gasohol sold in Louisiana.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Agricultural Ethanol Production**

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

Besides the expenditures detailed in R.S. 3:3706, no additional costs are anticipated to implement these rules and regulations.

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

Besides the revenues detailed in R.S. 3:3706 no additional fiscal impact is anticipated with regard to revenue collections.

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

The proposed rules will affect both certified market participants and gasohol blenders. Blenders will be required to maintain special inventory accounting for ethanol purchases so that for audit purposes the use of the ethanol can be allocated to specific certified market participants. The proposed incentive payment allocation formula may require certified market participants to periodically receive monthly payments that are less than their actual production of ethanol during the month.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed requirement that the blender shall send each certified market participant a copy of the blender's purchases and use of ethanol from each certified market participant supplying the blender may provide the certified market participants with useful information on competitors' sales, but the ultimate impact of this information on competition among ethanol producers cannot be determined. The rules will have no significant impact on employment.

Richard Allen
Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Civil Service
Civil Service Commission**

The State Civil Service Commission will hold a public hearing on Wednesday, December 3, 1986, to consider pro-

posed rules for transition to the new classification system job titles.

The hearing will begin immediately after the General Business Session starting at 9 a.m. and will be held in the 12th floor Commission Hearing Room, Republic Tower Building, 5700 Florida Boulevard, Baton Rouge, Louisiana.

Consideration will be given to the following:

Chapter 18

18.1 Purpose and Scope

These rules are interim rules for the purpose of effecting the transition from old class titles to new job titles. This Chapter temporarily supercedes all other rules that are in conflict.

18.2 Pay Upon Allocation To New System Titles

The commission, after considering the financial condition of the state, shall designate, or delegate to the director the authority to designate, either section (a) or (b) below as the method for effecting pay upon allocation.

(a) When minimal funding is available:

1. If the job to which the employee's current position is being allocated is at the same grade level as his current class, his pay shall not be changed.

2. If the job to which the employee's current position is being allocated is at a higher grade level than his current class and his rate of pay is within the new range, his pay shall be adjusted to the step in the range that is closest to his current rate without reducing his rate. Eligibility for pay adjustments as provided in rule 6.5 shall be retained and shall be paid in accordance with 18.2 (c). The employee's anniversary date shall not be affected and a merit increase may be granted when eligibility under rule 6.15 (a) is attained.

3. If the job to which the employee's position is being allocated is at a higher grade level than his current class and his rate of pay is below the new range minimum, his pay shall be adjusted to the range minimum. Eligibility for pay adjustments as provided in rule 6.5 shall be retained and shall be paid in accordance with rule 18.2 (c). The employee's anniversary date shall not be affected and a merit increase may be granted when eligibility under rule 6.15 (a) is attained.

4. If the job to which the employee's current position is being allocated is at a lower grade level than his current class, his pay shall not be changed. The employee's anniversary date shall not be affected. If he attains eligibility for a step increase under rule 6.15 before the application of the new job evaluation system structure, he may be granted a step increase in the amount he would have been eligible for in his former class range. If the employee attains eligibility for a step increase under rule 6.15 after the application of the new job evaluation system structure, he may receive the step increase in accordance with the rules implemented for administration of the new structure.

(b) When adequate funding is available:

1. If the job to which the employee's current position is being allocated is at the same grade level as his current class, his pay shall not be changed.

2. If the job to which the employee's current position is being allocated is at a higher grade level than his current class, he shall receive immediately, the maximum adjustment allowable in accordance with the provisions of rule 6.5.

3. If the job to which the employee's current position is being allocated is at a lower grade level than his current class, provisions of 18.2 (a) 4 of this rule shall apply.

4. The employee's anniversary date shall not be affected and a merit increase may be granted when eligibility under rule 6.15 (a) is attained.

(c) An employee who has eligibility for pay adjustments under rule 18.2 (a) shall be paid in the following manner.

1. No later than January 1, 1988, employees who have eligibility for additional step(s) shall receive a one step pay adjustment.

2. No later than July 1, 1988, employees who have eligibility for the full two step adjustment shall receive their final step adjustment.

3. If the new evaluation system structure is approved anytime prior to January 1, 1988, employees shall retain eligibility for any adjustments which they were due and did not receive under parts 1 and 2 of the rule.

4. These step adjustments shall be calculated on the employee's current pay rate except for those with red circle rates under rule 6.28. For these employees, the true rate shall be the base pay on which the adjustment will be calculated.

5. If an employee is promoted on or after January 1, 1987 or his position is reallocated based on a change in duties after January 1, 1987, his pay shall be established in accordance with rule 6.5.

18.3 Qualification Requirements

An employee who holds a position being reallocated to a new job title will not be required to meet the qualification requirements for the job.

Explanation

These rules are interim rules for the purpose of effecting the transition from old class titles to new job titles. This Chapter temporarily supercedes all other rules that are in conflict.

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

Herbert L. Sumrall
Director

NOTICE OF INTENT

Department of Commerce Board of Certified Public Accountants

Notice is hereby given that the State Board of Certified Public Accountants of Louisiana pursuant to the authority vested in Section 75 of the Louisiana Revised Statutes, Title 46, Part XIX, proposes to adopt and amend effective January 20, 1987, the following rules in LAC 46:XIX.

Summary

1. LAC 46:XIX.709.F, (R.S. 37:75) Adopt rule to allow CPE credit to volunteer reviewers with the Board's Positive Enforcement Programs.

2. LAC 46:XIX.1101, (R.S. 37:77) Amends section to add the words, "who practice public accounting in Louisiana."

3. LAC 46:XIX.1303.B.2.a., (R.S. 37:78) Adopts new rule to amend the Commercial Law educational requirement for CPA examination applicants.

4. LAC 46:XIX.2101.A, (R.S. 37:80) Amends section to delete detailed examination fee schedule and to authorize board to set fees in conformity with the Statutes.

Proposed Rules

Chapter 7. Requirements for continuing Professional Education

§709.F CPE Credit for Reviewers

Credit will be granted for actual time expended reviewing reports for the board's positive enforcement programs up to a maximum of 16 credit hours per year as approved by the state board's program coordinator provided the reviewer completes

and returns the assigned checklist(s). The effective date of this rule applies only to reports assigned January 1, 1986 and thereafter.

Chapter 11. Necessity for Certificate, License, Prohibited Acts

§1101. Necessity for Certificate, License, Prohibited Acts

No partnership or corporation, whether domiciled within or without the State of Louisiana, shall practice the profession of public accounting in Louisiana unless all members or shareholders thereof who practice public accounting in Louisiana are holders of licenses issued by the board and properly renewed. It is recognized that shareholders of Louisiana professional accounting corporations could, in some instances, be persons who are not certified public accountants; therefore, the reference to shareholders above refers to persons entitled to vote shares and participate in the corporate earnings.

Chapter 13. Examination

§1303. Educational Requirements

B.2.a. Beginning with applications for the November 1990 Certified Public Accountant examination, the Commercial Law (as it affects accountancy) requirement will be three semester hours or four quarter hours for the undergraduate or graduate level. The course "Legal Environment of Business" with emphasis on consumer protection and the regulatory environment will not be acceptable as meeting this requirement. At the undergraduate level the accounting elective will be increased to six semester hours or eight quarter hours with one of the electives being in the areas of either advanced auditing, theory or governmental. At the graduate level, the accounting elective of three semester or four quarter hours must be in the area of either advanced auditing, theory or governmental.

b. For the interim period only, the May 1987 through the May 1990 Certified Public Accountant Examinations, the board will accept the course "Legal Environment of Business", with emphasis on consumer protection and the regulatory environment, as an accounting elective or one of the other three electives, either advanced auditing, theory or governmental accounting.

Chapter 21. Fees and Service Charges for CPA Examination, Certification, Licensing

§2101. Assessment of Fees

A. Fees shall be assessed as follows:

Service charge for refund of examination fee under §1909	\$20
Original certificate	\$50
Original license	\$50 *
Replacement certificate	\$50 **

Examination fees shall be assessed by the board in conformity with R.S. 37:80E

Interested parties may submit written comments on the proposed rules through December 8, 1986 to Mildred M. McGaha, CPA, Executive Director, State Board of Certified Public Accountants, Suite 1515 World Trade Center, 2 Canal Street New Orleans, LA 70130.

Mildred M. McGaha, C.P.A.
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: 46:XIX

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

It is not anticipated that there will be any 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 as a result of items one, two or three above. As to item four, if the AICPA withdraws the scheduled grading increase, there will be no effect on revenue. If the AICPA does not withdraw the proposed increase, this board will begin experiencing losses with the November 1987 examination.

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

There will be no costs to directly affected persons or non-governmental groups as to items one, two or three. There will be an economic benefit under item one for the 16 hours of CPE awarded annually to reviewers. If the board must revise examination fees, under the present statutes, the maximum that could be imposed under item four would be \$20 per person.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This board believes that there is no, or very little, effect on competition from these changes. There is no effect on employment.

Mildred M. McGaha, C.P.A.
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Office of State Museums intends to adopt the proposed rule as follows:

Title 25

Cultural Resources

Part III: Office of State Museums

Chapter 1. Public Access

§ 105. - Admission Fees

The admission fees for the Louisiana State Museum's New Orleans buildings are:

	One Building	Two Buildings	Three or more Buildings
Adult	\$3.00	\$5.00	\$7.00
Student/Senior			
Citizen	\$1.50	\$2.50	\$3.50
Under 12 years	Free	Free	Free

Visitor may choose among the Presbytere, Cabildo, Old U.S. Mint, Madame John's Legacy and the 1850 House.

Written comments may be addressed to G. Rollie Adams, Assistant Secretary, Department of Culture, Recreation and Tourism, Box 2458, New Orleans, La. 70176.

Noelle LeBlanc
Secretary

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

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

There should be no additional implementation cost to collect revenues as a result of these changes. Existing staff should be able to handle the associated workload. There will be no impact on local government units as a result of adopting these fee changes.

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

Due to the projected effective date of the proposed admission fee changes (February 1, 1987), the revenue for fiscal year 1986-87 will increase by \$16,638. The annualized increase is estimated to be \$39,934. See following schedule for present fees and proposed increases. There will be no impact on local governmental units.

Facilities in New Orleans
Cabildo, Presbytere, Old U.S. Mint, 1850 House, and Madame John's Legacy.

Current Admission Fees
Adults - \$2 each building
Senior Citizen/Students - \$1 each building
Under 12 - Free
Proposed Admission fees

	One Building	Two Buildings	Three or more Buildings
Adult	\$3.00	\$5.00	\$7.00
Student/Senior			
Citizen	\$1.50	\$2.50	\$3.50
Under 12	Free	Free	Free

Visitor may choose between the Presbytere, Cabildo, Old U.S. Mint, Madame John's Legacy and 1850 House.

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

There is an additional cost to visit the Louisiana State Museum, however, a cost savings is available by purchasing admission to more than one museum.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is anticipated.

G. Rollie Adams
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Office of the State Museum intends to adopt the proposed rule as follows:

Title 25

Cultural Resources

Part III: Office of State Museums

Chapter 1. Public Access

§103. Building Rental Policy

The Louisiana State Museum is responsible for the preservation of historic buildings placed in its care. In order to meet this responsibility the board of directors of the Louisiana State Museum has adopted the following policy for use of the Museum's New Orleans facilities for functions not sponsored by the Louisiana State Museum.

A. Requests for usage of the Louisiana State Museum facilities will be entertained from:

1. nonprofit organizations whose purposes are similar to the educational and historical museum purposes of the Louisiana State Museum;

2. official governmental agencies for governmental functions;

3. other groups and individuals whose proposed usage does not involve commercial or political promotion or fundraising and whose usage is, in the board's opinion, not in conflict with the purpose of the Louisiana State Museum.

B. Requests will be considered from eligible non-profit corporations and governmental agencies for receptions and similar functions numbering less than 500 persons and occurring during non-public hours.

C. The museum director is authorized to approve usage of the buildings within the policy established above. Requests for usage that do not clearly come within the policy will be submitted to the board's Buildings and Grounds Committee, and the committee will make a recommendation to the board for final action.

D. In considering eligible requests, the Museum Board will deny the application if, in the board's opinion, the proposed usage would endanger the museum's buildings and collections or interfere with its interpretive exhibitions and other programs.

E. In considering eligible requests, the Museum Board may, if requested, waive the tax-deductible gift donation when the board determines that to do so would be in the best interest of the museum.

F. The museum does not provide catering services. Host organizations must make arrangements with caterer of their choice. The museum reserves the right to reject caterers that do not comply with the museum's instructions concerning proper care of museum facilities.

G. Rates and Procedures:

a. All eligible requests must be submitted in writing at least three months prior to the anticipated function.

b. All rentals must be based on a written agreement signed at least 14 days in advance of the event or function by either the director or the deputy director of the State Museum and the authorized representative of the organization or group renting the space. The agreement must specify all costs, fees and arrangements.

c. A base service charge will be established to cover costs of security, custodial and utility services required for the function. The museum may, at its discretion, make additional charges based on the nature of the function. Such additional charges will be specified in the rental agreement.

d. In addition to the base service charge, applicants from groups eligible under category "A.3" will donate a tax-deductible gift to the museum's educational, acquisitions and publication fund according to the following schedule:

Cabildo	\$4,000	(For up to three hours. An additional \$1,000 for each additional hour).
Presbytere	\$4,000	(For up to three hours. An additional \$1,000 for each additional hour).
U.S. Mint	\$4,000	(For up to three hours. An additional \$1,000 for each additional hour).
1850 House	\$2,000	(For up to three hours. An additional \$500 for each additional hour).
Madame John's Legacy	\$2,000	(For up to three hours. An additional \$500 for each additional hour).

e. In addition to the base service charge rates below, a cleaning and repair fee of not less than \$100 during normal public hours and \$300 during non-public hours will be charged

for additional costs involved in preparation and post-function cleaning, set-up and take-down, and repairing exhibition material. The repair fee will not be less than actual costs. If any public gallery area of the Museum is required to be closed to the public during normal public hours prior to, during, or after the function, and additional fee, to be determined by the board of directors, may be charged to compensate for loss of revenue.

**Base Service Charge Fees
Presbytere/Cabildo/U.S. Mint/
1850 House/Madame John's Legacy**

Business Meetings, Lectures, Slide Presentations				
10 a.m. - 5 p.m.	\$100			
After 5 p.m.:			Each Additional	
Minimum - 1 Hour	First Hour		Half Hour	
1-100 guests	\$200		\$50	
101-200 guests	250		60	
201-250 guests	300		70	
251-300 guests	350		80	
301-350 guests	400		90	
Receptions - after 5 p.m.				
	First Hour		Each additional	
	1st Floor	2nd Floor	1st Floor	2nd Floor
1-200 guests	\$250	\$300	\$ 50	\$ 75
201-300 guests	300	350	75	100
301-450 guests	350	400	100	125
More than 450 guests	400	450	125	150

Authority Note: Promulgated in accordance with R.S. 25:343-25:344.

Written comments may be addressed to G. Rollie Adams, Assistant Secretary, Department of Culture, Recreation and Tourism, Box 2458, New Orleans, La. 70176.

Noelle LeBlanc
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: State Museum Building
Rental Policy Change**

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

There should be no additional implementation cost to collect revenues as a result to these fee changes. Existing staff should be able to handle the associated workload. There will be no impact on local governmental units as a result of adopting these fee changes.

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

Due to the projected effective date of the proposed building rental fee changes (February 1, 1987) the revenue for fiscal year 1986-87 will increase slightly (i.e. \$6,031). The annualized increase is estimated to increase by approximately one-third (i.e. \$14,480). There will be no impact on local governmental units.

PROPOSED SCHEDULE OF FEE STRUCTURE

Facilities in New Orleans

Cabildo, Presbytere, Old U.S. Mint, 1850 House, and Madame John's Legacy.

Listing of Changed Fees or Donations only

1. Donations from Category A.3

(other groups and individuals whose proposed usage does not involve commercial or political promotion or fundraising and whose usage is, in the Board's opinion, not in conflict with the purpose of the Louisiana State Museum.)

Current Donation Cabildo \$4,000	Proposed Donation \$4,000	(For up to three hours. An additional \$1,000 for each additional hour)
Presbytere \$3,000	\$4,000	(For up to three hours. An additional \$1,000 for each additional hour.)
U.S. Mint \$3,000	\$4,000	(For up to three hours. An additional \$1,000 for each additional hour.)
1850 House \$1,000	\$2,000	(For up to three hours. An additional \$500 for each additional hour.)
Madame John's Legacy \$1,000	\$2,000	(For up to three hours. An additional \$500 for each additional hour.)

2. Cleaning and Repair Fee

	Current	Proposed
During public hours	0	\$100
During non-public hours	\$300	\$300

3. Business Meetings, Lectures, Slide Presentations

	Current	Proposed
10:00 a.m. - 5:00 p.m.	\$50	\$100
After 5:00 p.m.		

	Current		Proposed	
	1st hour	half hour	1st hour	half hour
Minimum 1 hour		ea. add- itional		ea. add- itional
1-200 guests	\$150	\$50	1-100 guests	\$200
201-250 guests	175	60	101-200 guests	250
251-300 guests	200	70	201-250 guests	300
301-350	225	80	301-350 guests	400

4. Receptions - no change

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

There is an additional cost for some categories for rental and usage of the Louisiana State Museum properties. However, the prestige of using these historic landmark properties for an occasion is equal to the cost.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is anticipated.

G. Rollie Adams
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

change and/or additions, in writing, until 4:30 p.m., January 9, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Environmental Science Curriculum Guide**

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

- 1986-87 - \$ 6,000 (printing of Environmental Science standards and guide)
- \$13,400 (six regional implementation workshops - substitute teacher pay and reimbursement for meals and mileage)
- \$ 288 (Coffee - \$16 per gallon, 3 gallons per workshop)

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)

The goal of the Competency-Based Education Program is to ensure that every student in the public elementary and secondary schools of the state has an opportunity to attain and to maintain skills that are considered essential to further learning and social functioning.

Cost involved include funds required to print standards and one curriculum guide for the Environmental Science course.

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 for
Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Environmental Science, World History,
Western Civilization
American History (revised), Map Supplement
Curriculum Guides

In accordance with R.S. 49:950 et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following curriculum guides: Environmental Science, World History, Western Civilization, American History (revised), and map supplement curriculum guides as presented and recommended by the State Department of Education. (Copies of the guides may be seen in the Office of the State Register and State Board of Elementary and Secondary Education.)

Interested persons may comment on the proposed policy

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bus Transportation - Post-secondary Vo-Tech Facilities

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

“Bus transportation to and from post-secondary vocational-technical facilities may be provided for students along major transportation routes of the normal enrollment area where routes can be economically justified. Students in adjoining areas may use the transportation system of either area. Students receiving transportation shall be charged a bus transportation fee in an amount sufficient to completely offset the actual cost of providing the transportation service. The State Board of Elementary and Secondary Education shall establish such fees and shall provide for their collection.”

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., January 9, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Policy 4.03.61**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation costs other than additional work placed on the accountants at schools which will be charging fees to ride a bus. The accountant will be responsible for reporting fees collected.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The revenue to be collected will approximate \$477,000, assuming that all individual schools elect to continue bus operations.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The revenue to be generated will be charged to individual students who choose to ride buses being provided by the schools.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent for
Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amend Policy 4.03.47

In accordance with R.S. 49:950 et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following amendment to board policy 4.03.47:

"The board shall establish residency requirements for all applicants to state post-secondary vocational-technical schools. It shall be the responsibility of each vocational-technical school to ensure that the residency status of each enrolled student is properly documented as required by the board and by law.

All state post-secondary vocational-technical schools shall charge and collect from any nonresident student enrolling in a course of study, a nonrefundable registration fee and tuition fees fixed by the board. Such registration and tuition fees fixed by the board may exceed fees for residents."

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., January 9, 1987 at the following address: State Board of Elementary and

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

James Meza, Jr. Ed.D.
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Amend Policy 4.03 47**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation costs or savings.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This will have no effect on revenue collections of state and 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 economic benefits to directly affected persons.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Will have no effect on competition or employment.

Joseph F. Kyle
Deputy Superintendent for
Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Regional Coordination of Vo-Tech Schools

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

"The board shall provide for regional coordination of vocational-technical schools and related matters. All post-secondary vocational schools shall be under the control of the board which shall adopt policies governing the schools. The board may provide for regional coordination of vocational technical schools to be administered in the following areas: 1. regional fiscal matters; 2. personnel matters; 3. building standards and maintenance; 4. reporting and data collection; 5. coordination of instruction; 6. Such other duties as may be prescribed by the board or department."

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., January 9, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Amend Policy 4.03.50**

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

The State Board of Elementary and Secondary Education intends to appoint regional coordinators who will serve without pay in each region of the system. These coordinators are presently directors of individual schools. Any additional costs will be minimal and will include telephone and postage expenses which will not exceed \$1,500 per region. These costs will be absorbed by existing appropriations to each of eight vocational-technical regions.

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

This will have no effect on revenue collections.

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

There will be no costs or economic benefits to be derived.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This will have no effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent
for Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Fee Schedule
for

Students Attending Vo-Tech Schools

In accordance with R.S. 49:950 et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following amendment to the fee schedule for students attending vocational-technical schools:

"A vocational school may collect tuition fees in advance on a monthly, quarterly, term, semi-annual, or annual basis. The school shall have the option of not collecting fees on a monthly basis if the number of students requesting monthly payments are small and the cost of collecting on a monthly basis is considered exorbitant."

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., January 9, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804.

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Amend tuition fee policy

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

There are no implementation costs or savings.

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

This will have no effect on revenue collections of state or local governmental units for the same amount of money will be collected.

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

There will be no costs or benefits to directly affected per-

sons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This will have no effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent for
Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary of the Department of Environmental Quality gives notice that rulemaking procedures have been initiated to amend the Louisiana Solid Waste Rules and Regulations Fee System (LSWRR).

The proposed revisions to Section 6.4.5. of the LSWRR will require that all solid waste disposal facilities with a permit to operate be assessed an annual monitoring and maintenance fee. The revision renames the annual permit maintenance fee to the annual monitoring and maintenance fee. The revisions also provide a ceiling on the fee to be assessed for solid waste management systems with multiple facilities scheduled for closure.

A public hearing will be at 10 a.m. on December 2, 1986, in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed amendments. Such comments should be submitted to Joan Lee, Department of Environmental Quality, Box 44307, Baton Rouge, LA 70804. She may be contacted at the address above, or telephone (504) 342-1216. A copy of the proposed amendments may be obtained from the Louisiana Department of Environmental Quality at the address provided. In addition, copies of the proposed amendments are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.

State Land and Natural Resources Building, Room 700, Seventh Floor, 625 North Fourth Street, Baton Rouge, LA.

State Office Building, 1525 Fairfield Avenue, Shreveport, LA.

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

Department of Environmental Quality, 804 Thirty First Street, Monroe, LA.

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

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Louisiana Solid Waste Rules and Regulations

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

As a result of this rulechange, local governmental units operating solid waste disposal facilities scheduled for closure

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

will be assessed an annual maintenance fee of at least \$520 and as much as \$4,000. The maintenance fee is based on the number of facilities and the volume of waste received. There are approximately 85 local governmental solid waste disposal facilities (scheduled for closure) that were operating after January 20, 1986. The combined estimated cost to governmental units is \$34,880.

The revenue collections associated with this rulechange will offset the minor implementation costs. There will be no savings to the state as a result of these rulechanges.

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

During FY 86/87, the Solid Waste Division anticipates collecting \$55,680 in revenues generated as a result from this rulechange (i.e., \$34,880 received from governmental units and \$20,800 from non-governmental units). The revenue generations will decrease in the subsequent years as the number of operating sites scheduled for closure decrease.

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

As a result of this rulechange, non-governmental units operating solid waste disposal facilities scheduled for closure will be assessed an annual maintenance fee of at least \$520 and as much as \$2,080. The maintenance fee is based on the number of facilities and the volume of waste received.

There are approximately 13 non-governmental solid waste disposal facilities scheduled for closure that were operating after January 20, 1986. The combined estimated cost to non-governmental units is \$20,800.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The effect on competition and employment resulting from this rulechange should be negligible, if any.

Patricia L. Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Division of Administration
Facility Planning and Control**

Facility Planning and Control intends to modify the insurance requirements of the 1985 Capital Improvement Projects Procedure Manual in the following manner:

1. Article 15, Items 15.1, 15.1.1, 15.1.2, 15.1.3, 15.1.4 and 15.1.5 shall be omitted. The following shall be substituted:

"15.1 Insurance - professional liability insurance shall be required as per the owner's requirements on a project by project basis."

2. Article 6, Item 6.1.1.1; change "Construction Documents Phase 70 percent" to "Construction Documents Phase 65 percent."

Interested persons may submit written comments on the proposed modifications until 4:30 p.m. December 4, 1986, to Roger Magendie, Director, Facility Planning and Control, Box 94095, Baton Rouge, LA 70804-9095. A public hearing will be held at 2 p.m., December 8, 1986, at the Capitol Annex Building in Room B-13A.

Roger Magendie
Director

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

There will be no estimated 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 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)

Persons who bid on State Capital Improvement projects will be able to satisfy insurance requirements at a lower cost to them.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Possible increase in competition for capital outlay projects by designers due to more firms having the ability to meet professional liability insurance requirements.

Roger Magendie
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Division of Administration
Office of Risk Management**

The Office of Risk Management has the responsibility in accordance with the provisions of R.S. 39:1527 et seq., to manage all state insurance except as specifically otherwise provided to the contrary, and in accordance with R.S. 39:1527 et seq., the Office of Risk Management proposes to adopt the following rules:

A. Underwriting

1. All coverages which are self-insured by the Office of Risk Management are mandatory for all Louisiana state departments, agencies, boards and commissions.

2. If any department, agency, board or commission requires or wishes to procure any insurance coverages which are not written through the Louisiana Self Insurance Program, request is to be made to the Office of Risk Management to procure said coverage. It is the responsibility of the department, agency, board or commission to provide the underwriting information required to procure or underwrite the risk.

3. All leases for real and movable property (including vehicles) which are entered into by any state department, agency, board or commission are to be forwarded to the Office of Risk Management for review in compliance of insurance requirements.

4. All inquiries regarding interpretation of insurance coverages are to be addressed to the Underwriting Unit and are to be in a written form.

5. Boiler and machinery equipment at new locations are to be reported to the Underwriting Unit before coverage will become effective.

6. Builder's Risk projects are to be reported to the Underwriting Unit when the construction contract has been awarded or the "notice to proceed" has been issued.

7. Applications for flood insurance on buildings, improvements and inventory are to be submitted to the Underwriting Unit.

ing Unit when new policies are requested. Coverage does not become effective until after application and premiums are received by the insurance company.

8. All newly acquired state-owned aircraft are to be reported to the Underwriting Unit immediately but in no event more than 25 days after acquisition. All newly leased or borrowed aircraft are to be reported to the Underwriting Unit immediately but in no event more than five days after possession or lease.

9. Any newly acquired, leased or borrowed airport or heliport facilities are to be reported to the Underwriting Unit for inclusion under the state's insurance coverage.

10. All newly acquired state-owned marine vessels which are over 26 feet in length are to be reported to the Underwriting Unit immediately but in no event more than 25 days after acquisition. All newly leased or borrowed marine vessels which are over 26 feet in length are to be reported to the Underwriting Unit immediately but in no event more than five days after possession or lease.

11. Applications for new fidelity bonds and crime policies are to be submitted to the Underwriting Unit. Coverage does not become effective until the insurance company has accepted the new risk.

12. All departments, agencies, boards and commissions are to provide the name, address, telephone number and job title of the following: (1) the department, agency, board or commission head; (2) the person(s) to receive from the Office of Risk Management the insurance premium projection for budgetary purposes and/or insurance premium billings; (3) the safety coordinator or person(s) responsible for loss prevention matters; (4) the person(s) responsible for handling and disposition of claims matters.

B. Auditing and Statistics

1. The exposure data requested by the Office of Risk Management (ORM) are to be submitted in a timely manner and in the form specified. The exposures may include, but are not limited to: (1) payroll, (2) maritime payroll, (3) number of board and commission members (4) mileage of all licensed vehicles which are state-owned or leased, and all mileage on personal vehicles driven in the course and scope of state employment, (5) number of licensed vehicles, (6) acquisition or appraised value of property including but not limited to buildings, improvements and inventory (includes contents, all equipment including mobile equipment and watercraft 26 feet and under), and boiler and machinery, (7) and miscellaneous or special classes not falling within these definitions as required.

2. All exposure/experience data is to be received no later than August 1 for inclusion in the following fiscal year's insurance premium. No changes will be made after this date. Extraordinary changes in exposure bases (as required in B.1. above) are to be reported immediately.

3. Billed units are to allocate premiums to subunits if required; it is not the ORM's responsibility to provide breakdowns at a lower level than the level to which premiums were budgeted or billed.

4. The Office of Risk Management is to receive immediate written notification of the abolishment, transfer and/or merger of any department, agency, board or commission.

5. The state agencies are to provide or allow access to ORM representatives to records or information necessary to the effective operation of the Risk Management Program.

C. Billing and Collection of Insurance Premiums

1. After an agency receives a billing invoice from the Office of Risk Management for payment of insurance premiums, the agency is to render payment in full within 30 days from the billing date.

2. If a billing invoice for insurance premiums is not paid in full within 90 days from the billing date, the commissioner of administration may, at the option of the commissioner, cause funds for payment to be withdrawn from appropriations due the non-paying agency and paid or credited to the Office of Risk Management. If an agency is a non-FAC's agency, the commissioner of administration may direct the head of such agency to render payment of insurance premiums due and owing to the Office of Risk Management.

3. All billing inquiries are to be directed to the Office of Risk Management, Accounting Unit, Accounts Receivable Section.

D. Reporting of Claims

1. Reporting of Property Damage Claims

a. The State of Louisiana provides insurance coverage for damage to state-owned property which includes damage to buildings and improvements, contents, inventories (including mobile equipment and excluding licensed vehicles), heating and air conditioning systems, and marine hulls 26 feet and under.

b. All claims for damage to property owned by the state are to be reported to the Office of Risk Management's Property Claim Unit in writing. If a loss or claim is serious in nature it is to be reported by telephone to the Office of Risk Management's Property Claim Unit.

c. Claims are to be submitted in writing to the Office of Risk Management, Box 94095, Baton Rouge, LA 70804-9095.

d. Information required to be submitted when a claim is reported to the Office of Risk Management's Property Claim Unit includes the following:

1. name of insured, location of property or unit, and FAC's number;
2. date of loss;
3. description of loss;
4. location of item;
5. size, model and serial number of item, if applicable;
6. name of person reporting claim, listing job title and telephone number; and
7. proof of ownership.

e. After a loss has occurred, all property which has been damaged is to be protected against further damage and is to be made available for inspection by a claims adjuster assigned by the Office of Risk Management.

f. If a loss occurs or a claim arises the agency is not to assume any obligation or incur any expenses without authority from the Office of Risk Management.

g. If replacement, repair, reconstruction or rebuilding is not commenced within 36 months of the loss date for all state property losses; or if a claim remains inactive for 36 months after replacement, repair, reconstruction or rebuilding is commenced; or if approval is not obtained from the commissioner of administration within the same period of time for expenditure of insurance proceeds for some other purpose, the claim file will be closed.

h. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Appropriations Control.

2. Reporting of Boiler and Machinery Claims

a. The State of Louisiana provides insurance coverage for bodily injury and third party property damage claims where such losses result from state-owned boiler and machinery equipment, and for property damage to state-owned boiler and machinery equipment.

b. All claims for damage to boiler and machinery equipment are to be reported to the Office of Risk Management's Property Claim Unit in writing. Any claim involving bodily injury is to be reported by telephone to the Office of Risk Manage-

ment's Property Claims Unit.

c. Claims are to be submitted in writing to the Office of Risk Management, Box 94095, Baton Rouge, La. 70804-9095.

d. Information required to be submitted when a claim is reported to the Office of Risk Management's Property Claim Unit includes the following:

1. name of insured, location of property or unit and FAC's number;
2. date of loss;
3. description of item, to include size, model, serial number, and tonnage or capacity;
4. name, job title and telephone number of person reporting claim;
5. name and phone number of person to be contacted by adjuster assigned by ORM.

e. After a loss has occurred, the property which has been damaged is to be protected against further damage and is to be made available for inspection by a claims adjuster.

f. If replacement, repair, reconstruction or rebuilding is not commenced within 36 months of the loss date for all state property losses; or if a claim remains inactive for 36 months after replacement, repair, reconstruction or rebuilding is commenced; or if approval is not obtained from the commissioner of administration within the same period of time for expenditure of insurance proceeds for some other purpose, the claim file will be closed.

g. All lawsuits, demands, notices, summons, or other legal documents pertaining to a claim against a state agency are to be forwarded immediately to the Office of Risk Management's Property Claim Unit for further handling.

h. Any objects and/or products which may, have caused, contributed to, or which are suspect of causing an accident are to be retained and preserved as evidence.

i. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Appropriations Control.

3. Reporting of Comprehensive General Liability Claims

a. The State of Louisiana provides comprehensive general liability coverage for bodily injury and property damage claims resulting from operations for which the agency could be held legally liable.

b. All general liability claims are to be submitted in writing to the Office of Risk Management on an Accord CGL form. Accord CGL Forms can be obtained from the Office of Risk Management Claims Section.

c. Claims are to be submitted in writing to the Office of Risk Management, Box 94095, Baton Rouge, LA 70804-9095.

d. If a loss is serious in nature, it is to be reported by telephone to the Office of Risk Management for review to determine if coverage is applicable.

e. Claims which are made against a state agency by a third party are to be submitted to the Office of Risk Management for review to determine if coverage is applicable.

f. All lawsuits, demands, notices, summons, or other legal documents pertaining to a claim against a state agency are to be forwarded immediately to the Office of Risk Management's Claim Office for further handling.

g. Any objects and/or products which may have caused, contributed to, or which are suspected of causing an accident are to be retained and preserved as evidence.

h. If a loss occurs or a claim arises the agency is not to assume any obligation or incur any expenses without authority from the Office of Risk Management.

i. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Appropriations Control.

4. Reporting of Worker's Compensation and Maritime Claims

a. The State of Louisiana provides insurance coverage for worker's compensation and maritime claims.

b. All accidents or occupational diseases involving state employees while in the course and scope of their employment with the state are to be reported to the Office of Risk Management on the Employer's Report of Occupational Injury or Disease Form within five days from the date of injury or knowledge.

c. Employer's Report of Occupational Injury or Disease Forms can be obtained from Forms Management, Box 94095, Baton Rouge, LA 70804-9095.

d. A copy of the Employer's Report of Occupational Injury or Disease Form for a claim in which lost time exceeds seven days, is to be submitted to the Office of Worker's Compensation, 910 North Bon Marche Drive, Baton Rouge, LA 70806 within 10 days of actual knowledge of injury or death.

e. All Employer's Report of Occupational Injury or Disease Forms are to be accurately and completely filled out. Information required to be submitted when a worker's compensation claim is reported on the Employer's Report of Occupational Injury or Disease Form includes:

1. Agency's FACS Cost Center Number (located in a block below the Employer's Federal Tax I.D. Number).

2. The occupation of the employee, inclusive of his/her classified or unclassified job title. A classified job title is to include the civil service job classification code number.

3. An injured employee's monthly wages are to be reported on the Employer's Report of Occupational Injury or Disease Form under "Other Wages."

f. If an injured employee returns to work after having lost time, the Office of Risk Management, Worker's Compensation Claims Unit, is to be notified immediately by telephone and an Employer's Supplemental Report of Injury is to be submitted confirming the return to work date. Also, an Employer's Supplemental Report of Injury Form is to be submitted to the Office of Risk Management at any time the injured employee's work status changes.

g. All lawsuits, demands, notices, summons, or other legal documents pertaining to a claim are to be forwarded immediately to the Office of Risk Management's Claim Office for further handling.

h. Any objects and/or products which may have caused, contributed to, or which are suspected of causing any accident are to be retained and preserved as evidence.

i. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Appropriations Control.

5. Reporting of State Automobile Liability and Physical Damage Claims

a. The State of Louisiana provides insurance coverage for liability and physical damage to state-owned and leased licensed vehicles and excess liability coverage for employee's private automobiles while being operated with proper authorization during the course and scope of state employment. b. All claims for liability or physical damage to state-owned and leased licensed vehicles are to be reported to the Office of Risk Management's Transportation Claims Unit in writing. If a loss involves property damage estimated at \$5,000 or more or if a loss involves any bodily injury, the loss is to be reported by telephone to the Office of Risk Management Transportation Claims Unit.

c. All claims are to be submitted on an automobile accident form approved by the Office of Risk Management, Loss Prevention Unit. Automobile accident forms are available by contacting the Office of Risk Management, Loss Prevention Unit.

d. Claims are to be submitted in writing to the Office of

Risk Management, Box 94095, Baton Rouge, LA 70804-9095.

e. Automobile accident reports are to be submitted with as much information as possible, however if certain information is unavailable, the report is to still be submitted. Information which is unavailable can be obtained at a later date.

f. All lawsuits, demands, notices, summons, or other legal documents pertaining to a claim against a state agency are to immediately be submitted to the Office of Risk Management's Claim Office for further handling.

g. Any objects and/or products which may have caused, contributed to, or which are suspected of causing an accident are to be retained and preserved as evidence.

h. If a loss occurs or a claim arises, do not assume any obligation or incur any expenses without authority from the Office of Risk Management.

i. If repair or replacement of state vehicles is not completed within 18 months of the loss date, or if approval is not obtained from the commissioner of administration within the same period of time for expenditure of insurance proceeds for some other purpose, the claim file will be closed.

j. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Appropriations Control.

6. Reporting of Aviation Claims.

a. The State of Louisiana provides insurance coverage for aviation losses which includes liability and hull coverage. All claims are to be reported to the Office of Risk Management's Transportation Claims Unit.

b. Information required to be submitted to the Office of Risk Management's Transportation Claims Unit includes the following:

1. complete description of aircraft including FAA number and serial number;
2. names and addresses of pilot, copilot, and passengers;
3. exact location, date, and time of accident;
4. names and addresses of third parties, if known;
5. description of damages; and
6. circumstances surrounding/causing the accident.

c. Claims are to be submitted in writing to the Office of Risk Management, Box 94095, Baton Rouge, LA 70804-9095.

d. All lawsuits, demands, notices, summons, or other legal documents pertaining to a claim against a state agency are to be forwarded immediately to the Office of Risk Management's Transportation Claims Unit for further handling.

e. Any objects and/or products which may have caused, contributed to, or which are suspected of causing an accident are to be retained and preserved as evidence.

f. If a loss occurs or a claim arises the agency is not to assume any obligations or incur any expenses without authority from the Office of Risk Management.

g. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Appropriations Control.

7. Reporting of Wet Marine Claims

a. The State of Louisiana provides insurance for liability and hull damage for marine vessels over 26 feet in length.

b. All claims involving vessels in excess of 26 feet are to be reported in writing to the Office of Risk Management's Transportation Unit. All bodily injury claims are to be reported by telephone to the Office of Risk Management's Transportation Unit.

c. Claims are to be submitted in writing to the Office of Risk Management, Box 94095, Baton Rouge, LA 70804-9095.

d. Information required to be submitted when a claim is reported to the Office of Risk Management's Transportation Unit

includes the following:

1. complete description of vessel including hull identification and coast guard certificate number;
2. name of captain or master and passengers;
3. exact location of incident;
4. date and time of incident;
5. names and addresses of third parties involved if known;
6. description of damages;
7. contact persons who can assist in investigation;
8. circumstances surrounding and/or cause of accident.

e. All lawsuits, demands, notices, summons or other legal documents pertaining to claim against a state agency are to be forwarded immediately to the Office of Risk Management's Transportation Claims Unit for further handling.

f. Any objects and/or products which may have caused, contributed to, or which are suspected of causing an accident are to be retained and preserved as evidence.

g. If a loss occurs or a claim arises the agency is not to assume any obligation or incur any expenses without authority from the Office of Risk Management.

h. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Appropriations Control.

8. Reporting of Bond and Crime Claims

a. The State of Louisiana provides insurance coverage for bond and crime which includes performance, money and securities. All claims are to be reported in writing to the Office of Risk Management's Property Claims Unit, Box 94095, Baton Rouge, LA 70804-9095.

b. Information required to be submitted includes the following:

1. name of insured agency;
2. date of loss;
3. location of loss;
4. circumstances surrounding the occurrence;
5. approximate value of loss; and
6. name of person reporting claim, listing job title and telephone number.

c. Claims are to be submitted in writing to the Office of Risk Management, Box 94095, Baton Rouge, LA 70804-9095.

d. Any objects and/or products which may have caused, contributed to, or which are suspected of causing an accident are to be retained and preserved as evidence.

e. If a loss occurs or a claim arises the agency is not to assume any obligation or incur any expenses without authority from the Office of Risk Management.

f. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Appropriations Control.

9. Reporting of Medical Malpractice Liability Claims

a. The Office of Risk Management administers medical malpractice claims in accordance with the provisions of R.S. 40:1299.39 which details coverage and liability provisions. Medical malpractice coverage is extended to state health care professionals acting in a professional capacity in providing health care services by or on behalf of the state, including medical, surgical, dental, or nursing treatment of patients and post mortem examinations.

b. Coverage excludes the following:

1. premises liability;
2. bodily injury to employees arising out of employment by the insured;
3. all obligations under worker's compensation or similar laws;
4. bodily injury received in handling or maintenance of

automobiles, aircraft, watercraft, or transportation of mobile equipment by an auto owned, operated, rented, or loaned to any insured.

c. Upon receipt all claims are to be submitted and mailed to the Office of Risk Management, Box 94095, Baton Rouge, LA, 70804-9095. If the loss is deemed to be serious in nature, it is to be reported by telephone to the Medical Malpractice Claims Unit.

d. All claims made against a state agency by a third party should be submitted to the Office of Risk Management for review to determine if coverage is applicable.

e. all lawsuits, demands, notices, summons, or other legal documents pertaining to a claim should immediately be sent to the Office of Risk Management for further handling.

f. No obligations nor expenses should be assumed or incurred by anyone without written consent from the Office of Risk Management.

g. Any objects and/or products which may have caused, contributed to, or which are suspected of causing any accident should be retained and preserved as evidence.

h. Any claim paid by legislative appropriation is to be reported to the Office of Risk Management by Appropriations Control.

Interested persons may present their views on the proposed rules, in writing, until December 1, 1986 at the following address: J. Douglas Higley, State Risk Director, Office of Risk Management, Box 94095, Baton Rouge, LA 70804-9095. He is the person responsible for responding to inquiries about the proposed rules.

Allen Doescher
Assistant Commissioner

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

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

Generally, because the proposed rules are not substantive in nature, there are no implementation costs.

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

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

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

It is anticipated that the proposed rules will permit the Office of Risk Management to more effectively manage and administer the insurance program of the state, and to that extent agencies and individuals will realize a more cost-effective program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

J. Douglas Higley
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Division of Administration
Office of State Planning**

The Division of Administration will be amending the FY 1985 LCDBG Final Statement. The purpose of this amendment

is to reflect an increase in the monies set-aside for economic development for applicants within the jurisdiction of the South Louisiana Revolving Loan Fund, Inc.; the set-aside will increase by \$23,333 resulting in a total set-aside of \$356,667 rather than \$333,334. The following paragraph in Section II.E. of the final statement will be revised as shown:

Of the 25 percent of the LCDBG funds allocated for economic development, \$356,667 will be set-aside to fund economic development applications submitted by applicants within the jurisdiction of the South Louisiana Revolving Loan Fund, Inc. No deadlines will be established for the acceptance of these applications; however, an application cannot be submitted for consideration under this fund if that same application is currently under consideration for funding under any other LCDBG program category. All other program requirements and criteria stated within the final statement apply to these applications.

Interested persons may comment on the proposed amendment in writing through January 1, 1987, at the following address: J. W. Vaughn, Assistant Commissioner, Division of Administration, Box 94095, Baton Rouge, LA 70804.

Stephanie Alexander
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: FY 1985 LCDBG Final Statement**

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

The proposed amendment will allow local governmental units (grant recipients) to utilize federal funds for administrative costs rather than utilizing local funds.

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

There will be no effect on revenue collections.

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

These funds will be awarded in accordance with the selection criteria established in the FY 1985 LCDBG final statement. There will be no costs and/or benefits associated with persons benefitting from these projects, as a result of the proposed amendment.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed amendment will not create any changed effect on competition and employment.

Sally Clausen
Deputy Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Office of the Governor
Governor's Special Commission
On Education Services**

The Governor's Special Commission on Education Services proposes to amend the following in the Scholarship/Grant Division.

Effective January 1, 1987, a processing fee of \$2.50 must accompany each State Student Incentive Grant certification. During 1985-86, approximately 4,000 certifications were

requested from the Scholarship/Grant, GSCES: approximately 3,000 certifications were processed.

Interested persons may comment on the proposed amendments to Mona H. Durham, Director, Scholarship/Grant Division, GSCES, Box 44127, Baton Rouge, LA 70804.

Mona H. Durham
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: State Student Incentive Grant Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation costs to the agency are negligible additions to workload associated with documenting and depositing the fee.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Self-generated revenues for each year will be approximately:
1986-87 \$ -0-
1987-88 \$7,500
1988-89 \$7,500
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Students who are awarded a grant will bear the cost of this fee.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Mona H. Durham
Director

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Office of the Governor
Governor's Special Commission
On Education Services**

Pursuant to P.L. 98-558 which added this program to the Carl D. Perkins Vocational Educational Act of 1984 and, in 1986, Congressional appropriation of funds for each state, the program is being implemented by the U. S. Department of Education. The Governor's Special Commission on Education Services has been designated the administering agency for Louisiana. The commission is proposing for adoption the initial regulations for the Carl D. Perkins Scholarship Program. The program provides scholarships to eligible applicants who desire to obtain teaching degrees and then teach in elementary and secondary schools upon graduation. These regulations consist of guidelines for eligibility, procedures for application (including a \$2.50 fee) and, a promissory agreement specifying the recipient's obligation for repayment of the scholarship in the event he/she defaults on its conditions.

Interested persons may comment on the program by contacting Mona H. Durham, Director Scholarship/Grant Division, GSCES, Box 44127, Baton Rouge, LA. 70804.

Mona H. Durham
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Carl D. Perkins Scholarship**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation costs in 1986-87 will total a maximum \$191,281 (\$178,781 for scholarships and \$12,500 for operating expenses). Costs in 1987-88 and 1988-89 will total a maximum of \$203,781 (\$178,781 for scholarships and \$25,000 for operating expenses).
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Federal funds of \$178,781 are expected to be available for scholarships in 1986-87, 1987-88 and, 1988-89. Self-generated revenues from the application fee will be \$12,500 in 1986-87 and, \$25,000 in 1987-88 and 1988-89.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Applicants for the scholarships will each bear the cost of the \$2.50 application fee. Co-makers on each recipient's promissory note may bear the burden of repayment if the recipient defaults on the conditions of the scholarship. Recipients will receive scholarships of \$5,000 per year, for a maximum of four years.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The purpose of the program is to encourage the graduation and employment of a greater number of teachers.

Mona H. Durham
Director

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Office of the Governor
Governor's Special Commission
On Education Services**

In accordance with Act 341 of the Regular Session of 1986, the Governor's Special Commission on Education Services is proposing for adoption the initial regulations for the Governor's Scholars Program. The program provides scholarships to eligible applicants who plan to attend Louisiana colleges. These regulations consist of guidelines for eligibility and procedures for application (including a \$2.50 application processing fee).

Interested persons may comment on the program by contacting Mona H. Durham, Director Scholarship/Grant Division, GSCES, Box 44127, Baton Rouge, LA. 70804.

Mona H. Durham
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Governor's Scholars**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Act 17 of 1986 appropriated \$1,000,000 for this program in 1986-87. Approximately one-half of that amount (\$500,000) would be expended during the remainder of 1986-87. Assuming full implementation, as planned, expenditures for fiscal year 1987-88 would be \$1,500,000 and for 1988-89, \$2,500,000.

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

Self-generated funds of \$25,000 per year will accrue to the commission from the \$2.50 application fee. One-half of that amount (\$12,500) would be collected during the remainder of the 1986-87 fiscal year.

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

Applicants for the scholarship will each bear the cost of the \$2.50 application fee. Recipients will receive scholarships of \$2,000 per year with a maximum of \$8,000 per recipient.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Mona H. Durham
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Office of the Governor
Office of Elderly Affairs**

In accordance with R.S. 49:950 et seq., The Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) intends to amend the GOEA Policy Manual, Subsection 1167 (B) and LAC 4:1167 (B) by adding a second paragraph to read as follows: "Retiring staff members of the council on aging may not serve on the Board of Directors for a period of two years immediately following retirement." The proposed effective date of this amendment is January 20, 1987.

Written comments concerning the proposed rule change should be addressed to:

Sandra C. Adams
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: GOEA Policy Manual**

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

There will be no costs or savings to state or local governmental units as a result of this rule change.

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

Revenue collections of state or local governmental units will not be affected by this rule change.

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

There will be no costs or economic benefits to the parish councils on aging.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT

There will be no effect on competition and employment as a result of this rule change.

Sandra C. Adams
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

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

SUMMARY

Prior to January of 1984, disabled widows/widowers between the ages of 50 and 59 received less Social Security benefits than older disabled widows/widowers because of an actuarial formula required by Federal Law in determining their benefit amount. In January of 1984 this reduction factor was eliminated by law resulting in increased benefit amounts. For some widows and widowers who had also been receiving Supplemental Security Income (SSI) benefits, this increase combined with Cost of Living Adjustments (COLA's) was enough to raise their incomes above the SSI benefit rate, thus causing the loss of SSI and with it the loss of eligibility for Medicaid as categorically needy individuals.

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) (P.L. 99-272, Section 12202) amended Section 1634 of the Social Security Act, restoring categorically needy Medicaid eligibility for those individuals who apply within a prescribed period. Eligibility for categorical Medicaid under Section 12202 of COBRA is effective no earlier than July 1, 1986. Individuals who may be eligible for categorical Medicaid must file a written application for Medicaid under this Section before July 1, 1987. If an individual does not file a written application before that date, he or she cannot be eligible for Medicaid under this law.

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

The Office of Family Security has declared an emergency rule in the Medical Assistance Program to implement Medicaid coverage of disabled widows and widowers as mandated Section 12202 of P.L. 99-272. Emergency rulemaking was promulgated in accordance with R.S. 49:953 B and published in the *Louisiana Register*, Vol. 12, No. 9, dated September 20, 1986.

**PROPOSED
RULE**

Effective July 1, 1986, Medicaid benefits under categorically needy shall be available to any disabled widow or widower who for any month is entitled to a widow's or widower's benefit under Section 202(e) or (f) of the Social Security Act, but is not eligible for SSI benefits, if he or she: 1. was entitled to a monthly insurance benefit under Title II of the Social Security Act for December 1983; 2. was entitled to and received a widow's or widower's benefit based on a disability under Section 202(e) or (f) of the Social Security Act for January 1984; 3. because of the increase in the amount of his or her widow's or widower's benefit which resulted from the elimination of the reduction factor for disabled widows and widowers entitled before age 60 became ineligible for SSI/SSP in the first month in which that increase was paid to him or her (and in which a retroactive payment of that increase for prior months was not made); 4. has been continuously entitled to a widow's or widower's benefit under Section 202(e) or (f) of the Act from the first month that increase in his or her widow's or widower's benefit was received; and 5. would be eligible for SSI/SSP benefits if the amount of that increase, and any subsequent cost-of-living adjustments in the

widow's or widower's benefits provided under Section 215(i) of the Act, were disregarded.

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

COMMENTS

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.

NOTICE OF PUBLIC HEARING

A public hearing on this proposed rule will be held on December 3, 1986 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

REGULATORY EXCEPTION

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

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Disabled Widow/Widower Medicaid Benefits

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This rule will increase state expenditures by: \$26,559 in FY 86-87; \$26,184 in FY 87-88; and \$26,184 in FY 88-89.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This rule will increase federal funding by: \$49,936 in FY 86-87; \$50,311 in FY 87-88; and \$50,311 in FY 88-89.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This rule will increase benefits to eligible recipients by \$76,495 in FY 86-87, and each subsequent fiscal year.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no known effect on competition and employment resulting from adoption of this rule.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

SUMMARY

Circumstances have necessitated that a dispensing fee survey be conducted in Louisiana prior to the Legislative Session in April, 1987. This rule is in accordance with 42 CFR 447.333 which requires the agency to periodically survey pharmacy operations to determine the cost of pharmacy operations.

Under this rule all providers enrolled in the Louisiana Medical Assistance Drug Vendor Program will be required to participate in Louisiana's dispensing fee survey by completing the survey forms. Any provider who does not complete the dispensing fee survey forms will be out of compliance with state and federal regulations. Failure to complete the survey forms will mean that the provider will not be allowed to continue to participate in the Drug Vendor Program.

PROPOSED RULEMAKING

Effective January 20, 1987, provider participation in the Louisiana Dispensing Fee Survey will be mandatory.

COMMENTS

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.

NOTICE OF PUBLIC HEARING

A public hearing on this proposed rule will be held on December 3, 1986 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

REGULATORY EXCEPTION

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

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Louisiana Dispensing Fee Survey

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This rule will have no effect on state expenditures.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This rule will have no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This rule will require pharmacy providers to participate in the dispensing fee survey.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no known effect on competition and employment resulting from adoption of this rule.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

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

Contagious diseases are specified in the Sanitary Code, State of Louisiana (2:002) as diseases that have been declared reportable by the state health officer.

The following diseases are declared contagious and reportable:

Amebiasis	Diphtheria
Anthrax	Encephalitis
Aseptic meningitis	(specify primary
Acquired Immune	or post-infectious)
Deficiency	Foodborne illness
Syndrome (AIDS)	Gonorrhea
Botulism	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,	Severe under nutrition
<u>Haemophilus</u>	(severe anemia,
Meningococcal infection	failure to thrive)
(including meningitis)	Shigellosis
Mumps	Syphilis
Mycobacteriosis, atypical	Tetanus
Pertussis (whooping	Trichinosis
cough)	Tuberculosis
Plague	Tumaremia
Poliomyelitis	Typhoid fever
Psittacosis	Typhus fever, murine
Rabies (animals and man)	(fleaborne)
Reyes Syndrome	Yellow fever

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(s) infecting said corpse.

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.

Daneta Daniel Bardsley
Assistant Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Epidemiology Program – Disposition of Corpses

- 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 affected persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated impact on competition and employment.

Daneta Daniel Bardsley
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Preventive and Public Health Services proposes to establish criteria for fee schedule charges for sanitarian services provided to the following programs: food and drug, milk and dairy, seafood, and retail food. Fees are proposed for milk processing plants, restaurants, bars, lounges, markets, groceries, food, drug or cosmetic plants/manufacturers/wholesalers. Inspection of these establishments is mandated by the Sanitary Code, State of Louisiana.

These permit fees are necessary to maintain the level of service delivery currently provided by sanitarians to assure the safety of the consuming public according to nationally recognized health standards. The following sections of the Sanitary Code shall be amended to read as follows:

- 1:010-1 The state health officer shall assess an annual permit fee according to the following schedule:
- a) Food & Drug Permits \$150 per year
 - b) Milk Permits \$150 per year
 - c) Out-of-State Milk Permits \$1500 per year
 - d) Seafood Permits \$150 per year
 - e) Retail Food Permits Based Upon Gross Annual Sales as Follows:
 - 1) up to \$50,000 \$50 per year
 - 2) \$50,001 to \$100,000 \$100 per year
 - 3) over \$100,000 \$150 per year

Applicant is responsible to furnish proof of previous year's gross annual sales. A copy of the firm's state or federal income tax or occupational license showing gross annual sales shall be deemed as proof. Absence of proof shall cause the department to affix the permit fee at \$150 per year. New establishments will be charged the minimum fee of \$25 until a gross annual sales can be established.

Fees shall become due on January 1 of each year and must be paid no later than February 15. Payment will be accepted only by certified check or money order made payable to the State of Louisiana. Personal checks or cash will not be ac-

cepted.

6:007-1 The state health officer shall assess an annual permit fee according to Section 1:010-1(a) of this Code.

7:006-1 The state health officer shall assess an annual permit fee for transfer stations, receiving stations, pasteurization plants, frozen dessert or frozen dessert mix plants, Grade A milk drying and/or condensing plants in accordance with Section 1:010-1(b) of this Code.

7:006-2 The state health officer shall assess an annual permit fee for out-of-state milk plants which sell milk, fluid milk products, frozen dessert or frozen dessert mix in Louisiana in accordance with Section 1:010-1(e) of this Code.

9:010-1 The state health officer shall assess an annual permit fee for establishments described in Section 9:010 of this Code in accordance with Section 1:010-1(c) of this Code.

10:005-1 The state health officer shall assess an annual permit fee for establishments described in Section 10:005 of this Code in accordance with Section 1:010-1(d) of this Code.

22:003 Change to read: The permit shall be issued *annually* upon written application to and approval of the state health officer, and shall be in the name of the owner, president of the corporation, or such other officer duly delegated by the corporation entity to act on behalf of the corporation.

22:003-1 The state health officer shall assess an annual permit fee in accordance with Section 1:010-1(e) of this Code.

23:125 Add: Permits shall be issued annually.

23:125-1 The state health officer shall assess an annual permit fee in accordance with Section 1:010-1(e) of this Code.

23A:003 Add: Permits shall be issued annually.

23A:003-1 The state health officer shall assess an annual permit fee in accordance with Section 1:010-1(e) of this Code.

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

Daneta Daniel Bardsley
Assistant Secretary

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

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

Implementation costs are estimated at \$37,568 for two Account Clerk II's responsible for processing 33,754 permits and postage.

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

State revenue collections will increase by a net of \$3,957,082 with the adoption of this rule.

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

The economic benefit would result from OPPHS' ability to continue protecting the safety of food, drugs and milk for human consumption in order to prevent illness resulting from food-borne diseases. Inspection, permitting and sale of the products by the affected industries would enable them to stay in business since they cannot sell products which have not met inspection criteria and permit requirements of the Sanitary Code. Food, drug and milk industries would be assessed a permit fee of up to \$150 per Louisiana establishment.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY-

MENT (Summary)

Competition and employment should not be affected with the implementation of a maximum permit fee of \$150 per year per permit for all businesses in the affected industries.

Daneta Daniel Bardsley
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources proposes to implement the following collection procedure for fees for licensing by the Division of Licensing and Certification: 1. the fees are to be submitted to the department with the initial or renewal application for a license; 2. fees are non refundable; 3. fees are not to be submitted in cash; 4. fees are to be submitted by certified check or U.S. Postal money order only; 5. the license will not be issued unless the fee is paid first.

This collection procedure for licensing fees within the Division of Licensing and Certification is to implement the following actions of the legislature: 1984 Session - Act 705; 1985 Session - Acts 268 and 896; 1986 Session - Acts 491 and 497 and R.S. 40, Part 10, Chapter 4, Section 971 et seq.

A fee schedule may be obtained by writing the Division of Licensing and Certification, Box 3767, Baton Rouge, LA 70821. Also, a licensing fee schedule will be attached to all applications for a license requested from the Division of Licensing and Certification.

Interested persons may submit written comments on the proposed rule to Mr. Steve Phillips, Division of Licensing and Certification, Box 3767, Baton Rouge, LA 70821. Written comments must be received by December 15, 1986.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Collection Procedure for
Licensing fees**

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

There will be no additional costs to implement the proposed rule because an application procedure is already in place at the Division of Licensing and Certification.

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

Collection of additional licensing fees for health care facilities as mandated by Act 491 and 497 of 1986 will increase self-generated revenues by approximately \$150,000 per year.

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

The costs to various licensed facilities differ according to fees mandated by statute. A fee schedule will be attached to every application requested from the Division of Licensing and Certification.

V. ESTIMATED EFFECT ON COMPETITION AND EMPLOY-

MENT (Summary)

There will be no effect on competition and employment.

Steve Phillips
Director, Division of
Licensing & Certification

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Management and Finance proposes to adopt the following rule:

Summary

R.S. 44:14 was enacted by ACT 866 of the 1986 Regular Session of the Louisiana Legislature to require health and accident insurers to disclose information to the Department of Health and Human Resources on their insureds. Such information will be used to determine if any of the insureds are persons who have received health, medical and/or social services on whose behalf DHHR may be entitled to recoup or receive insurance payments for such services rendered.

In accordance with the provisions of Act 866 any insured whose indemnity policy benefits pay less than twenty-five dollars a day in hospital or medical benefits shall be exempt from the provisions of this rule. This rule will require insurance carriers or any individual so identified to report information on their insureds to the department upon written request.

Proposed Rulemaking

LAC48:I:1. All persons entities or corporations authorized to issue, administer or underwrite a hospital or medical expense policy, a hospital or medical service contract, an employee welfare benefit plan, a health and accident insurance policy, or any other insurance contract of this type in Louisiana, including a group insurance plan, a self insurance plan, and the Louisiana State Employees Uniform Group Benefits Program shall provide DHHR, upon request, information on their insureds. The department shall notify such persons, entities, corporations in writing of the minimal information requirements necessary to identify insureds who have received services from the department and on whose behalf the department may be entitled to receive insurance benefits. The notice provided by the department shall include the time frames for reporting information.

The department shall expect an electronic or data processing tape which meets specifications provided by the department, except in instances where it can be demonstrated that an alternate format and/or media that complies with R.S. 44:14 is more beneficial and/or less costly for the state to process. In such cases a written request for an alternate format and/or media can be made to the department including written justification for said change.

The department shall not require such information to be reported more frequently than monthly and shall hold all insured information received as confidential, subject to storage and access under the department's confidentiality policies and procedures. Any insured whose indemnity policy benefits pay less than twenty-five dollars a day in hospital or medical benefits is exempt from the provisions of this rule.

Comments:

Interested persons may submit written comments to the following address: Mr. Don Hutchinson, Director, Reimburse-

ments Division, Box 3776, Baton Rouge, LA 70821. He is the person responsible for responding to inquiries regarding this proposed rule.

Notice of Public Hearing:

A public hearing on this proposed rule will be held on December 5, 1986 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 A.M. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Implementation of Act 866**

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

The estimated implementation costs for this proposed rule will be \$76,073 for FY 86-87, of which \$38,036 are state funds and \$38,036 are federal funds; \$226,644 for FY 87-88, of which \$113,322 are state funds and \$113,322 are federal funds; \$226,644 for FY 88-89; of which \$113,322 are state funds and \$113,322 are federal funds.

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

The estimated net increase in revenue collections will be \$3,097,107 for FY86-87, \$6,626,789 for FY 87-88, and \$7,146,181 for FY 88-89. It must also be considered that the recoupment of federal funds reduces the state's potential penalty situation for future federal audits. Implementation of this law will result in complete up-front cost avoidance and greater efficiency in recovery efforts. There is also the potential increase in self-generated revenues (ineligible patient fees) at all Office of Hospitals facilities.

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

None

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

None

Melvin J. Meyers, Jr.
DHHR Budget Head

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Labor
Board of Barber Examiners**

The Board of Barber Examiners hereby gives notice in accordance with R.S. 49:950 et seq. and R.S. 37:341-392, that it intends to adopt LAC 46 VII. Chapter 11 relative to Due Process Procedures for violations of the Louisiana Barber License Law.

Chapter 11. Due Process Procedures for violations of the Louisiana Barber License Law

§ 1101. Applicability

A. Violations of the Louisiana Barber License Law shall be determined on the basis of the rules and regulations of the Louisiana State Board of Barber Examiners, R.S. 37:341-392.

1. If it has been determined that a party has used fraud or deception in applying for a license or in taking an examination provided for in the Act.

B. These procedures shall apply only in the consideration of alleged violations by licensed barbers.

Note: The board will answer complaints regarding the violations of the Louisiana Barber License Law of non-licensed persons by making referrals elsewhere when appropriate; for example, to better business bureaus, professional associations, agencies, private legal counsel, or the district attorney of the appropriate judicial district.

C. Complaints may be initiated by any citizen of the state, another licensed barber, or by the board on its own initiative.

D. Declarative Statements of the Board

The board may issue a declarative statement in response to a request for clarification of the effect of rules and regulations of R.S. 37: 341, et seq.

1. A request for a declarative statement is made in the form of a petition to the board. The petition should include at least:

- a. the name and address of the petitioner;
- b. specific reference to the statute or rules and regulations to which the petition relates;
- c. a concise statement of the manner in which the petitioner is aggrieved by the rule or statute or by its potential application to her/him, or in which (s)he is uncertain of its effect.

2. Said petition shall be considered by the board at its next regularly scheduled meeting provided that the petition has been filed at least 21 days prior to said meeting.

3. The declarative statement of the board on said petition shall be in writing and mailed to petitioner at the last address furnished to the board.

§ 1103. Procedures for Processing Complaints and Inquiries

A. Upon receipt of complaints or inquiries, the board will take immediate action.

1. Anonymous letters of complaint against individuals shall not be recognized as a basis for formal action.

2. If the information in the complaint is insufficient, the board may request further information by either written correspondence or an informal hearing.

B. All complaints received shall be assigned a sequentially ordered complaint code number which shall be utilized in all official references.

C. At its next meeting, the board shall officially receive and act upon all complaints and inquiries received.

D. Upon receipt of the complaint, the board shall determine if the complaint is an ethical issue.

E. The identity of all parties to a complaint shall be revealed to the involved parties except if contrary to law.

F. The board shall inform the complainants of the initial determination.

1. No action
2. Informal inquiry
3. Informal hearing
4. Formal hearing

§ 1105. Conduct of an Informal Inquiry/Hearing. This is a non-adversarial procedure.

A. Informal Inquiry Procedures.

1. The licensee shall be given adequate prior notice of the informal inquiry and possible hearing of the issues to be discussed. Adequate notice includes:

- a. informing the licensee in writing that a complaint has been filed;
- b. a short and plain statement of the nature of the complaint;
- c. a reference to the particular sections of the statutes, rules and/or ethical standards of the board which appear to have been involved;

d. copies of the law and the rules and regulations of the board; and

e. a request for the licensee's cooperation in obtaining a full understanding of the circumstances which led to the allegation.

2. The licensee is requested to provide, within 30 days, a written statement giving the licensee's view of the situation which is the subject of the complaint so that the board may be cognizant of all relevant aspects of the case.

3. Evaluating the findings of the informal inquiry. Upon receipt of a reply from the licensee, the board shall review the information and determine if a violation may have occurred, and if so, what standard(s) have been violated.

a. If the determination of the board is that the issues raised by the complainant would constitute a violation of standards, the board shall then determine whether:

- i. further investigation by correspondence is indicated;
- ii. further investigation by an informal hearing is indicated; or
- iii. institution of formal hearing procedures is indicated.

B. Informal Hearing Procedures

The board shall conduct informal hearings in executive session in accordance with the following:

1. It is expected that the licensee not have an attorney or other advisor present, although it is his right to do so.

2. Witnesses may be called, but are not placed under oath and no subpoenas are issued.

3. Statements made at the informal hearing may not be introduced at a formal hearing unless all parties consent.

4. No transcript of the informal hearing is made.

C. Evaluating the Finding of the Informal Hearing

1. If the board decides that the subject of the complaint is a violation of the standards, and the disciplinary proceedings are warranted, the board shall then determine whether:

- a. the violation merits informal disposition; or
- b. a formal hearing will be held.

2. The board, in determining for informal disposition, shall order actions such as:

a. A settlement between the person making the complaint and the licensee. This settlement shall be written, signed by the licensee and the complainant and submitted to the Board within 30 days of the informal hearing.

b. A consent order describing the disciplinary action which will be taken. A consent order shall be signed by the licensee, the chairman and the vice-chairman of the board.

D. Refusal to Respond or Cooperate With the Board

1. If the licensee does not respond to the original inquiry within 30 days a follow-up letter shall be sent to the licensee by registered or certified mail, return receipt requested.

2. If the licensee refuses to reply to the board's inquiry or otherwise cooperate with the board, the board shall continue its investigation. The board shall record the circumstances of the licensee's failure to cooperate and shall inform the licensee that the lack of cooperation may result in action which could eventually lead to the suspension or revocation of license, or other appropriate legal action under the law.

E. Withdrawal of a Complaint

If the complainant wishes to withdraw the complaint, the inquiry is terminated, except in cases where the board judges the issues to be of such importance as to warrant completing the investigation in its own right and in the interest of the public welfare.

F. If, at any point in the informal proceedings described above, the board finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, the board is hereby given authority to

obtain a restraining order from a judge of the appropriate court to suspend the license pending formal hearing proceedings for revocation of license or other disciplinary action. This formal hearing shall be promptly instituted.

§ 1107. Conduct a Formal Hearing

A. Initiating the process

1. The board initiates a formal hearing by issuing full notice of the hearing. A formal hearing may be the result of a complaint made by any manner specified in the informal procedures.

2. Once full notice of the formal hearing has been served, no board member or officially designated hearing officer may communicate with any party to a formal hearing or to that party's representative concerning any issue of fact or law involved in that formal hearing.

3. Full Notice

The written notice shall recite specific acts which the licensee is alleged to have committed and shall assert that those acts violate a statute or rule of the board.

a. Notice shall include:

1 a statement of the date, time, place and nature of the hearing,

2 a statement of the legal authority and jurisdiction under which the hearing is to be held;

3 a reference to the particular sections of the statutes, rules or ethical standards involved;

4 a short and plain statement of the matters asserted which shall be the subject of the hearing;

5 a statement of the rights of the parties.

b. Notice shall be given to all parties 30 days in advance of the proceedings to allow a reasonable opportunity for preparation.

c. The notice shall be delivered by registered or certified mail, return receipt requested. If the licensee can not be found by this or other reasonable methods, the board may hold a hearing in the licensee's absence.

NOTE: It is the licensee's obligation to keep the board informed of his/her whereabouts.

d. The content of the notice limits the scope of the hearing and of the evidence which may be introduced.

e. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

4. Designation of a Hearing Officer

a. The hearing officer is responsible for ensuring that the hearing is orderly and fair and that it progresses in an expeditious manner. This officer is empowered to prepare written findings of fact and conclusion which shall be recommended to the board.

b. The board shall designate a hearing by affirmative vote of a majority of its members.

c. The hearing officer shall be unbiased and qualified to preside over the case. A designated hearing officer shall withdraw when that officer can not accord a fair and impartial hearing or consideration.

d. Any party may request the disqualification of a hearing officer on the ground of inability to give a fair and impartial hearing by filing an affidavit (which states the specific grounds) within three days of receipt of notice of the designation of the hearing officer. The issue shall be determined promptly by the board.

e. The hearing officer shall not be a current member of the board.

B. 1. Discovery.

a. Depositions and interrogatories of witnesses may be taken and shall be admissible in the proceedings.

b. Evidence which was not made available to both parties at least five days in advance may be barred from introduction.

c. Evidence not within the scope of the notice may be excluded.

d. When the interest of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

e. Documentary evidence in possession of the Board may be received in the form of copies of excerpts, or by incorporation by reference.

f. Official notice may be taken of generally recognized technical or scientific facts. However, parties shall be afforded an opportunity to contest the material so noticed.

2. Subpoenas.

The Louisiana Department of Justice Disciplinary Action Manual for Occupational Licensing Boards by William J. Guste, Jr., Attorney General, Section 10.2 Subpoena Authority: Boards are empowered by statute to issue subpoenas, and in Louisiana, the statutes allow the board to issue a subpoena when requested in writing by any party in a contested case.

Either side in a contested hearing may request that a subpoena be issued. It is generally required that the information called for by a subpoena must be reasonable in terms of the amount required and that it must relate to the matter under consideration. A subpoena duces tecum should be reasonable in scope and should be limited to documentary material that is relevant to the proceeding.

a. The board, or its designated hearing officer, may sign and issue subpoenas when requested in writing by any party to a contested case.

b. The information called for by a subpoena shall be reasonable and shall relate to the matter under consideration.

c. Investigative subpoenas are issued at the discretion of the hearing officer.

d. If the person fails to comply with a subpoena, the board may apply to the judge of the appropriate district court for an attachment as for a contempt.

3. Motions

a. A request to the board or the hearing officer by a party for a particular action should be made in the form of a motion.

b. A motion may be made before, during or after a hearing.

c. All motions must be made at an appropriate time.

d. Motions made before or after the hearing shall be made in writing. Motions made during the course of the hearing may be made orally.

e. Motions are directed to the hearing officer who shall dispose of them appropriately.

f. A party may not submit written proposed findings of fact.

g. The hearing office may refer a motion to the board.

C. Formal Hearing Procedures

1. Conduct of a Hearing

a. The members of the board shall be present for the hearing.

b. The hearing will be conducted in accordance with the Administrative Procedure Act, R.S. 49:955-966.

1 Opportunity shall be afforded all parties to respond and present evidence on all issues of fact involved and argument on all issues of law and policy involved and conduct such cross-examination as may be required for a full and true disclosure of facts.

2 Objections to evidentiary offers may be made and shall be noted in the record.

c. The hearing will be open to the public.

2. Order of Proceedings

a. The hearing officer calls the session to order, identifies the case, subject of the case and cites the authority for holding the hearing.

b. The hearing officer asks the parties to identify themselves and their counsel.

c. All testimony shall be given under oath, such oath to be administered by the hearing officer.

d. Customary order of the proceedings should be followed at the discretion of the hearing officer.

3. Evidence

a. In determining the admissibility of evidence, the hearing officer must follow the rules governing administrative hearings in Louisiana.

b. Constitutional guarantees of due process give the licensee a right to a decision based on the evidence presented at the hearing or officially noted in the record.

D. The Final Decision of the Board

1. The board must determine whether the facts in the case support the charges brought against the licensee. It must determine whether the charges are a violation of R. S. 37:341 - 37:392, et seq., or other rules and regulations of the board.

2. The board accepts a proposed order from the hearing officer setting forth the findings of facts and conclusions of the hearing. The board may adopt such findings and conclusions in whole or in part. Any board members not present at the hearing must review the record prior to such decision.

3. The decision must be accompanied by a statement of the reasons for the decision and must dispose individually of each issue of fact or law necessary from the hearing officer.

4. The board's decision shall be based on the evidence and the proposed decision from the hearing officer.

5. The vote of the board must be recorded and made a part of the decision. A majority vote must be obtained in order for a violation to be judged to have occurred.

6. The board determines the sanctions appropriate and consistent with law. The board may decide to revoke or suspend a license or fine the licensee.

7. The final decision shall be delivered to each party by registered or certified mail, return receipt requested.

8. The final decision shall be delivered within 30 days of the close of the hearing.

9. The final decision shall become effective 11 days after the receipt of notification of all parties, provided that there is no appeal. Publication shall be withheld until that date.

E. Appeal of Board Decision

1. A petition by a party for reconsideration of hearing must be in writing and filed with the board within 10 days after receipt of the board's final decision. The petition must set forth the grounds for rehearing which must be one of the following:

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

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

c. there is a showing that issues not previously considered ought to be examined in order to dispose of the case properly, or
d. it would be in the public interest to further consider the issues and the evidence.

2. If a petition for reconsideration is denied, a party may proceed to seek judicial review of the decision.

3. Judicial review may be initiated by filing a petition in the appropriate district court within 30 days after mailing or notice of the final decision of the hearing or rehearing.

F. Case Record

1. A complete case record must be maintained for each formal hearing.

2. The record must be retained until the time for any appeal has expired, or until the appeal has been concluded.

3. The case record shall be composed of all material officially noted.

G. Notification of Final Actions

Upon completion of the final decision, expiration of the time for any appeal, or conclusion of appeals, the board shall notify the following of its actions.

1. All affected parties.

Persons wishing to make comments and responses may do so by contacting Kathy Berry, Louisiana Board of Barber Examiners, 1000 Scenic Highway, Baton Rouge, LA 70802. This can be done in writing, or in person between 8:30 a.m. and 4 p.m., until December 4, 1986

On Monday, December 8, 1986, at 10 a.m. a public hearing will be held at the board office, located at 1000 Scenic Highway, Baton Rouge, LA 70802, for interested persons to present their views on the rule.

Kathy Brown Berry
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Due Process Procedures

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

There are no anticipated costs or savings in implementing this rule because existing staff can handle the associated workload as required by these rules.

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 because these rules clarify existing requirements and procedures.

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

Adoption of these rules will not have additional cost or economic benefits to affected persons or non-governmental groups because these rules simply conform with existing law and will not require any additional expenses to those affected.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These rules will have no effect on competition and employment because all affected will be treated uniformly.

Kathy Brown Berry
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Labor Board of Barber Examiners

The Board of Barber Examiners hereby gives notice in accordance with R.S. 49:950 et seq. and R.S. 37:341-392, that it intends to adopt LAC 46:VII. Chapter 9 relative to examinations.

Chapter 9. Examinations

§901. Application For Examination

Each applicant for examination shall:

A. apply to the board on blank forms prepared and fur-

nished by the board. This application shall contain proof under the applicant's oath of the particular qualifications set forth in the application;

B. furnish to the board two five-by-three inch signed photographs of the applicant, one to accompany the application and one to be returned to the applicant and to be presented to the board when he/she appears for examination;

C. pay to the board the fee provided in R.S. 37:375.

§903. Notice

A. Every three months the board shall conduct an examination of applicants for certificates of registration to practice as registered barbers, applicants for certificates of registration as instructors, and applicants to enter an approved barber college to determine their educational qualifications. Notice of such examinations and the times and places thereof shall be given by mail to each applicant.

B. The examination of applicants for certificates of registration as registered barbers and as instructors shall include both a practical demonstration and a written and oral test and shall embrace the subjects usually taught in colleges of barbering approved by the board.

§905. Applicants Notification to Board

All applicants who will take the next examination shall furnish the board written notification at least two weeks prior to the next examination date.

§907. Completion of Hours of Instruction

A. All students upon completing their 1500 hours of instructions will be permitted to take the next available examination.

B. All students shall furnish to the board, prior to the examination date a certificate from the barber college attended, the total amount of completed hours of instructions, signed by the instructor of the barber college.

§909. Examination Fees

A. Students

The fee for student examination is \$32 (\$25 for the examination and \$7 for National Testing), and the license fee is \$40.

B. Teachers

The fee for teachers examination is \$35 (\$25 for the examination and \$10 for National Testing), and the license fee is \$10.

C. Out of State

The fee for out-of-state examination is \$57 (\$50 for the examination and \$7 for National Testing), and the license fee is \$40.

D. Cosmetologist

The fee for Louisiana cosmetologist is \$32 (\$25 for the examination and \$7 for National Testing), and the license fee is \$40.

§911. Deadline for Examination Fees

A. All examination fees must be received by The Louisiana Board of Barber Examiners no later than two weeks prior to the next examination date.

B. No personal checks will be accepted.

§913. Models Required

A. All applicants are required to furnish their own models for the examination.

B. All applicants must have three models: two males and one female. A taper cut is to be done on one of the males and a cut and style on the other male and female. Also, be prepared to do full service on models, such as, shaves, massages, perm rod wraps any other service necessary as determined by the

board.

C. All applicants should be prepared for an all day examination, and when called upon, models must be available immediately, regardless of the time. Any applicant delaying the examination at anytime may be disqualified.

§915. Time Limits

A. Practical Examination

All applicants must complete all phases of the practical examination within a three hour period of time.

B. Written Examination

All applicants must complete all phases of the written examination within a one hour period of time.

§917. Tools and Supplies Required

All applicants are required to furnish their own tools, supplies and towels and any other materials necessary to complete the entire examination.

§919. Closed Examination

The Board of Barber Examiners and the staff will conduct the examinations and no other person or persons are allowed to view the examination unless authorized by the president of the Barber Board. During the examination, all applicants shall direct their questions to board members or staff personnel only. Failure to comply may result in disqualification.

§921. Grading

A. All applicants must achieve an average score of at least 70 percent, on the entire examination, and a minimum score in each part of the examination of at least 60 percent. The practical and oral examination segments warrants 60 percent of the total score and the written examination warrants 40 percent of the total score.

B. Any applicant for a certificate of registration who fails to satisfactorily acquire an average score of 70 percent of the examination, may continue to appear before the board for examination every three months thereafter. Re-examination will be given upon receipt of additional examination fee.

C. Any applicant for a certificate of registration who fails to satisfactorily acquire a minimum score of 60 percent in either part of the examination, may continue to appear before the board for that portion of the examination needed to acquire a minimum score of 60 percent. Re-examination will be given upon receipt of additional exam fee.

Persons wishing to make comments and responses may do so by contacting Kathy Berry, Louisiana Board of Barber Examiners, 1000 Scenic Highway, Baton Rouge, LA 70802. This can be done in writing, or in person between 8:30 a.m. and 4 p.m., until December 4, 1986.

On Monday, December 8, 1986, at 10 a.m. a public hearing will be held at the board office, located at 1000 Scenic Highway, Baton Rouge, LA 70802, for interested persons to present their views on the rule.

Kathy Brown Berry
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Examinations

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

There are no anticipated costs or savings in implementing this rule because existing staff can handle the workload associated with these rules.

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 because these rules clarify examination requirements and procedures but do not affect the existing fee schedule.

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

Adoption of these rules will not have additional cost or economic benefits to affected persons or non-governmental groups because these rules simply clarify existing rules and will not require any additional expenses to those affected.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These rules will have no effect on competition and employment because all effected will be treated uniformly.

Kathy Brown Berry
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Labor Board of Barber Examiners

The Board of Barber Examiners gives notice in accordance with R.S.49:950 et. seq. and R. S. 37:341-392, that it intends to amend the following sections in Chapter 1 of LAC 46:VII:

Title

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part VII. Barbers

Chapter 1. Shops

§107. Minimum Equipment and Supplies Required for a New Barber Shop

A. One Chair Shop

1. One barber chair in good repair and condition as determined by the inspector.
2. One modern work stand, not less than 60 inches wide and 12 inches deep.
3. One mirror, not less than two inches in diameter and/or not less than 800 square inches in size.
4. Two cabinets, one for storage of sufficient supply of clean linen and one for accessories.
5. One closed hamper or covered container, for soiled linen.
6. One dry cabinet sterilizer or electrical disinfecting cabinet not less than 1200 cubic inches in size.
7. One large professional wet sterilizer.
8. One lavatory or shampoo bowl.
9. One soap dispenser.
10. One waste container, for neck strips and shaving paper.
11. Compounds for dry and wet sterilizers.
12. Sufficient supply of creams, lotions, hair tonics, shampoos, neck strips, headrest paper, linen, etc., necessary for serving the public.
13. Hot water heater.
14. One covered waste container, for residue, cut hair, dirt, etc.
15. Toilet facilities.
16. Sufficient chairs or benches for waiting customers.
17. Sufficient hooks or racks for customers' hats and coats.

- B. For each extra barber chair, the above equipment and

supplies must be duplicated except items (A)(13), (14) and (15). Items (A)(4), (5), (6) and (7) may be built into and be part of the work stand.

§111. Proper Quarters

B. Every barber shop shall be well lighted and heated, well ventilated or cooled and kept in a clean, orderly, well painted and sanitary condition and free from dust and powder. The interior of every barber shop shall be so constructed and finished as to permit its being maintained in a clean condition. The floor shall be covered, from wall to wall with linoleum, tile or some other washable and nonporous material in the working area.

C. Furniture, fixtures and apparatus shall be kept clean, in good condition, mechanically sound and with acceptable upholstery. Not less than one lavatory or shampoo bowl shall be provided for every three barber chairs and shall be kept clean and sanitary at all times. Brooms, mops and any other articles used in cleaning shall be left exposed. All residue, cut hair, dirt, etc., must be swept off the floor and placed in covered containers until properly disposed of.

§117. Headrest

A roll of regulation shaving paper or a clean towel shall be provided for the headrest of each barber chair in operation.

§119. Sterilization

- B.
1. Acceptable means of sterilization and disinfection are
 - a. ultra violet lights;
 - b. household laundry bleach (100 parts per million of available chlorine);
 - c. ethyl or isopropyl alcohol (70-90 percent);
 - d. sodium hypochlorite (100 ppm available chlorine);
 - e. phenolic germicidal detergent solution (1 percent aqueous solution of concentrate);
 - f. quaternary ammonium germicidal detergent solution (2 percent aqueous solution of concentrate). Exposure time of greater than 10 minutes to any of the above chemicals is required.
 2. An acceptable procedure is a wash, rinse and sanitization process. This means a wash in hot water with a suitable soap or detergent rinsing in warm water to remove the detergent; then a final rinse in a disinfectant. Household laundry bleach is the most commonly available and easily used disinfectant. The disinfectant solution should be made up to the strength of at least 100 parts per million (ppm) of available chlorine. The implements would then be air dried and stored in a clean enclosed cabinet or drawer.

§121. Prohibitions

A. The serving or eating of food in a barber shop working area is prohibited. Candy, cigarettes and cigars, etc., when sold in a barber shop must be kept in an enclosed case and individually wrapped.

B. The serving of coffee in a barber shop work area is prohibited.

C. The use of common styptic pencil or lump alum is prohibited. Alum or any other material used to stop the flow of blood shall be used only in a liquid or powder form.

D. The use of neck dusters, shaving mugs and shaving brushes in common, or for more than one person without proper sterilization is also prohibited.

E. Latherizers are recommended.

F. No barber shall serve a customer with an eruption or sore that is suspected of being a communicable disease.

G. Pets disallowed

No pets will be allowed to be kept in a barber shop such

as reptiles, etc.: small pets such as goldfish may be allowed with board approval. These pets and area around them must be kept in good sanitary condition and such pets must not be considered dangerous to the public health and safety.

§123. Display of Certificate of registration

A. All certificates of registration shall be displayed in a conspicuous place adjacent to or near his/her work chair in his/her place of employment, so that the public may see them; each certificate must be renewed each year.

Persons wishing to make comments and responses may do so by contacting: Kathy Berry, Louisiana Board of Barber Examiners, 1000 Scenic Highway, Baton Rouge, LA 70802. This can be done by writing, or in person between 8:30 a.m. and 4 p.m., until December 4, 1986.

On Monday, December 8, 1986, at 10 a.m. a public hearing will be held at the board office, located at 1000 Scenic Highway, Baton Rouge, LA 70802, for interested persons to present their views on rules.

Kathy Berry
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Shops

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

There are no anticipated costs or savings in implementing this rule because existing staff can handle the workload associated with these rules.

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

Implementation of these proposed rules should have no estimated effect on revenue collections of state or local governmental units because no additional fees are required by these rules.

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

Adoption of these rules will not have additional cost or economic benefits to affected persons or non-governmental groups because these rules simply clarify existing rules and will not require any additional expenses to those affected.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These rules will have no effect on competition and employment because all effected will be treated uniformly.

Kathy Brown Berry
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Natural Resources Division of State Lands

Pursuant to the authority of R.S. 41:8, the Department of Natural Resources announces its intent to amend regulations which, in 1972, established fees charged by the Division of State Lands for providing certified copies of various matters pertaining to tax adjudicated lands, patents, and official township plats.

1. Redemption certificates - increase from \$5 to \$10
2. Cancellation certificates - increase from \$5 to \$10
3. Original patents - from \$10 to \$20

4. Copies of official township plats - from \$7 to \$10; copies of field notes - from 50 cents to \$1; copies of patents - from 50 cents to \$1

5. Each certification attached to copies in #4, above - from \$2 to \$5

6. Copies of any document pertaining to state lands - from 25 cents to 50 cents

Comments may be addressed to: Sonja Ortego, Division of State Lands, Box 44124, Baton Rouge, LA 70804, and must be received by December 20, 1986.

B. Jim Porter
Secretary

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

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

There will be neither costs nor savings to state government because existing staff can perform all work associated with the amendment. Local government is unaffected.

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

Implementation of these rules will increase revenue collections by an estimated \$70,000 annually (i.e. from \$80,000 to \$150,000). The bulk of the increase will mostly occur due to requests for redemption and cancellation certificated and the fees associated therewith.

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

Each applicant will experience this fee increase. Applicants are from all 64 parishes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Both competition and employment are totally unaffected by the amendment. Persons who need the documents and services will continue to place orders with the Division of State Lands.

F. Carl Rowan
Undersecretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Natural Resources Office of the Secretary

FISHERMEN'S GEAR COMPENSATION FUND

Pursuant to the authority of R.S. 56:700.3, the Louisiana Department of Natural Resources announces its intent to amend its regulations, thereby limiting to two each fiscal year the number of claims qualified fishermen may file with the fund.

The text of the Regulations appears in the August 20, 1980 *Louisiana Register*.

Section 2. A. Is Amended To Read As Follows:

SECTION 2. Limitation Of Claims, Geographic Boundary Of Fund

A. The Fishermen's Gear Compensation Fund shall be limited to the payment of no more than two claims for damage or loss of Fishing Gear filed by qualified claimants during a fiscal year applicable to the Department (July 1-June 30). Claims must be received by the fund within the period indicated. A single claim may not exceed \$5,000 and shall be based on dam-

age or loss of fishing gear due to an encounter with an obstruction in State waters located below the northern boundary of the Louisiana Coastal Zone as set forth in R.S. 49:213.4, and depicted on official maps of the state regulatory authority having jurisdiction over coastal zone management, and extending seaward to the limits of Louisiana's territorial jurisdiction.

Comments may be addressed to: Gerald P. Theriot, Acting Administrator, Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804, and must be received by December 20, 1986.

B. Jim Porter
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Fish Gear Compensation Fund**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Zero impact because existing staff easily can handle changes caused by the amendment.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on the monetary size of the Fishermen's Gear Fund. Local governments incur no costs whatsoever.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Perhaps 250 individual claimants will lose reimbursement for claims heretofore paid; however, approximately 250 first-time claimants will receive reimbursement for claims.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
In view of the fact that more commercial fishermen will be reimbursed for damage, employment may be enhanced.

F. Carl Rowan
Under secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of Alcoholic Beverage Control**

The following rule is proposed as an amendment and substitution to Louisiana Office of Alcoholic Beverage Control Regulation No. X. Such rule is proposed for amendment by the Louisiana Office of Alcoholic Beverage Control under the rule making Authority conferred on the Office by R.S. 26:32 and R.S. 26:793.

The proposed amendment to Regulation No. X would grant some needed flexibility in the merchandising, stocking and pricing of alcoholic beverages by industry members in retail establishments. The distinction between alcoholic beverages containing more than six percent alcohol by volume and those alcoholic beverages containing six percent or less by volume is eliminated for purposes of application of the regulation.

Under the proposed amended Regulation No. X, industry members may maintain their product in retail dealer cold boxes and may build, price and maintain displays on the premises of retail dealers. Industry members are prohibited from stocking shelves on the premises of licensed retail dealers. Industry members are granted authority to maintain the quality of their product on retail shelves, provided, however, the products purchased from other industry members are not altered or dis-

turbed. The rearranging or resetting of all or part of a store or liquor department is not authorized.

Interested persons may submit written comments on this subject to Michael W. Russell, Assistant Secretary, Louisiana Office of Alcoholic Beverage Control, Box 66404, Audubon Station, Baton Rouge, LA 70896, through December 15, 1986.

Michael W. Russell
Assistant Secretary

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

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

James L. Thibodeaux
Finance Manager

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of State Police
Division of Charitable Gaming**

The Department announces its' intention to amend rules Implementing the Charitable Raffles, Bingo and Keno Law, R.S. 33:4861.1 et. seq. and R.S. 40:1485.1 et. seq., and Act 752 of 1986.

The Regular Session of 1986 Louisiana Legislature enacted Act Number 752 which created a Division of Charitable Gaming Control within the Office of State Police. This Act requires the Division of Charitable Gaming Control to license manufacturers and distributors of charitable gaming supplies and eligible organizations who conduct charitable gaming. This Act became effective upon signature of the governor, July 8, 1986.

Implementation of Act 752 requires the Department of Public Safety and Corrections, Office of State Police, to adopt rules and regulations governing licensing of manufacturers, distributors and charitable organizations. The proposed rules outline the procedure for licensing manufacturers and distributors of charitable gaming supplies and equipment as well as for the organization who conducts the gaming activity. These rules may be viewed in their entirety at the Office of State Police, 9624 Brookline, Baton Rouge, LA.

Interested persons may submit written comments on this matter before December 1, 1986, to Lieutenant Emile S. Bourgoyne, Department of Public Safety and Corrections, Office of State Police, Charitable Gaming Division, Post Office Box 66614, Baton Rouge, LA 70896.

Colonel Wiley D. McCormick
Deputy Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Charitable Gaming Division**

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

Act 752 of the Regular Legislature Session of 1986 mandated the creation of the Charitable Gaming Division within the Office of State Police. In order to implement the legislation \$789,400 in self generated revenues was budgeted to the Office of State Police to retain 18 positions and provide for operating expenses for the division.

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

Act 752 of 1986 provides for the establishment of a user fee on supplies and license fees in order to generate sufficient revenues to operate the division. It is estimated that fees collected in Fiscal Year 1986-87 will generate \$789,400.

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

The economic costs to directly affected groups is that of regulation as detailed above.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Adoption of these regulations will not affect competitors or employment. The rules allow for enforcement of previously existing statutes.

Wiley D. McCormick
Deputy Secretary

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Department of State
Office of the Secretary**

In accordance with the mandate contained in R. S. 49:222, as amended by Act 855 of 1986, the Department of state hereby gives notice that it intends to amend its existing fee schedule. This amendment may be found in its entirety in the Emergency Rules Section of this *Louisiana Register*.

Comments may be addressed to James H. "Jim" Brown, Secretary of State, Box 94125, Capitol Station, Baton Rouge, LA 70804; telephone (504) 342-5710. A public hearing has been scheduled for 10 a.m. on Friday, December 5, 1986, on the twentieth floor of the State Capitol, Baton Rouge, La. All interested persons will be afforded an opportunity to submit views in writing or present objections at the public hearing.

James H. "Jim" Brown
Secretary

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

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

A potential savings may be derived from balances in the Department of State fund which remain unexpended at the end of the fiscal year and are mandated to revert to the state general fund. Implementation costs such as postage and handling associated with notifying affected persons and groups are expected to be minimal.

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

The proposed fee schedule revisions will increase self-generated revenues by an estimated \$316,070 for the Secretary of State's Office, thereby off-setting part of the budget cut imposed by Executive Order EWE 86-31.

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

The proposed fee increases will directly affect those corporations, partnerships, and individuals requiring aforementioned services. This increase is the second increase within the fiscal year for the following charges: service of process, name reservations, trade name reservations, new notaries, and notary bond renewals; the fees to be charged for corporation information processing and special handling fees are new charges. Overall, the fee increases range from 25 percent (foreign partnership filings) to 100 percent (notary bond renewals) over previous charges. The majority of the revenues will be raised through increases to domestic and foreign partnership filing fees (from \$50 to \$75 and from \$100 to \$125, respectively), and the service of process fees (from \$20 to \$25).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementing these fee increases at this time will enable the department to avoid layoffs which would reduce the department's ability to deliver these services in a timely manner.

Jim Brown
Secretary

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Department of Transportation and Development
Office of Highways**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et. seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the attached rules and regulations for registration of escort services not domiciled in this state, but doing business in this state, all in accordance with the provisions of R.S. 32:387.1, as amended by Act No. 575 of the 1986 Regular Session of the Louisiana Legislature.

Each company which operates an escort service in this state and which is domiciled in another state shall register annually with the Department of Transportation and Development, Weights and Standards Police.

Each application for registration shall be accompanied by:

1. The name and address of the agent for service of process. The agent shall reside in and shall be domiciled in this state.

2. Proof that each vehicle operated in this state by the applicant is insured in the same amount as is required for escort companies which are domiciled in this state.

3. Proof that each driver of an escort vehicle has a valid operator's license issued by a state or territory of the United States.

4. Proof of compliance with regulations applicable to all escort vehicles operating within the State of Louisiana as prescribed in Policy and Procedures Manual, Rule No. 47, previously published in the *Louisiana Register*.

Upon receipt of satisfactory and complete application and the payment of a \$10 fee, the Department of Transportation and

Development, Weights and Standards Police, shall issue a decal to be placed on each escort vehicle on the top center windshield.

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this notice of intent to: J. Gary Bizette, Enforcement and Truck Permits Administrator, Department of Transportation and Development, Box 94042, Baton Rouge, LA 70804-9042.

Robert G. Graves
Secretary

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation cost will be minimal with the printing of decals and permits, and personal services for issuance and inspection totaling approximately \$9,000 annually.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is estimated that DOTD will issue approximately 1500 escort decals and permits per year generating \$15,000 annually. The rule will be implemented in January, 1987, generating one half year's revenue in 1986-87.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There could be a negative impact on companies domiciled out of Louisiana that operate escort services in the state, but its exact impact is unknown.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There may be an adverse effect on companies domiciled out of Louisiana because Louisiana companies are not required to comply with this rule and therefore, can provide escort services at a lower cost.

Robert G. Graves
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend Article 3, Section VIII (J) of the Plan Document as follows:

"Any expense incurred by a member of a Health Maintenance Organization (HMO), Health Maintenance Plan (HMP), or other pre-paid medical plan or medical services plan enrolled in such on a group (employer-sponsored) basis;"

Comments or objections will be accepted, in writing, by the executive director of the State Employees Group Benefits Program until 4:30 p.m. on January 9, 1987 at the following address: James D. McElveen, Executive Director, State Employees Group Benefit Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Article 3, Section VIII J**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of this proposed change in plan document languages will not generate any savings or additional cost to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The revenue collections of state or local governmental units will not be effected.
- III. ESTIMATED COST AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This rule change which codifies present practice of not excluding health and/or accident benefits because of membership in any pre-paid health care plan on an individual basis, will not effect costs or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Competition and employment will not be effected by this rule change.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Wildlife and Fisheries Commission advertises its intent to amend Rule 24 of seismic rules and regulations which concerns the daily rate charged crews working in the State of Louisiana. The commission proposes the rule to read as follows: "A fee of \$135 per seismic agent per day will be charged to seismic operators. This fee will be reviewed each January. All payments will be made by the seismic operator directly to the department on or before the twentieth of each month. No payments are to be made to the seismic agents."

Interested parties are invited to comment on the proposed changes, by addressing comments to J. Burton Angelle, Secretary, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle
Secretary

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No additional cost to implement.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The Department of Wildlife and Fisheries estimates that if seismic operations activity continues at current rates for the remainder of 1986-87, 10 seismic crews active per month \times 18 working days per month \times 12 months per year will generate approximately 2,160 seismic fee days per year. Additional revenues in 1986-87 equals \$20 per day \times 1,080 = \$21,600 assuming the rule takes effect January 1, 1987. Additional revenues in future fiscal years equals \$20 per day

× 2,160 = \$43,200.

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

The burden of the increase in the daily rate would be borne by the oil companies working in the state.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

None

Mary Mitchell
Chief Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

Committee Reports

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on October 21, 1986 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the September *Louisiana Register* with the following results:

1) A proposal to amend Chapters 1, 2, 3, 7, 9, 12, 15, 21, 22, 23, 24 and 25 of the Louisiana Hazardous Waste Regulations to allow for the accumulation of hazardous waste at generation sites, to require additional reporting, to require container storage areas to be inspected at least three times per week, to reduce the quantitative limits for small quantity generators from 1,000 to 100 kilograms per month, and to include clarifications.

The rule change was unacceptable to the oversight subcommittee for reason of imposing stringent standards than required by the Environmental Protection Agency; and, was rejected by a vote of 5-0.

J. Chris Ullo
Vice Chairman

COMMITTEE REPORT

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 October 21, 1986 and reviewed certain changes in state regulations proposed by the Louisiana Department of Natural Resources for which notice of intent was published in the September *Louisiana Register* with the following results:

1) A proposal by the Office of Conservation within the Department of Natural Resources to implement "Rules of Procedure for Application of Tertiary Recovery Incentive."

Approved by a vote of 5-0.

J. Chris Ullo
Vice Chairman

COMMITTEE REPORT

House of Representatives Committee on Ways and Means Oversight Review

October 30, 1986

Dear Governor Edwards:

On October 29, 1986, the House Committee on Ways and Means held an oversight hearing pursuant to the provisions of R.S. 49:968 to review the rules and regulations proposed by the Louisiana Tax Commission dealing with the changes in the guidelines for ascertaining the fair market value of personal property; the guidelines governing the use value of agricultural, horticultural, marsh and timber land; and amendments to the real property report forms section (copy of proposed changes attached.)

This is to certify that the following rule has been severed and found unacceptable and disapproved in accordance with statutory authority:

Rule proposing to amend page OG-11 through page OG-22 of the guidelines reducing the value of surface equipment for oil and gas production by 25 percent over the 1986 tables, when determining the fair market value for ad valorem taxation purposes.

The vote to sever this change from the entirety of proposed rules was 11 yeas to 1 nay. By votes of 12 to 0 the committee members disapproved the above rule and approved all others proposed.

With respect to the disapproved rule, the committee found that implementation would seriously impact the already dismal financial picture of many local tax recipient bodies. Ed Olivier, Assessor of St. Mary Parish, testified before the committee that a \$500,000 loss of revenue would occur in his parish alone. While relief for the beleaguered oil and gas industry may be appropriate, the consequences of the proposed approach must be carefully examined.

It was therefore the consensus of the committee members that further consideration and opportunity for public input should be given this issue before any action is taken. Consequently, the rule was disapproved under the authority of R.S. 49:968(D)(3)(c) and (d).

Under the provisions of Section G of the same statute, please be advised that you have 10 calendar days to consider this report and, if it is your desire, to disapprove the action taken by the committee. I would appreciate your informing me of your decision on this matter at your earliest convenience.

Claude "Buddy" Leach,
Chairman

COMMITTEE REPORT

House of Representatives Committee on Transportation, Highways and Public Works Oversight Review

October 30, 1986

Dear Governor Edwards:

This letter certifies that the following proposed rules of the Department of Transportation and Development have been determined unacceptable by the Subcommittee on Executive Oversight and Review of the House Committee on Transportation, Highways and Public Works at a public hearing on October 28, 1986:

1. establishment of fee schedule to apply to driveway permits, project permits, geophysical permits and traffic control device permits; and

2. placement and operation of vending machines on interstate highway right-of-way rest areas.

The proposed rules were published in the September 20, 1986, issue of the *Louisiana Register*, pages 627-629.

The members of the subcommittee acting on behalf of the full House Committee on Transportation, Highways, and Public Works (R.S. 49:968(D)) unanimously determined that the proposed rules in question are unacceptable.

With respect to the proposed rule establishing a fee schedule to apply to driveway permits, project permits, geophysical permits, and traffic control device permits, the subcommittee determined the following:

R.S. 48:381 provides that the assistant secretary of the office of highways may assess reasonable fees in connection with the issuance of permits to defray the expense of inspections by the department's employees. The assistant secretary, office of highways, has established the proposed permit fees taking into consideration the entire operating budget of the permit section and prorating the entire expense to the utility companies based on the anticipated number of permit requests. The proposed fee schedule far exceeds the reasonable expense of inspection.

Recommendation for Action: A recommendation from your office suggesting further meetings between the utility companies and the Department of Transportation and Development may be advisable to reach an amicable and equitable agreement.

With respect to the proposed rule providing for the placement and operation of vending machines on interstate highway right-of-way rest areas, the subcommittee determined the following:

The proposed rules; a cooperative agreement between the Division of Blind Services, Office of Human Development, Louisiana Department of Health and Human Resources and the Department of Transportation and Development; and two cooperative venture agreements between the State of Louisiana, Division of Blind Services and (1) Rest Stop Concessions, Inc. and (2) Cajun Concessions, Inc. have not been reviewed and acted upon by the secretary of the United States Department of Transportation. If these documents do not meet with the secretary's approval, Louisiana could stand to lose millions of dollars in federal highways funds. It would be in the best interest of the state to proceed no further in this matter until a response is received from the federal level.

Recommendation for Action: That all parties involved work together to achieve approval of the rules by the secretary of the United States Department of Transportation.

Under the provisions of R.S. 49:968, you have 10 days in which to consider the action of the subcommittee and act on it. Please furnish a statement of your action to the House Committee on Transportation, Highways, and Public Works, Box 44142, Baton Rouge, LA 70804-4142.

Carl Crane
Chairman

COMMITTEE REPORT

House Natural Resources Subcommittee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on October 21, 1986 and reviewed certain changes in state regulations proposed by the Louisiana Department of Wildlife

and Fisheries for which notice of intent was published in the September *Louisiana Register* with the following results:

1) A proposal by the Louisiana Wildlife and Fisheries Commission to prohibit the use of fish nets (gill nets, trammel nets, hoop nets, fish seines) in Anacoco Lake, Lake Vernon and that portion of Anacoco Bayou between the two Lakes, Vernon Parish, Louisiana

Approved by a vote of 6-0.

2) A proposal by the Louisiana Wildlife and Fisheries Commission to prohibit the use of gill nets, trammel nets, seines and trawls from the cove immediately adjacent to Cypremont Point State Park, St. Mary and Iberia Parishes, Louisiana.

Approved by a vote of 5-0.

3) A proposal by the Wildlife and Fisheries Commission to designate certain species of fish in the state of Louisiana as freshwater species for the purpose of enforcement as provided in R.S. 56:334.2, which allows the taking of freshwater species of fish in designated saltwater areas of the state without the requirement of obtaining a saltwater fishing license.

Approved by a vote of 6-0.

4) A proposal by the Louisiana Wildlife and Fisheries Commission to amend the Louisiana Department of Wildlife and Fisheries Seafood Division Policies as they pertain to oyster fisheries to comply with R.S. 56:429 concerning the holding of a public auction to dispose of leases that are in default of annual rent and to compile a single document containing previously approved survey section rules.

Approved by a vote of 5-0.

5) A proposal by the Louisiana Wildlife and Fisheries Commission to adopt rules and regulations pertaining to permits granted to persons for the purpose of harvesting pompano and black drum as described in R.S. 56:406(A)(3).

Approved by a vote of 5-0.

6) A proposal by the Louisiana Wildlife and Fisheries Commission to adopt rules and regulations pertaining to permits granted to harvest underutilized species in fresh and saltwater areas as defined in R.S. 56:322(A) and (B). These regulations will clarify and replace regulations concerning R.S. 56:571.

Approved by a vote of 5-0.

J. Chris Ullo
Vice-Chairman

COMMITTEE REPORT

House of Representatives House Natural Resources Subcommittee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on October 21, 1986 and reviewed certain proposed rules by the Louisiana Wildlife and Fisheries Commission to prohibit a method of hunting wild geese known as "crawling or creeping" for which notice of intent was published in the September *Louisiana Register* with the following results:

1) No determination was made regarding whether the rule change 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.

3) No determination was made regarding the merit of the rule change.

4) The subcommittee determined that the rule change was unacceptable because it should be presented as proposed legislation and not as a proposed rule.

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.

J. Chris Ullo
Vice-Chairman

Potpourri

POTPOURRI

Department of Agriculture and Forestry Horticulture Commission

The next retail floristry examinations will be given at 10 a.m. daily at Nicholls State University in Thibodaux, LA on January 20-23, 1987. The deadline for mailing in the application and fee is January 2, 1987.

Further information concerning examinations may be obtained from Craig M. Roussel, Director, Horticulture Commission, Box 44517, Capitol Station, Baton Rouge, LA 70804, phone (504) 925-7772.

Bob Odom
Commissioner

POTPOURRI

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. 35:2401, et seq., The Physical Therapy Practice Act, the Louisiana State Board of Medical Examiners hereby gives notice of its intent to hold a public hearing on December 11, 1986, to receive comments on proposed rules governing the licensure and practice of physical therapists in Louisiana. The proposed rules were noticed in the *Louisiana Register* on September 20, 1986. This public hearing is being held at the request of the Louisiana Chapter of the American Physical Therapy Association.

The hearing will be held at the board's office located at 830 Union Street, New Orleans, Louisiana, and will begin promptly at 10 a.m. on December 11, 1986.

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

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 64 claims amounting to \$67,074.27 were received during the month of October, 1986.

The following claims are the subjects of public hearings to be held at the locations indicated:

Friday, December 12, 1986, at 10:30 a.m., in the Vermilion Parish Extension Office, 1105 West Port Street, Abbeville, Louisiana

CLAIM NO. 86-3173

Jessie Daigle, of Breaux Bridge, LA, while trawling on the vessel "GRACE", in Vermilion Bay, Vermilion Parish, encountered an unidentified submerged obstruction on December 28, 1985. Causing damage and/or loss. Amount of Claim: \$5,000

CLAIM NO. 86-3227

Justin Picou, Sr., of Cameron, LA, while trawling on the vessel, "LIL JOHN", in the Gulf of Mexico, at approximate LORAN-C readings of 26,668.0 and 46,977.5, Cameron Parish, encountered an unidentified submerged obstruction on March 16, 1986. Causing damage and/or loss. Amount of Claim: \$350

CLAIM NO. 86-3370

Ira A. Vincent, of Lake Arthur, LA, while trawling on the vessel, "LADY AMY", in Vermilion Bay, by Delcambre Canal, Vermilion Parish, encountered an unidentified submerged obstruction on May 23, 1986. Causing damage and/or loss. Amount of Claim: \$1,583.87

CLAIM NO. 86-3394

Englove P. Collins Sr. & Jimmy F. O'Loughlin, of Jeanerette, LA, while trawling on the vessel, "MR. MOJO", in Vermilion Bay, at approximate LORAN-C readings of 27,490.1 and 46,962.3, St. Mary Parish, encountered a submerged piling on May 20, 1986. Causing damage and/or loss. Amount of Claim: \$2,614.50

CLAIM NO. 86-3410

D & C Trawlers, Inc. of Delcambre, LA, while trawling on the vessel, "THREE SISTERS", in the Gulf of Mexico, three miles from Freshwater Bayou, Vermilion Parish, encountered an unidentified submerged obstruction on June 5, 1986. Causing damage and/or loss. Amount of Claim: \$2,414.37

CLAIM NO. 86-3439

John R. Eskind, of Lake Charles, LA, while trawling on the vessel, "LA 8208 AA", in the Ship Channel, Cameron Parish, encountered an unidentified submerged obstruction on June 11, 1986. Causing damage and/or loss. Amount of Claim: \$5,000

CLAIM NO. 86-3497

Gene Barefield, of Abbeville, LA, while trawling on the vessel, "NELLY DEE", in Breton Sound, at approximate LORAN-C readings of 28,977.4 and 46,905.4, Plaquemines Parish, encountered an unidentified submerged obstruction on June 26, 1986. Causing damage and/or loss. Amount of Claim: \$1,662.92

CLAIM NO. 86-3489

Dwayne T. Broussard, of Kaplan, LA, while trawling on the vessel, "LA 3847 AA", in Vermilion Bay, Vermilion Parish, encountered an unidentified submerged obstruction on June 27, 1986. Causing damage and/or loss. Amount of Claim: \$1,057.39

CLAIM NO. 86-3520

Richard Dirk DeSonier, of Cameron, LA, while trawling on the vessel, "DRAG'N WAGON", in Calcasieu Lake, Cameron Parish, encountered an unidentified submerged obstruction on June 28, 1986. Causing damage and/or loss. Amount of Claim: \$257.93

CLAIM NO. 86-3590

Allen A. Trahan, Jr., of Franklin, LA, while trawling on the vessel, "T-NEG", in Tee Bute, west of Southwest Pass, Vermilion Parish, encountered an unidentified submerged obstruction on July 23, 1986. Causing damage and/or loss. Amount of Claim: \$642.26

CLAIM NO. 86-3600

J & L Boat Company, Inc., of Delcambre, LA, while trawling on the vessel, "THREE GRAND KIDS", in the Gulf of Mexico, at approximate LORAN-C readings of 26,745.0 and 46,978.0, Vermilion Parish, encountered an unidentified submerged obstruction on July 24, 1986. Causing damage and/or loss. Amount of Claim: \$2,091.73.

CLAIM NO. 86-3665

Leroy Boudreaux, of Delcambre, LA, while trawling on the vessel, "MISS VICKI", in the Gulf of Mexico, east of Grand Cheniere, Cameron Parish, encountered a submerged piling on August 12, 1986. Causing damage and/or loss. Amount of Claim: \$2,497.72

CLAIM NO. 86-3675

Ernest Meaux, of Cameron, LA, while trawling on the vessel, "LA 5931 BL", in the Calcasieu Ship Channel, Cameron Parish, encountered a sunken boat on August 19, 1986. Causing damage and/or loss. Amount of Claim: \$494

CLAIM NO. 86-3680

James B. King, of Vinton, LA, while trawling on the vessel, "LA 4404 BN", in the Intracoastal Waterway, six miles west of Gum Cove Ferry, Calcasieu Parish, encountered an unidentified submerged obstruction on September 2, 1986. Causing damage and/or loss. Amount of Claim: \$5,000

CLAIM NO. 86-3685

Ellis J. Schouest, III, of Franklin, LA, while trawling on the vessel, "STACY DAWN", in East Cote Blanche Bay, St. Mary Parish, encountered an unidentified submerged obstruction on August 26, 1986. Causing damage and/or loss. Amount of Claim: \$1,600

CLAIM NO. 86-3745

Leo Olander of Jeanerette, LA, while trawling on the vessel, "LUCK BUCK", in West Cote Blanche Bay, at approximate LORAN-C readings of 27,589.4 and 46,945.3, St. Mary Parish, encountered an unidentified submerged obstruction on September 11, 1986. Causing damage and/or loss. Amount of Claim: \$3,498.17

CLAIM NO. 86-3774

Harold J. Landry, of New Iberia, LA, while trawling on the vessel, "LA 2311", in Vermilion Bay, Vermilion Parish, encountered an unidentified submerged obstruction on September 1, 1986. Causing damage and/or loss. Amount of Claim: \$460

CLAIM NO. 86-3794

Mike Styron, of Cameron, LA, while trawling on the vessel, "LA 3053 BD", in Grand Lake, approximate 1/2 mile NE of Catfish Lock Structure, Cameron Parish, encountered an unidentified submerged obstruction on September 30, 1986. Causing damage and/or loss. Amount of Claim: \$585.94

CLAIM NO. 86-3851

J. A. Miller, of Creole, LA, while trawling on the vessel, "LA 6501 AD", in Grand Lake, 3/4 mile East of Catfish Locks, Cameron Parish, encountered an unidentified submerged obstruction on September 26, 1986. Causing damage and/or loss. Amount of Claim: \$780

CLAIM NO. 86-3579

Timothy Schouest, Jr., of Erath, LA, while trawling on the vessel, "MISS TIFFANY", in Vermilion Bay, one mile off beach, Vermilion Parish, encountered submerged cement on June 24, 1986. Causing damage and/or loss. Amount of Claim: \$831.77

CLAIM NO. 86-3580

Timothy Schouest, Jr., of Erath, LA, while trawling on the vessel, "MISS TIFFANY", in Vermilion Bay, west side of Dry Reef Field, Vermilion Parish, encountered an unidentified submerged obstruction on June 29, 1986. Causing damage and/or loss. Amount of Claim: \$1,373.92

CLAIM NO. 86-3518

Joe Higgins, of Cameron, LA, while trawling on the vessel, "DOUBLE TROUBLE", in Calcasieu Lake, Cameron Parish, encountered an unidentified submerged obstruction on July 14, 1986. Causing damage and/or loss. Amount of Claim: \$225

CLAIM NO. 86-3519

Joe Higgins, of Cameron, LA, while trawling on the vessel, "DOUBLE TROUBLE", in the Gulf of Mexico, at approximate LORAN-C readings of 26,658.9 and 46,978.2, Cameron Parish, encountered an unidentified submerged obstruction on July 1, 1986. Causing damage and/or loss. Amount of Claim: \$500

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
Office of Conservation
Injection and Mining Division**

In accordance with the laws of the state of Louisiana, and with particular reference to the provisions of R.S. 30:4, notice is hereby given that the commissioner of conservation will conduct a public hearing at 6 p.m., Tuesday, January 13, 1987, in the courtroom on the second floor of the Jefferson Davis Parish Courthouse located at 300 State Street, Jennings, LA.

At such hearing the commissioner of conservation or his designated representative will hear testimony relative to the application of Fidelity Environmental Services, Inc., Rt. 1, Box 692, Bell City, Louisiana 70630. The applicant intends to operate a commercial nonhazardous oilfield waste storage, treatment and disposal facility in Section 13, Township 9 South, Range 6 West, Jefferson Davis Parish, LA.

Prior to authorizing the use of this facility for disposal of nonhazardous oilfield waste, the commissioner of conservation must find that the applicant has met all the requirements of Statewide Order No. 29-B (August 1, 1943, as amended).

The application is available for inspection by notifying Carroll D. Wascom, Office of Conservation, Injection and Mining Division, Room 253 of the Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Verbal information may be received by calling 504/342-5515.

All interested persons will be afforded an opportunity to present data, views, or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 4:45 p.m., January 20, 1987, at the Baton Rouge Office. Comments should be directed to: Commissioner of Conservation, Box 94275, Baton Rouge, LA 70804, Re: Docket No. UIC 87-1, Commercial Disposal Facility, Jefferson Davis Parish.

Herbert W. Thompson,
Commissioner

CUMULATIVE INDEX
(Volume 12, Number 11)

1986

<i>Pages</i>	<i>Issue</i>
1— 80	January
85— 147	February
153— 200	March
209— 273	April
281— 352	May
361— 405	June
413— 466	July
477— 576	August
585— 643	September
653— 736	October
749— 805	November

AGRICULTURE AND FORESTRY DEPARTMENT

Agricultural and Environmental Sciences, Office of

- Advisory Commission on Pesticides, 87R
- Agricultural Commodities Commission, 120N
 - Commission administration, 120N, 287R
 - Definitions, 120N, 287R
 - Fees, 120N, 287R
 - Financial statement, 120N, 287R
 - Grading/sampling commodities, 120N, 287R
 - Grain dealers, 120N, 287R
 - Grain inspections, 120N, 287R
 - License suspension/revocation, 120N, 287R
 - Self-insurance fund, 586ER
- Dairy Stabilization Board, 122N, 498R
- Horticulture Commission
 - Floristry exams, 143P, 460P, 468P, 804P
- Quarantine Programs (State Entomologist)
 - Apiary, 568P
 - Quarantined areas, 189P, 269P
- Seed Commission, 603N
- Structural Pest Control Commission
 - Constructive recycling by commercial applicators of unused portions of pesticides and/or rinsate, 37N, 5ER, 285R
 - Containment system, 37N, 85ER, 285R
 - Management of unused portions of pesticides and/or rinsate of pesticides, 37N, 85ER, 285R
 - Pesticide containers, 37N, 85ER, 285R
 - Pesticide waste requirements, 37N, 85ER, 285R
 - Wood infestation, 37N, 85ER, 285R

Agricultural Finance Authority

- Production Loan Program, 209ER

Agro-Consumer Services, Office of

- Dairy Stabilization Board, 604N

Animal Health Services, Office of

- Diseases, 249N
- Livestock Sanitary Board, 123N, 498R
 - Brucellosis Test, 123N, 289R
 - Brucellosis Test, cattle reacting to, 123N, 289R
 - Cattle sale by livestock dealers, 372N, 498R
 - Definitions, 123N, 289R, 598R
 - LAC Title change, 123N, 289R
 - Quarantine period, 123N, 289R

- Pet Turtles, 7ER, 37N, 224R

Fertilizer Commission

- Fertilizers, sale of, 331N, 493R

Forestry, Office of

- Stumpage values, 568P, 772N

Management and Finance, Office of

- Agricultural Industry Board
- Ethanol production, 368N, 503R, 753ER, 772N
- Central Registry, 693N

Marketing, Office of

- Agricultural Products Processing Develop. Law, 588ER
- Farm Youth Loans, 539N
- Fruits and Vegetables, 538N
- Market Commission
 - Ag products processing development, 771N

CIVIL SERVICE DEPARTMENT

Civil Service Commission

- Classification and pay, 331N
- Classification system transition, 775N
- Commuting area, 363ER, 375N
- Displacement rights, 375N
- Funeral leave, 373N
- Furloughs, 414ER, 447N
- Holiday compensation, 373N
- Layoff measures, 332N
- Leave cancellation/continuance, 373N
- Order of layoffs, 363ER, 375N
- Pay rate upon employment, 373N
- Preferred employment list, 375N
- Probationary period, 373N
- Resignations, 373N
- Service ratings, unsatisfactory, 375N

Ethics for Elected Officials, Board of

- Overtime compensation, 169N
- Pay reductions, layoff procedures, 124N
- Personal Financial Disclosure Form, 9R

COMMERCE DEPARTMENT

Architectural Examiners, Board of

- Examination applications, 124N, 760R
- Per diem, 124N, 760R

Certified Public Accountants, Board of

- Amendments to LAC 46:XIX, 87R
- CPE credit, 776N
- Certificate, license, prohibited acts, 776N
- Educational requirements, 776N
- Fee Assessment, 776N

Commerce and Industry, Office of

- Capital Companies Tax Credit, 479ER, 547N, 664R
- Corporate Headquarters Tax Equalization, 483ER 540N, 659R
- Enterprise Zone, 480ER, 541N, 660R
- Industrial Tax Equalization, 480ER, 542N, 661R
- Industrial Tax Exemption, 481ER, 544N, 662R
- Industry Assistance, 482 ER, 545N, 663R
- Local Economic Devel. Support, 483ER, 546N, 664R
- Restoration Tax Abatement, 484ER, 548N, 665R
- Tax exemption/energy conservation property, 484ER, 549N, 666R

Contractors, Licensing Board for

- Additional classification, 604N, 760R
- Contractor, definition, 606N, 761R
- Federal Projects, 605N, 606N, 761R, 761R
- License fee, 604N, 761R

License requirements, 606N, 761R

Racing Commission

Cancelled claiming race, 11R
Day, 607N
Drug which affects performance; guarding horse, 11R
Duties/responsibilities, 693N
Examinations, 40N, 289R
Horsemen's bookkeeper, 11R
Jockey fee schedule, 12R
Licensing of other employees, 39N, 290R
Maximum daily doubles per race card, 39N, 289R
Medication; reporting to stewards, 11R
No medication in two-year olds, 11R
Pre-race testing, 154ER, 173N, 211ER, 332N, 419R
Super Six, 11R
Twin Trifecta, 211ER, 251N, 285ER, 419R
Use of appliance to start, 694N

Real Estate Commission

Broker license, 376N, 509R
Escrow accounts, 376N, 509R
Escrow deposits, 694N
License transfers/terminations, 376N, 509R
Real estate schools, 376N, 509R
Timeshares, 376N, 509R

CULTURE, RECREATION AND TOURISM DEPARTMENT

Black Culture, Division of

Grant guidelines, 88R

Cultural Development, Office of

Arts Program, 607N, 762R

State Museums, Office of

Accessions/Deaccessions, 89R
Admission fees, 89R, 777N
Building rental, 777N

State Parks, Office of

Amendments, 89R
Basis for assistance, 695N
Commercial boats, 695N
Facility projects, 695N
Fee changes, 90R, 697N
Repromulgates rules, 90R
Reservation/rates, 695N

Tourism, Office of

Matching Funds, 13R

EDUCATION DEPARTMENT

Elementary and Secondary Education, Board of

Bulletin 741, 13R, 550N, 697N, 698N, 698N, 762R
Bulletin 996, 155R
Bulletin 1706, Teacher aids, 551N, 763R
Certification, foreign teachers, 363ER, 379N, 598R
Child nutrition, 251N, 420R
Comp Ed, 251N, 420R
Computer literacy, 333N, 511R
Curriculum standards, 252N, 420R
Driver Education, 552N
ECIA repayments, 447N
Elementary program of studies, 448N, 552N, 667R, 762R
English lang. arts, math, curriculum guide, 551N, 762R
Environmental Science, World/American History,
 W. Civilization, MAP Supplement Curriculum
 Guides, 779N
Librarian certification, 91R
Migrant Education State Plan (FY '87), 253N, 420R
NTE Education Administration/Supervision Test, 415ER,
 448N, 667R

Noncertified school personnel, 90R, 485ER, 553N, 763R
Nonpublic school standards, 40N, 125N, 225R, 290R
Nutrition Program Managers, 251N, 420R
Piano instruction, 550N
Policy 5.00.50. f, 378N, 598R
RIF policy, 125N, 290R
School bus loading/unloading, 333N
Severe/profound impairment certification, 91R
Special Education Plan, FY87, 127N, 290R
Summer school standards, 212ER, 253N, 420R
Teacher Aids, 551N, 763R
Temporary employment, 485ER, 554N, 763R
Textbook adoption time frame, 14R
Textbook publishers, 14R
Transfer high school students to adult ed., 254N, 421R
Transportation handbook, 449N, 598R, 667R
Vo-Tech fee, extension courses, 609N
Vo-Tech fee schedule, 254N, 415ER, 449N, 667R, 781N
Vo-Tech, increases instructors to establish dept. heads,
 608N
Vo-Tech nonresident fees, 780N
Vo-Tech regional coordination, 780N
Vo-Tech residency requirements, 780N
Vo-Tech sabbatical leave, 449N, 668R
Vo-tech bus transportation, 485ER, 551N, 763R, 779N
Vo-Tech student suspension/expulsion, 14R
Vo-Tech tuition, 91R
World geography curriculum guidelines, 14R

Southern University Board of Supervisors

Bylaws, 128N, 290R
Fees, 306R

ELECTIONS AND REGISTRATION DEPARTMENT

Elderly/handicapped voting, 128N, 225R

ENVIRONMENTAL QUALITY DEPARTMENT

Air Quality and Nuclear Energy, Office of

Air Quality Division
Asbestos Abatement entity certification, 609N
Asbestos from demolitions/renovations, 189CR, 229R
Dispersion techniques, 174N, 306R, 350CR
Fee schedule, 173N, 306R, 350CR, 450N, 638CR,
 668R

Nuclear Energy Division

Fee schedule, 450N, 638CR, 674R

Solid and Hazardous Waste, Office of

Hazardous Waste Division
Alternate Technologies Research/Development Trust
 Fund, 40N, 175N, 318R, 350CR
Fee schedule, 451N, 638CR, 676R
Generation site, 610N, 802CR
Manifest fees, 176N, 319R, 350CR
Solid Waste Division
Fee schedule, 452N, 638CR, 676R, 781N

Water Resources, Office of

Fee schedule, 452N, 638CR, 677R
Pollution control fee system, 177N, 321R, 351CR
Public hearing, 460P

CR—Committee Report

**E—Errata EO—Executive Order ER—Emergency Rule
L—Legislation N—Notice of Intent P—Potpourri
PPM—Policy and Procedure Memorandum—Rule**

EXECUTIVE ORDERS

EWE 85-88—Grants private activity bond allocations, 1
EWE 85-89—Grants private activity bond allocations, 1
EWE 85-91—Grants private activity bond allocations, 1
EWE 85-92—Amends Executive Orders EWE 85-51, 85-53, 85-65, 85-89, 85-70, 85-71, 85-72, 85-73, 85-74, 85-76, 85-77, 85-81 and 85-84, 2
EWE 85-93—Method for allocation of private activity bonds subject to a volume limitation, 3
EWE 85-94—Application for private activity bonds, 6
EWE 86-1—Rescinds EWE 85-41, directing National Guard to assist in protective action against Southern Pine Beetle, 6
EWE 86-2—Amends EWE 85-92, 85
EWE 86-3—Appoints member pro tem in place of secretary of Department of Environmental Quality, 85
EWE 86-4—Surplus of all under-utilized state vehicles, 153
EWE 86-5—Grants private activity bond allocations, 153
EWE 86-6—Budget cuts effective March 1, 1986, 153
EWE 86-7—Amends EWE 85-30, Ad Valorem Taxation Study Commission, 154
EWE 86-8—Directs state officers or employees against whom a suit is filed to comply with R.S. 13:5108.1, 209
EWE 86-9—Modifies method for allocation of private activity bonds, 281
EWE 86-10—Directs Office of Telecommunications Management to coordinate and supervise procurement of telecommunications and communications systems, 284
EWE 86-11—Grants private activity bond allocations, 284
EWE 86-12—Directs the restoration to sale certain properties, 361
EWE 86-13—Grants private activity bond allocations, 361
EWE 86-14—Rescinds EWE 85-60, Establishing the Governor's Louisiana Housing Commission, 361
EWE 86-15—Grants private activity bond allocations, 362
EWE 86-16—Grants private activity bond allocations, 362
EWE 86-17—Grants private activity bond allocations, 413
EWE 86-18—Directs Department of Natural Resources to disburse overcharge funds from the judgment of United States vs. Exxon Corporation, 413
EWE 86-19—Grants private activity bond allocations, 413
EWE 86-20—Grants private activity bond allocations, 414
EWE 86-21—Community Development Block Grant Program, 477
EWE 86-22—Housing development grants, 477
EWE 86-23—Grants private activity bond allocations, 478
EWE 86-24—Creates Governor's Commission on Black on Black Crime, 478
EWE 86-25—Appoints Concordia Bank and Trust Co. corporate trustee of the Harry S. Moss Trust for prevention and cure of heart diseases, 585
EWE 86-26—Directs the restoration to sale certain state land, 585

EWE 86-27—Provides energy crisis intervention to eligible low-income households, 585
EWE 86-28—Members to be appointed to Governor's Hispanic - American Affairs Commission, 653
EWE 86-29—Directs the promotion of an Awareness Campaign to maintain the state's natural beauty, 653
EWE 86-30—Members to be appointed to Governor's Commission on Black on Black Crime, 653
EWE 86-31—Reduces state agency spending 10 percent; reduces Minimum Foundation Program, vo-tech and special schools and colleges and universities spending five percent, 749
EWE 86-32—Extends the Governor's Commission on Louisiana's Outdoors for one year, 749
EWE 86-33—Grants private activity bond allocations, 749
EWE 86-34—Modifies allocation of bonds subject to private activity bond volume limits for calendar year ending December 31, 1986, 750
EWE 86-35—Authorizes state employees in certain parishes to participate in October 29, 1986 rally, 752
EWE 86-36—Authorizes the commissioner of administration to distribute undrawn general fund balances, 752

GOVERNOR'S OFFICE

Architects Selection Board

Application procedure, 15R

Division of Administration

Equipment lease-purchase, 128N, 231R
Facility Planning and Control, 755ER, 782N
Fee schedule for copies, 132N, 229R
PPM 33, Request for positions, 131N, 229R
PPM 40, State group insurance, 132N, 230R
PPM 53, Risk management - Responsibilities/rights, 133N, 230R
Payroll deductions, 611N, 763R
Property Assistance Agency, 92R, 334N, 334N, 677R
Purchasing - Vendor fees, 554N, 654ER, 700N
Repeals Policy and Procedure Memoranda, 15R
Risk Management, Office of, 43N, 234R, 699N, 782N
State Planning, Office of, 699N, 786N
Telecommunications Management, 15R

Elderly Affairs, Office of

GOEA Policy Manual, 415ER, 453N, 599R, 788N
Program income, 255N, 366R
State Plan on Aging, 255N, 364ER, 366R, 511R

Governor's Special Commission on Education Services

Application fee, 654ER
Carl D. Perkins Scholarship, 787N
Education majors, 702N
Governor's Scholars Program, 787N
Rockefeller Scholarship, 704N
Student Incentive Grant, 786N
T.H. Harris Scholarship fee, 615N

Law Enforcement and Administration of Criminal Justice, Commission on

Crime Victim Assistance, 42N
Juvenile, justice, delinquency prevention, 92R

Minority Business Enterprise

Goods and services procurement, 701N
Set aside bid, 701N

Women's Services, Office of

Family violence standards, 335N, 677R

HEALTH AND HUMAN RESOURCES DEPARTMENT

Cancer and Lung Trust Fund Board

Proposal deadlines, 639P

Chiropractic Examiners, Board of

Disciplinary procedures, 705N

Fees, 705N

General Practice, 705N

Dentistry, Board of

Administrative procedures, 706N

Complaints disposition, 706N

Dental specialist listing, 706N

Prescription records, 706N

Prohibits re-use of toothbrush, 706N

Electrolysis Examiners, Board of

Meetings scheduled, 144P

Embalmers and Funeral Directors, Board of

Examination, 144P, 568P

Penalty, 555N, 677R

Examiners for Speech Pathology and Audiology

Application period, 615N

Family Security, Office of

AFDC Program

Grant reduction, 755ER

Married or emancipated child, 557N, 678R, 731P

Need Standard, 617N, 768R

Work referral policy, 115R

Enrolled Dentists, 460P

Food Stamp Program

Categorical eligibility, 755ER

Definitions, 486ER, 618N, 768R

Increased earned income, 285ER, 337N, 423R

Interest income annualization, 222ER, 336N, 423R

Job search, 256N, 366R

Mental health centers, 222ER, 257N

Policy changes, 486ER, 618N, 768R

Self-employment losses, 222ER, 257N, 366R

Student's level of benefits, 756ER

Utility allowance, 486ER, 618N, 768R

Voluntary quit, 8ER, 115R

Medical Assistance Program

Adoption subsidy, 338N, 421R

Bed reservation limits, 134N, 243R

Carve Out Units capped, 137N, 243R

Case management, 593ER, 709N

Clinical laboratory services, 417ER, 561N, 679R

Dispensing fee survey, 789N

Durable medical equipment limitation, 47N, 155R

EPSDT services, 416ER, 558N, 678R

Eyeglass Program, 619N, 656ER, 769R

Hospital days extension, 757ER

Hospital Program rate freeze, 558N, 678R

Inpatient hospital services, 418ER

Inpatient per diem, 758ER

Lock-in, 135N, 244R

Long Term Care/Home and Community Based Services

CAP rate, 47N, 155R

O, F, V, and I coverage, 757ER

Optional state supplementation, 757ER

Pharmacy Program, 594ER, 620N, 679R, 769R

Physical therapy, 758ER

Physician, osteopath, optometrist, midwife fee, 758ER

Medicaid for disabled Widows/Widowers, 657ER, 788N

Neonatal/Pediatric/burn/transplant inpatient service reimbursement, 8ER

Personal care needs allowance, 22R

Pharmacy dispensing fee, 415ER, 563N

Physician reimbursement, 621N

Rescinds rate freeze for skilled nursing/intermediate care facilities, 404P

SNF, ICF/I and ICF/II, 418ER, 559N, 679R

SSI maximum resource limits, 22R

Standards for payment, 48N, 155R, 340N, 385N, 424R, 529R, 619N

Third party liability claims, 416ER, 561N, 679R

Transportation-non-emergency, 560N, 679R

Transportation program, 384N, 416ER, 417ER, 417ER, 528R, 619N

Transportation provider choice, 562N, 680R

Transportation provider, rates, 563N, 680R

Statewide Income/Eligibility Verification Systems, 454N, 599R

Support Enforcement Program

IV-D application fee, 115R

IV-D IRS full service application fee, 115R

IV-D Medical support, 134N, 245R

Third party liability, 144P

Human Development, Office of

Adoption Subsidy, 338N

Deaf Commission, 710N

Division of Rehabilitation Services, 460P

Interpreter service, 345N

Management and Finance, Office of

Insurance carrier requirement, 594ER, 792N

Section 1122

Capital expenditure review, 385N, 529R

Cost containment criterion, 178N, 321R

Guidelines, 191P

Review criteria, 23R, 564N, 680R, 711N

State Health Plan, 387N, 530R

Medical Examiners, Board of

Athletic trainers, 335N, 522R

Midwives, 213ER, 336N, 513R

Physical therapist, 616N, 804P

Physician/surgeon licensing, 212ER, 336N, 485ER, 528R, 555N, 616N, 767R

Occupational therapist licensing, 555N, 767R

Respiratory therapist licensing, 556N, 767R

Mental Health, Office of

Adult group homes, 24R

Mental Retardation/Developmental Disabilities, Office of

Payment system, 345N, 425R

Voting rights, 178N, 321R

Nursing, Board of

Complex/non-complex tasks, 364ER

Delegation of functions, 454N, 677R

Faculty organization, 454N, 678R

Nursing Home Administrators, Board of Examiners for

Administrator-in-training, 380N, 511R

Education requirements, 115R

Licensing, 256N, 366R

Optometry, Board of

Rules of Practice, 617N

Written examination, 22R

Pharmacy, Board of

Adjudication, 238R

Examinations, 238R

CR – Committee Report

E – Errata EO – Executive Order ER – Emergency Rule

L – Legislation N – Notice of Intent P – Potpourri

PPM – Policy and Procedure Memorandum R – Rule

Practical Nurse Examiners, Office of

Adjudication, license suspension/revocation, 654ER
Education and licensure, 709N
Staffing, 256N, 678R

Prevention and Recovery from Alcohol and Drug Abuse

ADAMS Block Grant, 138N, 245R

Preventive and Public Health Services, Office of

Birth certificate copies, 712N
Birth rosters, 25R
Epidemiology Program Corpse disposition, 790N
Family Planning, Program
 Fee schedule 622N, 769R
Fluoridation, 712N
Genetic diseases, 179N, 322R
Handicapped children services, 223ER
Milk pasteurization, 713N
Public hearing, 351P
Sanitary Code Fees, 790N
Sewerage treatment plants, 623N, 769R
Vital records, 390N, 681R

Psychologists, Board of Examiners for

Disciplinary action, 381N, 707N

Secretary, Office of

Anatomical gifts, 713N
Controlled substances, 179N, 258N, 322R, 599R
Council on the Purchase of Products and Services of
 Severely Disabled, 342N, 425R
Equal delivery of services, 716N
LAC reference system, 191P
Licensing fee collection, 791N
Life safety licensing code, 259N, 367R
Maternal/Child Health Block Grant (FY '87), 259N, 367R
Residential Care, 418ER, 455N, 599R
Sheltered workshops, 223ER
Substance abuse, licensing standards, 26R

Senior Citizens Trust Fund Board

Bylaws, 556N, 685R
Grants, 461P

Veterinary Medicine, Board of

Examination notice, 71P

HOUSE OF REPRESENTATIVES

Legislative Research Library

Reports, 191P

JUSTICE DEPARTMENT

Attorney General, Office of

Video bingo machines, 180N, 267-268CR, 322R

LABOR DEPARTMENT

Barber Examiners, Board of

Due Process, 792N
Examinations, 795N
Shops, 797N

Labor, Office of

Appeals referee, 246R
Apprenticeship, 49N, 346N, 428R, 533R
Average weekly wage, 569P
Job training Partnership Act, 346N, 439R

LEGISLATION

Louisiana Administrative Procedure Act, 1986 Changes,
638

LOUISIANA ADMINISTRATIVE CODE UPDATE

January - March, 1986 changes, 268

October 1985 to December 1985, 71
Title 35, Horse Racing
 Supplement changes, 189
April - June, 1986 changes, 459
July - September, 1986 changes, 730

NATURAL RESOURCES DEPARTMENT

Conservation, Office of

Adjudicatory hearing, 394N, 600R, 686R
Injection and Mining Division
LEAP, 623N
 Public hearing, 269P, 351P, 466P, 805P
 Statewide Order 29-B, 26R, 71CR
 Statewide Order 29-N-1, 26R, 71CR
 Statewide Order 29-O-1, 26R, 71CR
 Tertiary Recovery, 624N, 770R, 802CR
Pipeline Division
 Carbon dioxide pipelines, 115R
 Intrastate natural gas pipelines, 455N, 638CR

Fishermen's Gear Compensation Fund

Claims, 72P, 144P, 192P, 269P, 351P, 405P, 461P,
569P, 639P, 731P, 804P
Fees, 456N, 602R, 638CR
Limits claims, 759ER, 798N

Secretary, Office of

Coastal Management Division, 192P, 717N
Severance tax, 624N, 771R

State Lands, Division of

Fees, 798N
Reclamation/Encroachments permits, 180N, 347N, 440R

**PUBLIC SAFETY AND CORRECTIONS DEPARTMENT
(Corrections Services)**

Adult Services, Office of

Adult offender furlough, 32R
Attorney visits, 138N, 246R
Escorted inmates absent from community rehabilitation
 centers, 33R
Escorted inmates absent from confines of institution, 34R
Escorted inmates absent from parish jail or multi-parish
 prison, 35R
Medical furloughs, 36R

Pardons, Board of

Applications, 657ER, 721N

Private Security Examiners, Board of

Company requirements, 486ER
Firearms qualification course, 487ER
Guard armament, 487ER
Guard registration, 487ER
Guard trainer qualifications, 488ER

Secretary, Office of

Searches of visitors/employees, 223ER, 347N, 443R

**PUBLIC SAFETY AND CORRECTIONS DEPARTMENT
(Public Safety)**

Alcoholic Beverage Control, Office of

Permit renewal, 139N, 247R
Shelf stocking, 799N

Firemen Supplemental

Pay, 139N

Liquefied Petroleum Gas Commission

Fuel use, 723N

Motor Vehicles, Office of

Commercial driving schools, 50N, 154ER, 446R
Hardship license, 456N, 602R

Liability coverage, 488ER
U. S. Veteran license plates, 50N, 156R

State Fire Marshal, Office of

Boiler inspections, 140N, 327R
Child Care Food Program Homes, 418ER
Corrected date, 273E
New building specs, 116R

State Police, Office of

Bingo pull-tab, 51N, 157R
Charitable gaming, 488ER, 799N
Criminal Records Unit
Screening applicants, 116R
Hazardous materials unit
Hazardous chemicals, 184N, 327R, 351CR
Transporting of Hazardous Materials, 261N, 446R,
625N, 771R
Training/Education Section
User fee, 116R

REVENUE AND TAXATION DEPARTMENT

Excise Taxes Section

Fuels tax, 261N, 688R
Hazardous waste disposal tax, 184N, 726N
Inspection/supervision fee, 187N

Sales Tax Section

Mardi Gras purchases, 626N

Tax Commission

Appraisals/Assessment, 352P
Hearing, 200P
Meeting scheduled, 576P
Stumpage values, 568P, 772N
Value of property guidelines, 36R, 626N, 802CR

STATE DEPARTMENT

Secretary, Office of

Fees, 457N, 492ER, 689R, 759ER, 800N

**TRANSPORTATION AND DEVELOPMENT
DEPARTMENT**

Highways, Office of

Aircraft use fee, 726N
Escort vehicle registration, 800N
New Orleans Bridges, tolls, 565N, 595ER, 690R
Outdoor Advertising, 458N, 602R
Overweight permit, 263N
Permit fee, 263N, 627N, 759ER, 802CR
Vending services at rest areas, 628N, 802CR

Marine Operations

Ferry tolls, 564N, 595ER, 690R

Mississippi River Bridge Authority

New Orleans Bridge Tolls, 565N, 595ER, 690R

Public Works, Office of

Engineering service fee, 658ER, 727N
Flood control, 395N, 533R

Registration for Professional Engineers and Land

Surveyors, Board of

Re-examination, 458N, 692R
Seal rules, 458N, 692R

Systems Management, Office of

Flight manual, 116R

TREASURY DEPARTMENT

Bond Commission

Fee increase, 365ER, 401N, 538R

Interim Emergency Board

Deficit spending, 348N
Emergency appropriations, 348N, 446R

**State Employees Group Benefits Program, Board of
Trustees**

Article 3, Section VIII (J), 801N
Cardiac rehabilitation, 53N, 248R
COBRA, 1985, 364ER, 396N, 533R, 567N, 692R
Dependent coverage termination date, 727N
Election procedures, 728N
Eligible expenses, 729N
Eligibility provisions, 264N, 367R
Health maintenance organizations, 397N, 535R
Increases accident and health coverage, 8ER
Inpatient deductible, 141N, 268CR
Lifetime maximum, 54N, 249R
Meeting notice, 273P
Plan document of benefits, 188N
Retiree benefits, 347N, 404CR
Veterans health care, 459N, 602R

URBAN AND COMMUNITY AFFAIRS DEPARTMENT

Planning and Technical Assistance, Office of

LCDBG (FY 1984) final statement, 141N, 249R
LCDBG (FY 1985) final statement, 54N, 142N, 159R,
249R
LCDBG (FY 1986) final statement, 55N, 159R, 265N,
368R

WILDLIFE AND FISHERIES DEPARTMENT

Wildlife and Fisheries Commission

Alligator hunting season, 492ER, 629N
Anacoco and Vernon Lakes netting prohibition, 629N,
803CR
Calcasieu Lake Oyster Season, 597ER, 630N
Caney Creek netting prohibition, 403N, 603R
Cross Lake netting, 349N, 603R
Cypremort Pt. State Park netting prohibition, 493ER,
630N, 803CR
Dredging, 730N
Experimental Fisheries, 71CR, 119R, 154ER, 168R
Fountainebleu State Park hunting season, 401N, 603R
Freshwater fish species, 631N, 803CR
Gamefish fingerlings, 70N, 189CR
Goose hunting methods, 631N, 803CR
Grand Isle netting prohibition, 365ER, 402N
Lake Bruin commercial fishing, 36R
Migratory seasons other than waterfowl, 492ER
Migratory birds, season and bag limit, 597ER
Oyster fisheries, 632N
Oyster seed grounds, 143N, 268CR, 331R
Paddlefish, 87ER, 266N, 368R, 404CR
Pompano/black drum harvesting permit, 634N
Resident game species, hunting seasons/bag limits, 403N
Shrimp harvest, reduced, 224ER, 349N, 349N
Shrimp seasons, 36R, 143N, 224ER, 331R
Siesmic fee, 801N
Sister (Caillou) Lake Oyster Seed Reservation, 266N,
404CR
Spanish Mackerel, 142N
Toledo Bend netting prohibition, 402N, 603R
Trapping season, 635N
Underutilized species harvesting permits, 636N

CR—Committee Report

**E—Errata EO—Executive Order ER—Emergency Rule
L—Legislation N—Notice of Intent P—Potpourri
PPM—Policy and Procedure Memorandum R—Rule**

