

CONTENTS

I. EXECUTIVE ORDERS

EWE 84-2—Establish sections within Division of Administration	393
EWE 84-3—Authority over superintendent of Division of State Buildings and Grounds	393
EWE 84-4—Establish Department of Facility Planning and Control for certain functions	393
EWE 84-5—Clearinghouse operation for federal review process	393
EWE 84-6—Establish Governor's Commission for Women	394
EWE 84-7—Order shell dredging study committee	395

II. EMERGENCY RULES

Civil Service Department:	
Civil Service Commission—Preferred re-employment list for probationary employees laid off; conversion of provisional appointment to permanent appointment	395
Education Department:	
Board of Elementary and Secondary Education—Bulletin 741, high school graduation requirements, school day and instruction	396
Health and Human Resources Department:	
Office of Family Security—Federal requirements for timely filing, Medical Assistance Program	397
Tracking Medicare reimbursement principles	397

III. RULES

Agriculture Department:	
Advisory Commission on Pesticides—Pesticide waste	397
Education Department:	
Board of Elementary and Secondary Education—Fourth grade skills; Montessori certification	400
Health and Human Resources Department:	
Office of Family Security—Less than effective drugs	400
Refugee Cash Assistance program applications	401
Reinstatement of three drugs	401
Voluntary Family Responsibility Program	401
Office of the Secretary—Amendments to Rate Setting for Residential Care manual	402
Natural Resources Department:	
Board of Solid Waste Operator Certification and Training—Certification and training	404
Treasury Department:	
Bond Commission—Non-traditional bond financing	409
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Seismic exploration	410
Shrimp seasons inside waters	412

IV. NOTICES OF INTENT

Capital Area Ground Water Conservation Commission:	
Board of Commissioners—Increase pumpage charges	413
Environmental Quality Department:	
Environmental Control Commission—Hazardous waste regulations	413
Hazardous waste regulations, Chapter 22	414
Office of Water Resources—Water quality certification procedures	415

This public document was published at a total cost of \$22,783.20. 1,375 copies of this public document were published in this monthly printing at a cost of \$7,213.40. The total cost of all printings of this document including reprints is \$22,783.20. This document was published by Moran Colorgraphic, 5425 Florida Blvd., Baton Rouge, LA 70806, as a service to the state agencies in keeping them cognizant of the new rules and regulations under authority of R.S. 49:951-968. 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.

Health and Human Resources Department:	
Board of Nursing—Amend R.N. 3.02; amend R.N. 3.041	416
Office of Family Security—Reinstatement of one drug	417
Office of Health Services and Environmental Quality—Fees for Family Life Project	417
Vendor participation in the WIC Program	419
Natural Resources Department:	
Office of Conservation—Pipeline safety amendment	421
Office of the Secretary—Fee assessment for Fishermen’s Gear Compensation Fund	422
Treasury Department:	
Teachers’ Retirement System—Enrollment of substitute workers	422
Part-time employees	423
Urban and Community Affairs Department:	
Office of Planning and Technical Assistance—Certification of unemployment, CDBG final statement	423
Proposed final statement, CDBG program	423

V. POTPOURRI

Education Department:	
Southern University—Change in location of Board of Supervisors meeting	441
Health and Human Resources Department:	
Board of Examiners of Psychologists—Comments on rules on training and credentials	441
Office of the Secretary—Report on Residential Care Rate Setting System	442
Natural Resources Department:	
Fishermen’s Gear Compensation Fund—Claims	443

Executive Orders

EXECUTIVE ORDER EWE 84-2

WHEREAS, it has been found that the Division of Administration required the establishment of sections for its proper administration; and

WHEREAS, over the course of its existence, experience has shown that the creation of certain sections in the Division of Administration has proven to be a justifiable and cost effective method of operation; and

WHEREAS, the existence of certain sections in the Division of Administration has been accepted by other Departments of State Government and the general public; and

WHEREAS, Revised Statute 39:3 (Act No. 42 of 1956) requires that these sections be necessary in the opinion of the Governor and that they be established by executive order of the Governor,

NOW, THEREFORE, I, EDWIN W. EDWARDS, Governor of the State of Louisiana, do hereby order and direct the establishment of the following sections within the Division of Administration.

Section	Budget Unit Number
Administrative Support	30-11-09
Budget Office	01-10-20
Commissioner's Office	01-10-00
Department of the State Register	01-10-10
Facility Planning and Control	01-10-15
Federal Property Assistance	30-09-00
Forms Management	30-11-01
Internal Audit	01-10-30
Legal Section	01-10-50
Management and Program Evaluation	01-10-31
Office of Personnel Services	01-10-11
Office of Information Resources	01-10-18
Comprised of the following subsections:	
Office of Information Management	01-10-17
Office of Information Services	01-10-16
Office of Telecommunications	30-11-05
Rentals and Leases	01-10-70
State Accounting	01-10-40
State Print Shop	30-11-01
State Property Control	30-11-02

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 12th day of April, 1984.

Edwin W. Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE 84-3

WHEREAS, the Division of State Buildings and Grounds is responsible for the security, maintenance and repair of all State buildings on State grounds, and

WHEREAS, the Division of State Buildings and Grounds is responsible for entering into contracts for repairs and purchases for all State buildings on State grounds on a statewide basis; and

WHEREAS, the Division of Administration is the fiscal arm of the Governor and is charged with the budgetary oversight of many of the agencies in those State buildings; and

WHEREAS, usage of State buildings and grounds is a factor in planning done by the Division of Administration, and

WHEREAS, the implementation of tasks assigned to the Division of State Buildings and Grounds require review and approval by the Division of Administration,

NOW, THEREFORE, I, EDWIN W. EDWARDS, Governor of the State of Louisiana, do hereby direct the Commissioner of Administration to assume responsibility for and authority over the Superintendent of the Division of State Buildings and Grounds.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 12th day of April, A.D., 1984.

Edwin W. Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE 84-4

WHEREAS, Acts 1973, No. 164 transferred certain functions of the State Bond and Building Commission, the State Bond Commission, and the Capital Outlay Budget Board to the Division of Administration, and

WHEREAS, the State Bond and Building Commission was established as a principal department within the Executive Department, Office of the Governor by Executive Order No. 40 of 1973, and

WHEREAS, the name of the State Bond and Building Commission was changed to the Department of Facility Planning and Control by Executive Order 51 of 1973, and

WHEREAS, there exists a need to establish the Department of Facility Planning and Control as a department within the Division of Administration for its efficient administration and supervision, and

WHEREAS, Louisiana Revised Statutes, Title 39, Section 3, requires that sections be established by executive order within the Division of Administration, when necessary in the opinion of the Governor.

NOW, THEREFORE, I, EDWIN W. EDWARDS, Governor of the State of Louisiana, do hereby direct and order the establishment of the Department of Facility Planning and Control as a principal department and section within the Division of Administration to exercise those functions transferred and assigned to the Division of Administration by Acts of the Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 12th day of April, A.D., 1984.

Edwin W. Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE 84-5

WHEREAS, the United States Government, pursuant to Presidential Executive Orders 12372 and 12416, wishes to foster an intergovernmental partnership and a strengthened federalism by relying on state and local processes for the state and local government coordination and review of proposed federal financial assistance and direct federal development; and

WHEREAS, the Louisiana Department of Urban and Community Affairs, through its office of the state clearinghouse, is

authorized by R.S. 36:551-559, and R.S. 49:661-664 to operate a federal review process; and

WHEREAS, I have determined that the office of the state clearinghouse process would be acceptable to both state and local elected officials;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me by the constitution and laws of the State of Louisiana, do hereby cancel Executive Order Number DCT 83-22, under which a federal review process was established in the Louisiana State Planning Office, and, instead, do hereby order and direct the office of the state clearinghouse to operate its federal review process with those administrative changes that will take best advantage of the opportunities offered by Presidential Executive Orders 12372 and 12416, and their implementing regulations.

FURTHER, I do hereby order and direct the Louisiana State Planning Office, under its mandate as the state's plan and program review and coordination agency (R.S. 49:1054 et seq.), be included in the process of the office of the state clearinghouse, for purposes of reviewing those financial assistance and direct development proposals that the Louisiana State Planning Office considers to have statewide impact;

FINALLY, in accordance with the federal agencies' regulations implementing the President's executive orders, I designate the office of the state clearinghouse through its assistant secretary, as this state's single point of contact between the state and the federal agencies, for purposes of carrying out this review process.

IN WITNESS WHEREOF, I have hereunto set my hand and officially caused to be affixed, the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 27th day of April, A.D. 1984.

Edwin W. Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE 84-6

WHEREAS, the Constitution of the State of Louisiana assures the equality of rights of each person, without regard to sex, race, religion, national origin or marital status, in order to afford opportunity for the fullest development of each individual in this society; and

WHEREAS, because more than half of the population of our nation and of this state are women, it is imperative that the potential of this segment of our society be realized to the fullest measure; and

WHEREAS, to ensure achievement of this objective, it is necessary to formulate, promote, and review state policies which will provide equal opportunities for and aid in the advancement of women.

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me by the constitution and laws of this state, do hereby order and direct as follows:

Section 1: The Governor's Commission for Women is established in the Department of Health and Human Resources as an advisory body to the Bureau for Women.

Section 2: Membership; Terms; Compensation

A. The commission shall be composed of not more than 30 members, selected as follows:

(1) Two members of the House of Representatives, to be appointed by the Speaker of the House;

(2) Two members of the Senate, to be appointed by the President of the Senate;

(3) The secretary of the Department of Health and Human Resources, or her designee;

(4) The secretary of the Department of Labor, or his designee;

(5) One member of the staff of the Division of Administration, to be appointed by the commissioner of the division;

(6) One member of the staff of the Department of Civil Service, to be appointed by the director of the department;

(7) One member from each of the Mayor's Commissions on the Needs of Women, to be appointed by the governor; and

(8) Ten members appointed by the governor from the state at large.

(B) The director of the Bureau for Women shall be an ex-officio member of the commission.

(C) Each member of the commission shall serve a term of two years.

(D) Members of the commission shall receive no compensation for their services, but shall be reimbursed for actual travel and travel-related expenses incurred in the performance of their duties in accordance with regulations of the Division of Administration.

Section 3: Director

(A) The Bureau for Women shall select a member of its administrative staff to serve as executive director of the commission, under the supervision of the bureau. The director shall be a full-time member of the classified civil service system.

(B) The executive director shall be responsible for effectuating the responsibilities of the commission and shall perform other duties assigned by the director of the Bureau for Women in accordance with the actions of the commission.

(C) The executive director, with the approval of the commission, shall adopt and promulgate rules and regulations consistent with the provisions of this order.

Section 4: The duties of the commission are to:

(1) Address issues affecting women such as education, domestic violence, displaced homemakers, women's health, legal rights for women, networking, child care, sexual assault, job training for disadvantaged women, teen parenting, and sex discrimination, and to develop strategies and recommend solutions to these problems.

(2) Hold conferences and workshops around the state to identify needs and concerns of women and their families, to apprise women of their rights and opportunities, and to recommend assistance and services in those areas.

(3) Address the needs of women as new programs are planned, such as the Job Training Partnership Act and the Community Development Block Grant Program, and to make recommendations to the appropriate groups for action.

(4) Provide information and guidance through publications on issues affecting women.

(5) Secure recognition of women's accomplishments and contributions to Louisiana.

(6) Identify and assess the employment and economic status of women in Louisiana.

(7) Integrate the needs of women in Louisiana into the state budget process.

(8) Monitor legislation affecting women.

(9) Consider the needs of women in the long-range planning process for Louisiana.

(10) Respond to changes at the federal level in the best interests of the women in Louisiana.

(11) Research and maintain statistics on the status of women.

(12) Participate with other established task forces and policy groups, especially in the area of jobs and health and human services.

(13) Aid the governor in finding and recommending qualified women for appointive offices.

The commission may establish special task forces to perform these duties.

Section 5: The commission shall convene at least once each quarter and at other times on call of the director. A majority of the membership of the commission shall constitute a quorum for conducting the business of the commission. A majority vote of the members present shall be sufficient to approve actions of the commission.

Section 6: The commission shall present an annual report of its findings, recommendations, and actions to the governor and the legislature.

Section 7: The commission is authorized to receive or accept grants, donations, or contributions of money or service from public or private sources and is further authorized to expend any funds made available from public or private sources to carry out its purposes.

Section 8: The secretary of the Department of Health and Human Resources shall cooperate with the commission and shall make available to the director of the commission any resources and equipment necessary to facilitate the activities of the commission. Each state and local governmental agency is directed to cooperate with and to assist the commission in the performance of its duties.

Section 9: This executive order shall remain in effect until modified, amended, or rescinded by the governor, or until terminated by operation of law.

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 4th day of May, 1984.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE 84-7

WHEREAS, considerable economic benefits are derived through utilization of natural resources located both within the waters of the state and on its waterbottoms; and

WHEREAS, it is desirable that the shell dredging industry, commercial and sport fishing interests, and other interested groups be able to use or harvest these resources; and

WHEREAS, there are genuine disagreements as to whether there can be compatibility among these respective groups in their utilization of state waters and waterbottoms; and

WHEREAS, no comprehensive study of the effects of water-related natural resource usage, especially shell dredging, has been undertaken to determine the most efficient and prudent management of state waters and waterbottoms; and

WHEREAS, there exists a present and urgent need for a thorough study of the economic, environmental, and other effects of shell dredging upon the comprehensive and beneficial use of state waters and waterbottoms; and

WHEREAS, it is necessary that there be a moratorium imposed on the issuance of new shell dredging permits or licenses pending the completion of the aforementioned study; and

NOW THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me by the constitution and laws of the State of Louisiana, do hereby order and direct as follows:

1. The secretary of the Department of Natural Resources shall form a committee to study the economic, environmental and other effects of shell dredging within Louisiana waters, and to complete said study within two years of the effective date of this order.

2. No new permits or licenses for shell dredging within Louisiana waters shall be granted for a period of two years, begin-

ning on the effective date of this order. This two year moratorium shall not apply to shell dredging permits and licenses in effect on the effective date of this order, or to any modifications or terminations thereof.

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 4th day of May, 1984.

Edwin Edwards
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Civil Service Civil Service Commission

In accordance with Civil Service Rule 2.10(f) the State Civil Service Commission at its regularly scheduled meeting in New Orleans on April 4, 1984 adopted additions and changes to existing Civil Service Rules in accordance with the emergency procedure provided by that Rule 2.10(f).

The reason for the emergency adoption of the Rule creating a department preferred re-employment list for probationary employees was done in order to provide those probationary employees who are laid off as a result of Executive Order to be given preferential rights for re-employment in the same class from which they were laid off if approval is obtained for whatever reason to fill that position subsequent to the lay off. It was felt necessary to enact that Rule to prevent any unfairness that may result from the filling of such a position within one year from the date of the layoff.

The reason for the adoption of the Rule causing the conversion of a provisional appointment to a permanent appointment is because it is recognized that a provisional appointment is made only when a complete list of eligibles cannot be furnished by this Department to an appointing authority and, if such list cannot be furnished within a two year period, it is felt that such provisional employees should not be denied permanent status because of that inability. This position is further in accord with the rationale recognized in *Finley vs. Department of Corrections*, 351 So.2d 811 (1st Cir., 1971).

AMENDMENT TO CIVIL SERVICE RULE 8.12, 9.4(f), and 17.24 CHAPTER 8

8.12 Termination of Provisional Appointment.

(a) . . .

(b) Whenever a person has been occupying a position continuously serving on a provisional appointment for a period of two years or more, the Director may direct placement of the incumbent on a permanent appointment. This rule will not apply to positions that were filled by provisional job appointment.

CHAPTER 9

9.1 Probationary Period.

(a) . . .

(b) . . .

(c) . . .

(d) . . .

(e) . . .

(f) Subject to the provisions of Rule 17.24.1(a), a former

permanent employee who is appointed from a department preferred reemployment list is not required to serve a probationary period in the new position.

(g) . . .

CHAPTER 17

17.24.1 PROBATIONARY DEPARTMENT PREFERRED REEMPLOYMENT LIST.

(a) A probational employee separated by layoff action shall, in accordance with his stated conditions of availability, and upon application in writing within 60 calendar days following layoff, have his name entered on the department preferred reemployment list for the commuting area and class of position he held in the affected agency or department at the time of such layoff. This eligibility shall extend to 12 months from the effective date of such layoff. A probationary employee hired from such a list shall serve a new six-month probationary period. Such employees shall be ranked in the order of length of State service, according to the provisions of Rule 1.39.2, they had at the time of the layoff. Among those whose length of State service is identical, all shall be considered to have the same ranking. If such an employee declines an offer to a probationary appointment following certification from a department preferred reemployment list, his name shall be removed from the list. Such employees are subject to Rule 17.24(g).

(b) Subject to the provisions of Subsection (a) of this Rule, such employees shall also have department preferred reemployment rights to job appointments.

(c) A probationary department preferred reemployment list may, but need not, be used in preference to the appointment of a permanent employee who resigns from one department without a break in service, to be reemployed in another department on a probationary appointment.

(d) If there are both permanent and probationary employees on department preferred reemployment lists, no probationary employee can be appointed unless all applicable permanent employees' names have been depleted, according to the provisions of Chapter 17 of these Rules.

Herbert L. Sumrall
Director

DECLARATION OF EMERGENCY

Board of Secondary and Elementary Education

The State Board of Elementary and Secondary Education, at its meeting of April 26, 1984, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and adopted the following item as an Emergency Rule:

Revised Bulletin 741, *Louisiana Handbook for School Administrators* with the following amendments:

Delete Rule 1.009.15, p. 10 of proposed Bulletin 741 and substitute with Rule 1.009.16 as follows:

"Each school system shall adopt a calendar for a minimum session of 180 days, two semesters of 90 days each, of which at least 177 days shall be scheduled to provide the required instructional time. A school system shall not operate with fewer than 175 school days without permission from the State Board of Elementary and Secondary Education."

Rule 2.037.10, p. 30 of proposed Bulletin 741 (amended for K-8)

The 360 minute instructional time requirement was delayed for one year for grades K-8; however, the 360 minute in-

structional time requirement for grades 9-12 becomes effective for the 1984-85 school year.

MINIMUM REQUIREMENTS FOR HIGH SCHOOL GRADUATION - Effective 1984-85*

ENGLISH	4 units
Shall be English I, II, and III in consecutive order; and English IV or Business English.	
MATHEMATICS	3 units
Shall be Algebra I, Geometry or Algebra II; and one of the following:	
Advanced Math, Calculus, Business Math or Consumer Math.**	
SCIENCE	3 units
Biology and two of the following :	
General Science or physical science; Earth Science; Chemistry; Physics; Aerospace science.	
SOCIAL STUDIES	3 units
Shall be American History; Civics and Free Enterprise; and one of the following:	
World History, World Geography, Western Civilization.***	
HEALTH AND PHYSICAL EDUCATION	2 units
Shall be Physical Education I and Physical Education II, or Adapted Physical Education for eligible special education students.	
NOTE: The substitution of R.O.T.C. is permissible. A maximum of 4 units may be used towards graduation.	
COMPUTER LITERACY****	1/2 unit
ELECTIVES	7 1/2 units*****
TOTAL	23 units****

* Effective, 1985-86 for the Computer Literacy requirement.

** Both Geometry and Algebra II may be taken to earn the required units.

*** Contingent upon legislative action, free enterprise and civics shall be offered as a single unit. (1/2 unit each) In the absence of legislative action, civics shall be one unit and free enterprise shall be 1/2 unit, making a total of 3 1/2 units in social studies.

**** Effective, school year 1985-86.

***** Becomes 7 units if the Legislature does not act to combine free enterprise and civics.

DEFINITIONS RELATING TO SCHOOL DAY AND INSTRUCTION

School Day

The daily period of time established by the LEA as the official operating hours of the school for administrative and instructional purposes, as well as co-curricular activities.

Instructional Time

The scheduled time designated for teaching courses outlined in the program of studies.

Co-Curricular Activities

Those activities that are relevant, supportive, and are an integral part of the program of studies and which are under the supervision and/or coordination of the school instructional staff.

Extra-Curricular Activities

Those activities which are not directly related to the program of studies but are under the supervision of school instructional staff and are considered valuable for the overall development of the student. Extra-curricular activities shall not be scheduled during instructional time.

This emergency adoption is necessary in order for the local systems to schedule their classes for the 1984-85 school year.

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

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

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provision of the Administrative Procedure Act, (R.S. 49:953 B), to eliminate the more restrictive state regulations concerning timely filing of claims by providers of services rendered to recipients of Title XIX.

RULE

For any claim adjudicated beginning May 8, 1984, in the Medical Assistance Program, the federal requirements for timely filing, found in 42 CFR 447.45 (d)(1), will be in effect.

The Title XIX State Plan, Attachment 4.19E, pages 1, 2 and 3, shall be amended to delete Section II., entitled "Time Limitation".

This action is necessary to facilitate payment of claims for services rendered to individuals in application status who subsequently become eligible for Title XIX. Claims may not be processed until an individual is certified as eligible.

There are, however, situations in which the time required to certify an individual exceeds the more restrictive state claims filing limitations. In these situations, when the individual does become eligible, the claims for services rendered during this period must be manually processed. Providers, therefore, experience substantial delays in receiving payment and are reluctant to render services to these individuals.

This measure would encourage providers to render services by allowing the additional time to file a claim. Without this extended time frame, recipients would be imperiled by a lack of qualified providers who would be willing to render services.

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 amend the Title XIX reimbursement methodology for inpatient hospital services, effective with this notice, to track Medicare reimbursement principles for the ceiling on the rate of increase in operating costs (42 CFR 405.463) for all cost settlements on or after this date. Medicare's cost limitations (223 limits) under 42 CFR 405.460 shall not be applied under this reimbursement methodology.

The Medicare (Title XVIII) reimbursement principles being tracked were enacted under the Tax Equity and Fiscal Responsibility Act of 1982 (Public Law 97-248) and were published in the September 30, 1982, *Federal Register* (Volume 47, Number 190, pages 43286-43293, Part III).

This emergency rule is necessary to prevent imminent peril to the health and welfare of Medicaid recipients by ensuring the continued participation of an adequate number of hospital providers to render inpatient hospital services to all Medicaid recipients under the provisions of the Title XIX Medical Assistance Program.

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

Rules

RULE

**Commissioner of Agriculture
Advisory Commission on Pesticides**

Notice is hereby given that the Commissioner of Agriculture, pursuant to Notice of Intent published in the *Louisiana Register* on November 20, 1983, and in accordance with the authority granted under R. S. 3:3203, and upon the recommendations of the Advisory Commission on Pesticides under the authority granted to the Commission under R. S. 3:3213, has adopted the following amendments and additions to the Rules and Regulations for the Implementation of R. S. 3:3201-3280 following public hearings conducted on November 30, 1983, in Baton Rouge before the Advisory Commission on Pesticides; on December 7, 1983, in Monroe; on December 8, 1983, in Shreveport; on December 14, 1983, in Gretna; on December 21, 1983, in Alexandria; on December 28, 1983, in Jennings; and on January 5, 1984, in Baton Rouge before the Advisory Commission on Pesticides and April 5, 1984, in Baton Rouge before the Advisory Commission on Pesticides:

**AMENDMENTS TO RULES AND REGULATIONS
RELATIVE TO MANAGEMENT OF PESTICIDES
IN ACCORDANCE WITH R. S. 3:3201-3280**

- 25.0 General Requirements for Pesticide Waste
- 26.0 Handling Spills by Commercial Applicators
- 27.0 Procedures Governing Handling of Pesticide Containers by Commercial Applicators (Except Bulk Pesticide Containers)
- 28.0 Procedures for Constructive Recycling by Commercial Applicators of Unused Portions of Pesticides and/or Rinsate of Pesticides Which, Upon Disposal, are Classified as Hazardous Wastes under EPA Regulations
- 29.0 Requirements for Closed Containment Systems of Commercial Applicators
- 30.0 Requirements for Surface Impoundments of Commercial Applicators: Procedures for Management of Unused Portions of Pesticides and/or Rinsate of Pesticides Which, Upon Disposal, are not Classified as Hazardous Wastes Under EPA Regulations
- 31.0 Schedule for Implementation of Surface Impoundments by Commercial Applicators

* * * * *

- 25.0 General Requirements for Pesticide Waste
- 25.1 Waste water which, upon disposal, is classified as a hazardous waste.
On or before December 31, 1984, all commercial applicators applying pesticides which, upon disposal, are classified as a hazardous waste must implement a containment system for reuse or apply the waste immediately to the site of application.
- 26.0 Handling Spills by Commercial Applicators
 - A. All uncontained spills of more than one gallon liquid or four pounds dry weight must be reported to the Director of Pesticides and Environmental Programs within 24 hours by telephone and by written notice within three days.

B. Commercial applicators are responsible for the cost of cleanups resulting from pesticide spills in their operations.

27.0 Procedures Governing Handling of Pesticide Containers by Commercial Applicators (Except Bulk Pesticide Containers)

27.1 Storage areas for full or partially full pesticide containers.

A. Pesticide containers must be stored in a secure, locked enclosure.

B. Pesticide containers must be free of leaks.

C. The storage area must be maintained in good condition, without unnecessary debris.

27.2 Empty containers must be stored in a secured area. Empty containers may be kept for no more than 90 days after the end of the spraying season.

27.3 Metal, glass, and plastic containers.

A. All metal, glass and plastic containers must be triple-rinsed, immediately after the pesticide is removed by the following, or equivalent procedures:

(1) Using a solvent capable of removing the pesticide, fill each container with solvent equal to approximately ten percent of the volume of pesticides originally contained in the container.

(2) Agitate the solvent thoroughly on all interior surfaces of the container. Agitation may be accomplished by use of agitation equipment approved by the Department or by manual agitation of the solvent.

(3) Repeat the above procedure three times.

(4) If the rinsate containing the solvent can be used again in subsequent applications of the pesticide without reducing the effectiveness of the pesticide, place the rinsate in the containment tank specified for that pesticide. If the rinsate is not classified as a hazardous waste upon disposal, it may be placed in an approved surface impoundment.

B. Upon completion of the above triple-rinsing procedures, containers may be disposed of as follows:

(1) By disposal in any permitted solid waste facility (sanitary landfill), provided that, prior to disposal in a solid waste facility, the pesticide applicator must pierce all metal and plastic containers in both ends,

(2) By prior agreement, by return (for credit or otherwise) to the pesticide sales agent or the pesticide manufacturer,

(3) By resale to a third party for recycling or reconditioning, or

(4) By return to the person contracting for the pesticide application.

27.4 Paper and plastic bags.

A. All pesticides shall be removed from paper and plastic bags to the maximum extent possible when the pesticide is initially mixed for application. Thereafter, containers shall be disposed of as follows:

(1) Cut all sides of the container and open the container fully, without folds or crevices, on a flat surface; shake any pesticides remaining in the opened container into the pesticide mix.

(2) After cutting and flattening such pesticide containers, dispose of containers in a solid waste facility (sanitary landfill).

28.0 Procedures for Constructive Recycling by Commercial Applicators of Unused Portions of Pesticides and/or Rinsate of Pesticides Which, Upon Disposal, are Classified as Hazardous Wastes Under EPA Regulations

28.1 The Commissioner shall annually, on or before December 31, publish in the Louisiana Register a full and complete list of all pesticides which, upon disposal, are classified as hazardous wastes under regulations of EPA and may supplement such listing at any time when any changes in such classifications are made by EPA.

28.2 Applicators of pesticides covered under this rule may recover and constructively reuse any unused portions of such pesticides and/or any rinsate of such pesticides by one of the following methods:

A. By immediate reapplication of the unused portion of the pesticide and/or the rinsate in accordance with label and labeling requirements for that pesticide, or

B. By transferring to a closed containment system meeting the requirement of Rule 29.0.

C. By disposal in a permitted hazardous waste facility.

28.3 All unused pesticides and/or rinsate from pesticides classified as a hazardous waste upon disposal must be removed from containment tanks in less than 90 days after deposit therein.

28.4 In less than 90 days after the final application for the season of a pesticide classified as a hazardous waste upon disposal, the applicator must remove the contents of each containment tank, triple rinse the containment tank by procedures equivalent to triple rinsing, and apply such tank contents and rinsate in accordance with label and labeling requirements governing the initial application of the pesticide.

29.0 Requirements for Closed Containment Systems of Commercial Applicators

29.1 Commercial applicators electing to install closed containment systems for pesticides classified as a hazardous waste upon disposal must have such systems completed and operational on or before December 31, 1984. Following the effective date of this rule, any commercial applicator who is certified or licensed after January 1, who elects to install a closed containment system for pesticides classified as a hazardous waste upon disposal, must have such system completed and operational before the issuance of the certification or license.

29.2 Containment tanks.

A. Different containment tanks must be installed for different pesticides and/or rinsate of pesticides, except the same containment tanks may be used for two or more pesticides when such pesticides are physically and chemically compatible and when their mixing is not prohibited by their labels.

B. Each containment tank shall meet the following requirements:

(1) Must be constructed of material of sufficient strength and be compatible with the pesticide and/or rinsate to be placed within the tank,

(2) Must be free of leaks, cracks, holes, or other deterioration at all times,

(3) Must be in good operating order at all times,

(4) Must be designed to allow drainage of the entire contents and be triple rinsed,

(5) Must be equipped with stopcocks, at appropriate locations, to prevent any leakage of the contents during storage or transfer of the contents,

(6) Must be equipped with an opening to allow for sampling.

29.3 Containment tank foundation.

A. The containment tank foundation shall be solidly constructed of a material sufficiently impervious to contain leaks, spills, and accumulated pesticides and/or rinsate of pesticides;

B. The foundation covering must be free of cracks which might allow leakage;

C. The foundation must be sloped to facilitate cleanup of inadvertent spills;

D. The foundation must be constructed with a rim of sufficient height to contain run-off from cleanup activities or inadvertent spills and be protected from flood waters;

E. The foundation must be so constructed as to discharge all liquids into a sump.

F. Tanks must be located at sufficient elevation to allow visual detection of leakage of the contents.

29.4 Storage requirements.

All containment tank(s) must be located in a secured area and protected from flood waters.

29.5 Location requirements; submission of preliminary site plans.

Containment systems must be located a suitable distance from any adjacent buildings, property lines, or public access roads. Site plans showing location of the containment system must be submitted for the approval of the Commissioner prior to construction. These plans may be rudimentary; the purpose of such submission is to avoid unnecessary expense by the applicator.

29.6 Requirements for final approval of containment systems.

Final plans and specifications for construction of a closed containment system must be approved by the Commissioner, and must be filed with the Department of Agriculture, subject to the approval of the Commissioner, prior to the start of construction. In his consideration for approval of such plans and specifications, the Commissioner may, at his discretion, be assisted by an ad hoc advisory committee consisting of such experts as may be appointed by the Commissioner.

30.0 Requirements for Surface Impoundments of Commercial Applicators: Procedures for Management of Unused Portions of Pesticides and/or Rinsate of Pesticides Which, Upon Disposal, are not Classified as Hazardous Wastes Under EPA Regulations

30.1 Unused portions of pesticides and/or rinsate resulting from the application of pesticides not classified as a hazardous waste upon disposal should be handled by one of the following methods:

A. By subsequent, immediate reapplication in accordance with label and labeling requirements for the pesticide,

B. By deposit in a closed containment system which meets the requirements of Rule 29.0 hereof,

C. By disposal in surface impoundments which meet the requirements of this rule, or

D. Any other methods approved by the Commissioner.

30.2 Surface impoundment foundation.

Surface impoundments must rest on a foundation or base capable of providing (A) adequate support for the required liners; (B) sufficient resistance to pressure gradients above and below the liners to prevent failure of the liners due to settlement, compression, or uplift; and (C) double liners must be entirely above the seasonal water table.

30.3 Surface impoundment liners.

A. Surface impoundment liners are defined as any continuous layer of material, beneath and on the sides of a surface impoundment, which restricts the downward or lateral escape of pesticides, pesticide rinsate, and/or any leachate.

B. The bottom and all sides of the surface impoundment must be constructed with two liners separated by a barrier of sand or other porous material which is at least one foot thick.

C. Liners must have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with pesticides and/or pesticide residues, rinsate and/or leachate to which they are exposed, stress of installation, and/or stress of daily operation.

D. Liners must have tight seams and joints and cannot contain tears, punctures, or blisters.

E. Liners must extend to the top of the dike required under Rule 30.5.

30.4 Leachate detection system.

A. A leachate detection system approved by the Department must be placed between the liners required in Rule 30.3.

B. The leachate detection system shall be placed above the lower liner at the lowest point of the excavation to assure that any seepage from the upper layer will percolate to this point.

C. The leachate detection system must be so constructed as to permit sampling from an accessible surface location.

D. The leachate detection system must be monitored weekly by the owner-operator; if a leak is detected the impoundment shall be closed as per Rule 31.4.

30.5 Levees (dikes).

A. Surface impoundments must be surrounded by levees (dikes) that are designed, constructed, and maintained with sufficient structural integrity to prevent any failure of the levees (dikes).

B. The base of the levee (dike), at land surface level, must be of sufficient width to support the height of the levee (dike).

C. The height of the levee (dike) must be equal to or greater than the requirements of the U. S. Geological Survey's 100-year flood plain.

30.6 Surface impoundment depth requirements.

Surface impoundments must be of sufficient depth to permit a minimum free-board of at least two feet below the top surface of the dike at all times.

30.7 Surface impoundment cover and enclosure requirements.

A. Surface impoundments shall be equipped with a cover of translucent material and must be constructed in compliance with all applicable local building codes.

B. Surface impoundments shall be enclosed within a fence of sturdy material, at least six feet in height, with a locked gate. At the option of the owner-operator, containment tanks and container storage may be placed in the same enclosure.

30.8 Location of surface impoundments.

Surface impoundments shall be located 100 feet within property lines, and at least 300 feet from personal dwellings and public facilities.

30.9 Submission of preliminary site plans required.

Site plans shall be submitted for approval by the Commissioner prior to any new construction of surface impoundments. These plans may be rudimentary; the purpose of such submission is to avoid unnecessary expense by the applicator.

30.10 Requirements for final approval for construction of surface impoundments.

Final plans and specifications for construction of surface impoundments must be stamped by a licensed engineer who is approved by the Commissioner and must be accompanied by the engineer's certification that the surface impoundment to be constructed will meet all requirements of this rule. Final plans and specifications must be filed with the Department, subject to the approval of the Commissioner, prior to the start of construction. In his consideration for approval of such plans and specifications, the Commissioner may, at his discretion, be assisted by an ad hoc advisory committee consisting of such experts as may be appointed by the Commissioner.

31.0 Schedule for Implementation of Surface Impoundments by Commercial Applicators

31.1 Commercial applicators may continue to use existing surface impoundments (A) which, upon monitoring, are approved by the Commissioner, or (B) which meet all requirements of Rule 30.0.

31.2 Surface impoundments in operation at the effective date of these regulations which can be brought into compliance with the requirements of Rule 30.0 may be upgraded and thereafter used by commercial applicators. Improvements necessary to bring such existing surface impoundments into compliance with

Rule 30.0 must be completed and in place no later than December 31, 1984. Plans and specifications for bringing such surface impoundments into compliance with Rule 30.0 must be stamped and certified by a licensed engineer who is approved by the Commissioner; the engineer's certificate shall be to the effect that, after completion of the proposed improvements, the surface impoundment will meet all requirements of Rule 30.0. Plans and specifications for such modifications to existing surface impoundments must be filed with the Department, subject to the approval of the Commissioner, prior to the start of construction. In his consideration for approval of such plans and specifications, the Commissioner may, at his discretion, be assisted by an ad hoc advisory committee consisting of such experts as may be appointed by the Commissioner.

31.3 Surface impoundments in operation at the effective date of these regulations which, upon monitoring, are not approved by the Commissioner and/or which cannot be brought into compliance with the requirements of Rule 30.0 shall be permanently closed no later than December 31, 1984. The contents of such surface impoundments shall be left undisturbed to evaporate; any solid residues remaining after evaporation of all liquids shall be removed and disposed of at a permitted hazardous waste disposal facility; and the excavation shall be filled under the supervision or with the prior approval of the Department of Agriculture.

31.4 Whenever violative levels of pesticides classified as a hazardous waste upon disposal are detected in any sample taken from a surface impoundment, whether the surface impoundment was in operation at the effective date of these regulations or installed after the effective date of these regulations, such surface impoundment may be immediately and permanently closed and, if closed, all contents thereof shall be removed and disposed of at a permitted hazardous waste disposal facility. The financial responsibility of closing a surface impoundment belongs to the commercial applicator and/or property owner.

31.5 Insofar as the disposal of a pesticide waste is concerned, commercial applicators who generate hazardous pesticide waste and who do not comply with these regulations shall be subject to the regulations governing hazardous pesticide waste under the jurisdiction of the Department of Environmental Quality until such time as the Commissioner of Agriculture promulgates regulations governing hazardous pesticide waste.

Bob Odom
Commissioner

RULES

Board of Elementary and Secondary Education

Rule 3.01.09.b

The Board adopted a performance standard for the Fourth Grade Basic Skills Test to be 80 percent of the total items on each of the language arts and mathematics tests.

Rule 4.01.40.b

The Board adopted an amendment to Bulletin 746 to reflect the addition of the Montessori Institute of America as an approved course of study for certification purposes for Montessori certification in Louisiana.

James V. Soileau
Executive Director

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office

of Family Security, shall implement the following rule in the Medical Assistance Program:

RULE

Effective June 1, 1984, Title XIX reimbursement will no longer be made for the following drugs, deemed "less than effective":

Trade Name	Active Ingredient	Dosage Form/ Route	Firm
AVC	Allantoin Aminacrine Hydrochloride Sulfanilamide	Crn/Vag	Merrell Dow
Anaspaz-PB	L-Hyoscyamine Sulfate Phenobarbital	Tab/Ora1	B. F. Ascher
Atropine Sulfate, Hyoscyamine Sulfate, Scopolamine	Atropine Sulfate Hyoscyamine Sulfate Phenobarbital	Tab/Ora1	National Pharm. Alliance
Hydrobromide, and Phenobarbital	Scopolamine Hydrobromide		
Atropine Sulfate Phenobarbital	Atropine Sulfate Phenobarbital	Tab/Ora1	Numerous manufac- turers
Barbidonna	Atropine Sulfate Scopolamine Hydrobromide Hyoscyamine Sulfate Phenobarbital	Tab/Ora1 Elx/Ora1	Mallinck- rodt Wallace Labs
Barophen	Atropine Sulfate Hyoscyamine Sulfate Phenobarbital Scopolamine Hydrobromide	Elx/Ora1	National Pharm. Mfg.
Bay-Ase	Atropine Sulfate Hyoscyamine Hydrobromide Phenobarbital Scopolamine Hydrobromide	Elx/Ora1	Bay Labs
Belabarb	Atropine Sulfate Hyoscyamine Hydrobromide Hyoscyamine Hydrobromide Phenobarbital	Tab/Ora1	Arnar Stone
Belladenal	Bellafoline levorotary Alkaloids of belladonna as the maleates Phenobarbital	Tab/Ora1	Sandoz
Belladenal-S	Bellafoline levorotary Alkaloids of belladonna as the maleates Phenobarbital	Tab/Ora1	Sandoz
Belladonna Alkaloids and Phenobarbital	Atropine Sulfate Hyoscyamine Sulfate Phenobarbital Scopolamine Hydrobromide	Tab/Ora1	Lemmon
Bellastal	Atropine Sulfate Hyoscyamine Sulfate Phenobarbital Scopolamine Hydrobromide	Cap/Ora1	Warton Labs
Butabar Belladonna	Belladonna Alkaloids Butabarbital Sodium	Elx/Ora1	National Pharm. Mfg.
Butibel	Belladonna Extract Butabarbital Sodium	Tab/Ora1 Elx/Ora1	McNeil
Donnatal	Atropine Sulfate Hyoscyamine Sulfate Phenobarbital Scopolamine Hydrobromide	Elx/Ora1 Cap/Ora1 Tab/Ora1	Robins
Enarax	Oxyphencyclimine Hydrochloride Hydroxyine Hydrochloride	Tab/Ora1	Pfizer
Gantrisin	Sulfisoxazole	Crn/Vag	Roche
Homapin-PB	Homatropine Methylbromide Phenobarbital	Tab/Ora1	Mission Pharm.
Hybephen	Atropine Sulfate Hyoscyamine Sulfate Phenobarbital Scopolamine Hydrobromide	Tab/Ora1	Beecham Labs
Kinesed	Atropine Sulfate Hyoscyamine Hydrobromide Hyoscyamine Sulfate Phenobarbital	Tab/Ora1	ICI
Koro-sulf	Sulfisoxazole	Crn/Vag	Holland- Rantos
Levsin w/Phenobarbital	Hyoscyamine Sulfate Phenobarbital	Elx/Ora1 Dps/Ora1 Tab/Ora1	Kremers- Urban

Trade Name	Active Ingredient	Dosage Form/ Route	Firm
Neoquess	Atropine Sulfate Hyoscyamine Sulfate Phenobarbital Scopolamine Hydrobromide	Tab/Oral	O'Neal Jones & Feldman
Phenobarbital and Belladonna	Atropine Sulfate Hyoscyamine Hydrobromide Phenobarbital Scopolamine Hydrobromide	Elx/Oral	Pharmaceu- tical Assoc.
Proternoli	Isoproterenol Hydrochloride	SRT/Oral	Key
Spalix	Atropine Sulfate Hyoscyamine Sulfate Phenobarbital Scopolamine Hydrobromide	Elx/Oral Tab/Oral	Reid Provident Labs
Spasmoatol	Atropine Sulfate Hyoscyamine Sulfate Phenobarbital Scopolamine Hydrobromide	Elx/Oral	Pharma- ceutical Assoc.
Susano	Atropine Sulfate Hyoscyamine Sulfate Phenobarbital Scopolamine Hydrobromide	Elx/Oral	Halsey Drug
Vistrax	Oxyphencyclimine Hydrochloride Hydroxyzine Hydrochloride	Tab/Oral	Pfizer
Vytone	Diiodohydroxyquin Hydrocortisone	Crm/Top	Dermik Labs
Westhiazole	Sulfathiazole	Je1/Vag	Westwood

RULE
Effective June 1, 1984, Title XIX reimbursement will be
reinstated for the following three drugs:

Trade Name	Active Ingredient	Dosage Form/ Route	Firm
Azo Gantanol	Phenazopyridine Hydrochloride Sulfamethoxazole	Tab/Oral	Roche
Synalgos	Aspirin Caffeine Promethazine Hydrochloride	Cap/Oral	Ives
Synalgos DC	Aspirin Caffeine Dihydrocodeine Bitartrate Promethazine Hydrochloride	Cap/Oral	Ives

Reimbursement for these drugs was discontinued in a final rule, effective October 30, 1981, as published in the *Louisiana Register*, Vol. 8, No. 2, page 67, because it was determined to be "less than effective" by the Food and Drug Administration (FDA). However, the Medical Assistance Program was advised by the United States Department of Health and Human Services, Health Care Financing Administration by Transmittal No. 10, Part 4, of the State Medicaid Manual, dated February, 1984, that the above stated drugs have been determined to be effective by the FDA, and therefore payment may be made for these drugs.

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

This action is necessary because Section 2103 of the "Omnibus Budget Reconciliation Act of 1981" (P.L. 97-35) prohibited the use of Federal funds, therefore discontinuing reimbursement, under Medicare, Part B and Medicaid for expenses incurred on or after October 1, 1981, for drugs identified in Section 2103. Identical products made by manufacturers not shown on the list are also excluded from payment.

List of drugs deemed "less than effective" and identical, related and similar to "less than effective" drugs were published in the *Louisiana Register* on November 20, 1981, September 20, 1982, February 20, 1983 and August 20, 1983.

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, shall implement the following rule change in the Refugee Cash Assistance Program based on 45 CFR 400.62 (3) of the federal regulations:

RULE

An application shall be taken and Refugee Cash Assistance provided to the refugee age 65 or over, blind, or disabled. These refugees will be referred to the Social Security Administration for Supplemental Security Income Application. Such refugees must have resided in the United States for less than an 18 - month period from their initial entry to the country.

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, shall implement to adopt the following rule in the Medical Assistance Program:

RULE

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

The Department of Health and Human Resources, Office of Family Security, hereby implements a Voluntary Family Responsibility Program as authorized by Act 672 of the 1983 Regular Legislative Session. The program will be administered in accordance with the policy and procedures outlined below.

RULE

The Voluntary Family Responsibility Program for Long Term Care Residents provides a State Income Tax Credit for a relative who voluntarily contributes toward the personal and medical expenses of an individual in a Skilled Nursing Facility, Intermediate Care Facility I or II or an Intermediate Care Facility for the Handicapped whose income and resources are insufficient to meet the cost of such care. The income tax credit is effective with the taxable period beginning January 1, 1983.

The tax credit allowed for the taxable year is an amount equal to thirty-three and one-third percent of the amount contributed in the family responsibility program. The tax credit shall not exceed \$200 per year.

To be eligible for this tax credit, a written agreement must be completed by the relative contributor with the local Office of Family Security in the parish in which the facility is located. The written agreement states the amount of monetary contribution to be made to the patient or made to the facility to be applied specifically to the patient's personal care needs, medical insurance premiums and/or facility fee. A tax credit is not provided for in-kind contributions or contributions made for services other than the services stated above. For a non-medicaid individual verification of contributions is only necessary when there is a retroactive period being claimed. It is the responsibility of the claimant to provide adequate verification of contributions made and to report changes in contributions.

To implement the program immediately for the 1983 tax year, the procedures outlined below shall apply:

A. Medicaid Applicants and Recipients

A copy of the leaflet on the Family Responsibility shall be provided an applicant/recipient for Long Term Care or to the responsible party at application/redetermination except when the responsible party resides out-of-state.

For Medicaid applicants who are ineligible the month of admission because of the full calendar month policy and a relative will contribute for the admission month only, the agreement shall be completed designating the one month only space, unless contributions will continue.

If there is a regular contribution for a Medicaid eligible, the contribution shall be budgeted under income.

If a relative contributes a medical insurance premium payment, the medical insurance premium shall be budgeted as an expense and also shown as contributed income.

B. Public ICF-H Residents

Office of Mental Retardation will provide a copy of the leaflet on the Family Responsibility Program to the parent or legal guardian at the time of Medicaid application.

If the parent plans to make a monetary contribution, he will be advised to contact the Parish Office of Family Security.

C. Non-Medicaid Claimants

Copies of the leaflet explaining the Voluntary Family Responsibility Program will be provided the Long Term Care facilities for use in referrals of non-Medicaid individuals. The interested individual will then contact OFS directly.

The parish office copy of a written agreement shall be filed in a facility folder, a copy given the relative and a copy mailed to the Louisiana Department of Revenue and Taxation.

If the claimant is ineligible, he shall be provided a letter briefly stating the reason he is ineligible for an agreement (example, in-kind payment, payment for services not allowable).

Office of Family Security has no responsibility for monitoring the contributions. OFS will provide a copy of the executed agreement to the contributor, the facility and to the State Internal Revenue Office.

D. OFS Coordination with Louisiana State Department of Revenue

A copy of the completed written agreement, change in written agreement or letter from relative cancelling a written agreement shall be forwarded by the parish office to the Louisiana Department of Revenue and Taxation, Income Tax Section.

Emergency rulemaking was invoked to implement this program effective March 1, 1984 and was published in the *Louisiana Register* on March 20, 1984, in Volume 10, Number 3, page 192.

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

RULE

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources has adopted changes to the "Rate Setting for Residential Care System Manual." These changes are in accordance with LA R.S. 15:1081-1086 and 42 CFR 447.252 through 42 CFR 447.274. These revisions to the manual are necessary to clarify language identified as unclear or ambiguous in hearings on rate appeals.

AMENDMENTS TO THE RATE SETTING FOR RESIDENTIAL CARE MANUAL

1. On page 1.4-1, change item 1 to read "The Secretary,

DHHR or designee, who serves as chairperson." Add as item 9, "The Deputy Secretary, DHHR or designee." On item 3, change "Office of Mental Retardation (OMR)" to "Office of Mental Retardation and Developmental Disabilities (OMR/DD)." On item 6, change "Office" to "Division," and change "(OLR)" to "(DLR)."

2. On page 1.5-2, item 18, change "Office" to "Division."

3. On page 1.7-1, eliminate item 9. Change numbers 2,3,4,5,6,7, and 8 to 3,4,5,6,7,8, and 9, respectively. Add as item 2, "Review and approve budgets from facilities. Changes made to budgets are made in consultation with facilities." Change item 9 from "Recommend inflation screen exceptions for programmatic costs to the Policy Committee" to "Recommend inflation screen exceptions for basic support and programmatic costs to the Policy Committee."

4. On page 1.8-1, add to item A.1. "This ground includes insufficient justification for making a reasonableness disallowance on the part of DHHR. It also includes insufficient justification for making changes by the program office to the budgets submitted by the facility." Eliminate item A.2. Change the existing item A.3 to A.2 and add: "Extreme extenuating circumstances shall be limited to unanticipated emergency occurrences at the facility, such as floods, fires, etc." Change item C.1 to: "Appeal must be filed within 30 days of the receipt of the rate determined. The appeal must be in writing and submitted to the Rate Administration Unit, Attention: Rate Administrator, P. O. Box 3776, Baton Rouge, LA. 70821. The appeal must: a. specify the grounds for appeal; b. specify the rule or rules being appealed; and c. provide written arguments or justification to support the position being taken by the appellant.

5. On page 1.8-2, item C.2, change "Chairperson" to "Rate Administrator." In the second sentence, change "the subcommittee" to "an Appeals Judge from the DHHR Appeals Section. The Rate Administrator will send a written position on the appeal at least seven calendar days before the appeal hearing." Change item C.3 to "Within 30 days of notification, the DHHR Appeals Section will schedule a hearing for presentation of the arguments and justifications by the appellant and appellee." Change item C.5 to "Subsequent to the department's decision, the facility's rate under appeal will be adjusted retroactively in accordance with the appeal decision, subject to legislative approval and appropriation. The appeal decision for one facility will not affect the rates for other facilities."

6. On page 3.1-1, delete paragraph beginning with "Information" and add "HIM-15 is the final authority for rates set under the Other Residential Care Section of the DHHR Residential Care Rate Setting Manual unless a provision in the Other Residential Care Section of the DHHR Residential Care Rate Setting Manual is more restrictive. In the event that the Other Residential Care Section of the DHHR Residential Care Rate Setting Manual is more restrictive in an area, then the just referenced manual provisions become the final authority for rates set. The authority for this rate setting system is found in LA R.S. 15: 1081-1086 and Federal Regulations 42 CFR:447.250 through 42 CFR:447.274."

7. On page 3.2-3, item 1, add at the end of the sentence "to the program office." For item 1, change the date to "April 1, 1984." Eliminate item 6. Change items 2,3,4, and 5 to 3,4,5 and 6, respectively. Add as item 2, "Program office submits provider budgets to the Rate Administrator" and add as the date "May 1, 1984."

For item 3, change the date to "May-June, 1984."

For item 4, change the date to "July, 1984 and all subsequent years."

For item 5, change the date to "August 1, 1984 and all subsequent years."

For item 6, change the date to "30 days after rate notification."

For item 7, add at the end of the sentence “and prospective budgets for the next state fiscal year, July 1 through June 30” and change the date to “October 1, 1984 and all subsequent years.”

8. On page 3.2-4, item 10, change the date to “March.” Eliminate items 11 and 12.

9. On page 3.2-5, change numbers 2,3 and 4 to 3,4, and 5, respectively. Add as item 2, “Budgets submitted by the providers are reviewed for reasonableness and programmatic content by the program office. Inflation screen exceptions are identified. Projected occupancy is reviewed and approved. Changes to the budgets are made only after consultation with the provider.”

10. On page 3.2-6, change numbers 5,6,7,8, 9, and 10 to 6,7,8,9,10, and 11, respectively. Change the last paragraph to “These basic steps are explained in detail in Section 3.3, Rate Setting Procedures.”

11. Eliminate the flow chart found between pages 3.2-6 and 3.3-1.

12. On page 3.3-1, change the first sentence to “Following submission of cost reports and budgets by the providers, a review of the data is conducted by the program office and the Rate Administrator.”

On pages 3.3-1 and 3.3-2, delete everything under A.1 and substitute:

“1. Occupancy Review

Total client days as projected by the provider is used to determine a percentage of occupancy as compared to licensed capacity. An occupancy percentage of below 80% will not be accepted and will be increased to a minimum of 80%. If recommended by the program office, an occupancy of greater than 80% will be used. Any changes made will be communicated by the program office to the provider. Exception to the 80% minimum occupancy rule will only be made after presentation of justification to the Rate Setting Policy Committee by the program office and approval by the Policy Committee. The occupancy percentage is compared to the prior year’s actual occupancy percentage as reflected in the July 1 - December 31 cost report. The percentage variation is calculated and compared to the range of allowable variation determined by the Rate Setting Policy Committee. Variations exceeding the allowable range must be approved by the applicable program office and must be adequately justified. The program office will review the projected occupancy level with the provider to determine if the variation is sufficiently justified.”

13. On page 3.3-3, change the first paragraph to:

“The program office in coordination with the Rate Administrator will review the budgets to reduce unreasonable costs. The Rate Administrator will also review the budgets in an attempt to eliminate non-allowable costs and reduce unreasonable costs and eliminate misclassifications. A review of the budget items versus actual costs as reflected in the cost reports will be part of the reasonableness review. The basic intent of this budget monitoring process is to identify significant costs and misclassifications that could affect the group median. Non-allowable costs to be considered include, but are not limited to the following (See Section 3.5 for allowable/non-allowable cost guidelines:”

14. On page 3.3-5, change the last paragraph to:

“Special providers will be considered separately for rate setting purposes, with the method of budget review, contract terms as they relate to rate setting policy, and payment procedures determined by the applicable program office. Rates of payment and method of payment with special providers must be reviewed by the Rate Administrator, and if indicated, approved by the Policy Committee. Non-allowable costs, as specified in this manual, may be allowed for out of state providers. The Rate Setting Policy

Committee will review the actions of the Rate Administrator in this area at each Rate Setting Policy Committee meeting.”

15. On page 3.3-7, add as the last paragraph: “The screen percentages as set by the Rate Setting Policy Committee are not items subject to appeal.”

16. On page 3.3-9, change the first sentence to “An exception to the inflation screen percentage can be granted if each of the following circumstances apply”:

After the first provision, change the period to a comma and add “or other approved expenditures, and;”

After the second, third, fourth, and fifth provisions, change the period to a semi-colon and add “and.”

As a sixth provision, add “The methodology utilized for calculating the amount of exception will involve calculation of the percentage increase in the budget caused by the exception and adding that percentage to the base inflation screen.”

17. Eliminate the information on page 3.3-9A and substitute:

“3. In the event that a facility budgets for a capital improvement or addition and the Basic Support rate is lower than the budgeted rate because of the application of the inflation or budget screens, it is possible for the facility to receive insufficient funding for the capital improvement or addition. In this event, the facility has two options.

A. Request a budget revision to remove the amount for the capital improvement or addition.

B. Set up a reserve fund in which the amount of funds received which are extra but insufficient to initiate the capital improvement are set aside to accumulate until sufficient funds are available to initiate the capital improvement or addition. The method of setting up the reserve fund, the plan for its use, and the amount to be set aside must be approved by the Secretary of DHHR. The reserve fund will be audited annually by the Rate Administrator. If the reserve fund is not used according to plan, the entire amount, plus interest earned at prevailing rates will be recouped by the Department.

In this situation, once an exception is granted for a capital improvement or addition, expenses for that specific capital improvement or addition incurred in subsequent years will automatically qualify for inflation screen exception, if necessary.”

18. On page 3.3-11, change the first sentence of the last paragraph to “Budgeted and filled staffing ratio meets the minimum requirements for licensure.”

19. On page 3.3-12, add in the first paragraph after “minimal,” the words “to moderate.”

20. On page 3.3-14, add to the first sentence of the last paragraph after “1 to 1,” the words “or any more restrictive staffing ratio.”

21. On page 3.3-17, second paragraph, change the occupancy percentage from “80%” to “85%.” Add as a last sentence to the second paragraph: “In order to qualify for the occupancy incentive allowance, a new provider, as defined in Section 3.3 - 1., must be in operation prior to July 1 of the year for which the rate is being set and must have 85% occupancy prior to this date.”

22. On page 3.3-19, add to the last paragraph, “Seed money grants are those designated for the development of new facilities or for expansion of services of established facilities. These grants are usually made to cover specific operating costs or groups of costs for services for a stated period of time.”

23. On page 3.5-2A, add as item 4: “The requirement for submission of cost reports every 6 months will be reviewed by the Rate Setting Policy Committee in December, 1984 to determine if data gathered for these cost reports warrants continuation of the requirement.”

24. On page 3.5-8, item F.2, first sentence, eliminate “and

**RULES OF PROCEDURE
FOR
SOLID WASTE OPERATOR
CERTIFICATION AND TRAINING
Part I: General
1.1 - 1.6**

part time” and substitute “equivalent.” In the second sentence, add between “actual number of” and “positions,” the words, “full-time equivalent.” In the last sentence, add after “total” and before “positions,” the words, “full-time equivalent.”

25. On page 3.5-9, change the third sentence to: “Enter the average hours per week employed.” Add to the end of the fourth sentence “included in the budget,” and delete the words “annualized” and “(equivalent to twelve months of pay)”. Add before the last sentence: “The amounts on this form must balance with the salary amounts on Forms C-1 and C-2 or G-1 and G-2.”

26. On page 3.5-13, add as a new paragraph after E. 2. a. “Positions requested in the budget, both existing and proposed, may be eliminated as non-allowable costs, if the review in (1) above reveals that they are not needed. No position however may be eliminated if it is needed to maintain compliance with licensing or Title XIX requirements or to correct licensing or Title XIX deficiencies as determined in (1) above. Need for a position will be determined after consultation with the facility and must be related to approved programs at the facility.”

27. Add as page 3.5-20A the following:

“m. Start-up costs

In the period of developing a facility’s ability to furnish client care services, certain costs are incurred. The costs incurred during this time of preparation are referred to as start-up costs. Since these costs are related to client care services rendered after the time of preparation, they may be capitalized as deferred charges and amortized. Start-up costs include allowable costs incident to the start-up period. Costs that are properly identifiable as organization costs or capitalized as construction costs must be appropriately classified as such and excluded from start-up costs.

Start-up costs are amortized over a period of 60 months, beginning from the month of first admission of a client.

Facilities who began operation prior to July 1, 1984, whose start-up costs were not amortized and included in the rate, will be allowed 1/60th amortization of these costs for the months remaining after July 1, 1984.

Example: If a facility began operations in July 1983, the amortization of costs would be 1/60th per month for 48 months.

Refer to HIM-15, 2132 for further regulations concerning start-up costs.”

28. On page 3.5-22, add as the last paragraph: “Assets must be capitalized if cost is at least \$500 and if they have a useful life of at least two years.”

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

RULE

**Board of Solid Waste
Operator Certification and Training**

Under the authority of the Louisiana Solid Waste Operator and Certification Training Program Act, La. R.S. 37:3101 et seq. and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950 et seq., the Louisiana Board of Certification and Training for Solid Waste Disposal Operators hereby adopts upon majority vote, the Rules of Procedure for the Solid Waste Operator Certification and Training Program which follows this notice.

1.1 AUTHORITY—The Louisiana Solid Waste Operator and Certification Training Program Act, La. R.S. 37:3101 et seq., creates the Solid Waste Management System Operators Board of Certification and Training, and authorizes the Board to adopt rules of procedure and establish fees for the training and certification of solid waste operators.

1.2 POLICY—The disposal and utilization of solid waste is matter of vital concern to all citizens of this state, and the safety and welfare of the people of Louisiana require efficient and reasonable regulation of solid waste disposal practices as well as a coordinated statewide resource recovery and management program. Certification and training of solid waste operators are essential elements of the state’s program and are needed to insure the proper disposal and utilization of solid waste.

1.3 OBJECTS—The objects of these rules are as follows:

A. To establish a certification program for operators of solid waste disposal facilities which accommodate residential and commercial solid waste.

B. To develop policies related to certification and training of candidates to meet appropriate certification requirements.

C. To establish standards and requirements for continuing training.

D. To establish criteria certifying operators for minimum competency.

E. To establish procedures for recertification.

F. To establish procedures for revocation of an operator’s certificate.

G. To establish procedures to immediately suspend an operator’s certificate if such action is deemed necessary to protect the public health and environment.

H. To establish appropriate fees for examination, training, and certification to be paid by the applicant.

1.4 DEFINITIONS—As used in these rules, the following words shall have the meaning ascribed to them in this Section unless the context clearly indicates otherwise:

A. “Board” means the Board of Certification and Training for Solid Waste Disposal System Operators.

B. “Certificate” means the document or documents issued by the Board which attest to the competency of the operator.

C. “Certification” means the process or act whereby an operator meets the requirements for obtaining a certificate of competency.

D. “Certified” means holding a currently valid certificate.

E. “Classify” means the process and act of the Board that designates a specific type of solid waste management system which is required to employ certified operators.

F. “Commercial solid waste” means solid waste generated by businesses involved in the exchange or distribution of goods or commodities, but does not include or mean recognizable industrial byproducts.

G. “Continuing training” means the process whereby a certified operator obtains required formal training in the area of solid waste management.

H. “Examination” means a written examination taken by applicants in order to measure their knowledge of solid waste management.

I. “Industrial solid waste” means solid waste produced in the course of and resulting from any industrial, manufacturing, or mining process.

J. "Operator" means any person employed in responsible charge of operating all or a portion of a solid waste disposal system.

K. "Recertification" means the process whereby an operator renews an expiring certificate.

L. "Residential solid waste" means solid waste generated by the occupants of single or multi-unit dwellings or as a result of community activities.

M. "Solid Waste" means garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities; but does not include or mean solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under La. R.S. 30:1095, or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended, or hazardous waste subject to permits under La. R.S. 30:1131 et seq.

O. "Solid waste disposal facility" means any physical entity which has the function of disposing of solid wastes, except for those facilities which dispose of only industrial solid waste.

P. "Solid waste system" means the entire process of collection, transportation, storage, processing and disposal of solid waste by any person engaged in such process as a business, municipality, authority, trust, parish or by any combination thereof.

1.5 FILING OF DOCUMENTS.

A. Any notice, petition, document, or other correspondence, which is required to be filed with the Board shall be addressed and mailed or delivered to: Board of Certification and Training, State Land and Natural Resources Building, 625 North Fourth Street Box 44066, Baton Rouge, LA 70804.

B. The following requirements and rules shall apply to all documents and papers filed in the offices of the Board of Certification and Training or during a hearing or meeting:

(1) The date on which the papers are actually received by the office or at the hearing shall be deemed to be the date of filing.

(2) All papers shall be written in ink, typewritten, mimeographed or printed, shall be plainly legible, shall be on strong durable paper, not larger than 8 1/2" x 14" in size except that tables, maps, charts and other documents may be larger, folded, if possible, to the size of the documents to which they are attached.

(3) All applications, petitions, and other papers needing signatures must be signed in ink by the party filing the same or his duly authorized agent or attorney. The signature of the person signing the document constitutes a certification that he has read the document; that to the best of his knowledge, information, and belief every statement contained in the instrument is true and no such statements are misleading; and that it is not interposed or filed for delay.

(4) Unless otherwise specifically provided by these rules, an original and ten copies of all documents directed to the Board shall be filed.

(5) The initial document filed by any person in any hearing shall state therein the name and mailing address of the person or persons who may be served with any documents filed in the proceeding.

1.6 COMPUTATION OF TIME—In computing any period of time prescribed or allowed by the rules, the day on which the designated period begins shall not be included. The last day of the designated period shall be included unless it is a Saturday, a Sunday or a legal holiday as provided in La. R.S. 1:55, in which event the designated period shall run until the end of the next day which is not a Saturday, a Sunday or a legal holiday.

PART II: BOARD OF CERTIFICATION AND TRAINING FOR SOLID WASTE MANAGEMENT SYSTEM OPERATORS 2.1 - 2.6

2.1 Except for the ex officio member, all members of the Board shall be certified solid waste operators.

2.2 QUORUM—Six members of the Board shall constitute a quorum for any meeting of the Board for the transaction of business.

2.3 OFFICERS—The Board shall elect a chairman and vice chairman from its membership who shall each serve a term of one year or until a successor is elected. The chairman shall preside at all meetings. In the absence of the chairman, the vice chairman shall preside.

2.4 HEARINGS AND MEETINGS.

A. The Board shall meet within fourteen days after the conclusion of each testing of certification candidates to conduct its business. Additionally, the Board shall meet as often as necessary to conduct its business. Special meetings or public hearings may be called at any time by the chairman.

B. In the performance of its duties, the Board shall call and hold all meetings and hearings in accordance with the rules, or applicable state laws and the rules and regulations thereunder. All meetings or hearings shall be public and shall be conducted by the Board or its designated presiding officer.

C. The time and place for all meetings or hearings shall be fixed by the Board or the presiding officer. All meetings or hearings shall be held in a convenient place, accessible to the public, in the City of Baton Rouge, except when the rules provide otherwise, or when it is deemed that the interests of the Board, or any person, party, or witness require otherwise. In such event, the meeting or hearing may be held in any other convenient place of public accessibility within the state.

D. PUBLIC HEARINGS—The Board may conduct public hearings, the purpose of which is to gather data, public comments and information, in an impartial manner, which may be used by the Board in the exercise of its duties, however, hearings for the revocation, modification, or suspension of an operator's certification must be held in accordance with the provisions of Part VII of these rules. The Board may appoint an individual to act as presiding officer to conduct public hearings on behalf of the Board.

(1) CONDUCT.

(a) Public hearings shall be conducted in an orderly but expeditious manner. Any person may appear and present relevant oral or written statements and present recommendations. Reasonable restrictions, including time allotted to each speaker or group, may be imposed on such comments by the presiding officer conducting the hearing. Questions and answers are not in order unless agreed to in advance of the hearing by the presiding officer. Any person may present written statements to be included in the administrative record after the hearing and prior to the time that the record is closed to public comments.

(b) At any meeting or hearing the Board, the chairman, or the presiding officer shall have the authority to regulate the course of the meeting or hearing and the conduct of all persons present, including the right to have any person, for misconduct, or refusing to obey orders, removed from the hearing. The Board or presiding officer may, at any time, continue the meeting or hearing to another time and/or location and/or terminate the meeting or hearing.

(2) RECORD. All such public hearings shall be recorded verbatim. All written statements, charts, tabulations, and similar data offered at the hearing shall, subject to exclusion because of redundancy or immateriality, be admitted by the presiding officer. The

tape recording together with all evidence or materials admitted by the presiding officer at the hearing shall constitute the hearing record. If a presiding officer conducts the hearing on behalf of the Board, he shall prepare a report of the proceedings for the Board.

E. The Board or the presiding officer may, for good cause, continue any meeting or hearing by one or more continuances of up to 60 days, each.

PART III: PROHIBITIONS

3.1 - 3.4

3.1 No individual, municipality, public or private corporation, partnership, firm, agency of the state, the United States Government, and any agent or subdivision thereof, or any other juridical person shall operate a classified solid waste facility unless such facility is operated by individuals who have been certified in accordance with these rules for the operation of the particular facility.

3.2 No person shall practice fraud or deception in the application for or the operation under a certification issued under these rules.

3.3 No person shall be significantly negligent in applying reasonable care, judgement, knowledge, or ability, in the performance of his duties under a certification issued to him under these rules.

3.4 No person shall continue to operate a facility under a certification issued under these rules if such person has become incompetent or unable to perform his duties in a proper manner.

3.5 No person shall perform the duties of operator without being duly certified under the provisions of La. R.S. 37:3101 et seq. and these rules.

3.6 No person shall operate a facility unless the certificates of all the facility's certified operators are prominently displayed at the facility.

PART IV: CLASSIFICATION OF FACILITIES

4.1 - 4.4

4.1 It is the responsibility of the Board to classify solid waste disposal facilities according to the methodologies employed, types and quantities of wastes handled, and any other parameters which, in the opinion of the Board, are needed to determine the certification and training requirements of the operators. Operator certification and training is not required for operators of facilities which have not been classified. The Board may receive the information necessary to make these determinations from any source. Copies of this information shall be maintained on file, and made available to the public and individual operators on request.

4.2 The general classification of facilities shall be as follows:

- A. Sanitary landfills
- B. Surface impoundments
- C. Landfarming
- D. Open dumps

4.3 These general classifications may be further identified in terms of quantities of wastes handled, number of employees, types of wastes handled, and/or other factors which would indicate the potential for adverse impact associated with the particular operation. Further classification pursuant to this Section shall be accomplished pursuant to the rulemaking procedures in La. R.S. 49:950 et seq.

4.4 From time to time the Board may classify other types of solid waste management facilities, including, but not limited to, incinerators and transfer stations, and also may further redefine the classification within general types of facilities.

PART V: OPERATOR CERTIFICATION

5.1 - 5.13

5.1 The Board shall certify persons as to their qualifications established by testing, training, education, and experience to operate a classified solid waste management system. A certificate, suitable for framing, shall be provided to each successful candidate by the Board. This certificate shall clearly show the name of the operator, type of certification, any limitations imposed, the expiration date, and any other data deemed appropriate by the Board.

5.2 Certified operators are required at all classified facilities.

5.3 Regular certificates shall be valid for four years from the date of issuance.

5.4 TYPES OF CERTIFICATES—Due to the widely divergent methodologies and technologies involved in solid waste management, operators will not be required to be certified in all aspects of solid waste management. Certification will be based upon (1) the type of facility involved and (2) the level of competency required. In addition, the certification shall be either regular or conditional.

5.5 FACILITY DESIGNATION.

A. Each operator certification will be valid for the management of one type of facility as classified by the Board. The classifications will be specified by Roman Numerals as follows:

- I. - Sanitary landfill
- II. - Surface impoundments
- III. - Landfarming
- IV. - Open dumps

B. These rules may be amended by the Board to classify other types of solid waste systems. These will be given discrete designations. These classifications may provide for limited classifications as in the case of a sanitary landfill receiving a single industrial waste.

5.6 Facilities are required to have certified operators according to the following schedule:

A. Class I.

(1) Each facility or system providing solid waste disposal for a particular parish or region shall have a level "A" operator in responsible charge of the overall solid waste management operation.

(2) Each facility or system shall have either a level "A" or level "B" operator in direct charge of the day-to-day operation of the facility who is certified for each of the facility classifications supervised.

(3) Each site shall have a "C" level operator for each shift who is certified for each facility designation at the site which is being operated during a particular shift. A disposal facility shall have at least one "C" for each 10 operational people.

B. Class II.

(1) Each surface impoundment shall have a level "A" operator in responsible charge of the solid waste management operation.

C. Class III.

(1) Each facility or system providing solid waste disposal for a particular parish or region shall have a level "A" operator in responsible charge of the overall solid waste management operation.

(2) Each facility or system shall have either a level "A" or level "B" operator in direct charge of the day-to-day operation of the facility who is certified for each of the facility classifications supervised.

(3) Each site shall have a "C" level operator for each shift who is certified for each facility designation at the site which is being operated during a particular shift. A disposal facility shall have at least one "C" for each ten operational people.

D. Class IV.

(1) Each facility or system providing solid waste disposal for a particular parish or region shall have a level "A" operator in responsible charge of the overall solid waste management operation.

(2) Each facility or system shall have either a level "A" or level "B" operator in direct charge of the day-to-day operation of the facility who is certified for each of the facility classifications supervised.

(3) Each site shall have a "C" level operator for each shift who is certified for each facility designation at the site which is being operated during a particular shift. A disposal facility shall have at least one "C" for each ten operational people.

5.7 LEVEL OF OPERATOR COMPETENCY.

A. Each certification shall specify the level of competency for which the certificate is issued. Level "A" represents the highest level of competency, level "B" is somewhat lower, and so forth. At least two levels of competency shall be established for each designated facility. As an example, the certificate for the highest level of competency for the operation of a sanitary landfill would be designated, I-A. Classifications are hereby established as "A", "B", and "C". Additional classifications may be added by amendment of these rules.

B. A level "A" certificate shall encompass all of the technical, regulatory, administrative, and management knowledge needed to perform all of the duties necessary to the proper operation of the entire solid waste management system or facility and shall encompass both procedural and operational aspects of a disposal facility (all technical, regulatory, administrative and management duties necessary for the proper operation of disposal facility).

C. A level "B" certificate shall encompass all of the technical and regulatory, administrative and management knowledge needed to perform the duties necessary for the proper operation of a portion of the solid waste management system facility as determined by assigned duties and customary practice, and operational knowledge needed to operate the disposal facility (i.e. equipment selection, maintenance, waste handling procedures, safety procedures, personal hiring and training, reports and special and hazardous waste identification).

D. A level "C" certificate shall encompass the operational knowledge needed to operate the waste handling aspects of the disposal facility (i.e. unloading and spotting, maintaining smallest practical working face, layering, compacting, covering, cleaning, and maintaining equipment, equipment operation and special or hazardous waste identification).

5.8 An applicant for certification must, in addition to passing the examination required by Section 5.10, possess the qualifications for each level of operator as set forth below.

A. A level "A" operator shall have the following qualifications:

(1) Possess a high school diploma or equivalency certificate.

(2) Have a minimum of three years of appropriate and responsible experience in the field of solid waste management; or

Have a minimum of one year of appropriate and responsible experience in the field of solid waste management and have a minimum of three years experience as a supervisor in the construction field relating to the use of heavy equipment, to good drainage practice and to other skills to insure proper operation of a disposal site; or

Have a minimum of one year of appropriate and responsible experience in the field of solid waste management and have either an engineering degree or a degree from an accredited college or university in a four year program related to soils management, and equipment operation and maintenance.

(3) Be of good character.

B. A level "B" operator shall have the following qualifications:

(1) Possess a high school diploma or equivalency certificate.

(2) Have a minimum of two years of appropriate and responsible experience in the field of solid waste management; or

Have a minimum of one year of appropriate and responsible experience in the field of solid waste management and have a minimum of two years experience as a supervisor in the construction field relating to the use of heavy equipment, to good drainage practice and to other skills to insure proper operation of a disposal site; or

Have a minimum of one year of appropriate and responsible experience in the field of solid waste management and have either an engineering degree or a degree from an accredited college or university in a four year program related to soils management, and equipment operation and maintenance.

(3) Be of good character.

C. A level "C" operator shall have the following qualifications:

(1) Possess a high school diploma or equivalency certificate.

(2) Have a minimum of one year of appropriate and responsible experience in the field of solid waste management; or

Have a minimum of one year experience as a supervisor in the construction field relating to the use of heavy equipment, to good drainage practice and to other skills to insure proper operation of a disposal site; or

Have either an engineering degree or a degree from an accredited college or university in a four year program related to soils management, and equipment operation and maintenance.

(3) Be of good character.

5.9 REGULAR; CONDITIONAL CERTIFICATION:

A. Certification shall be either regular or conditional. A regular certificate shall allow an operator to operate any facility or system of the type for which the certificate is issued. A conditional certificate shall allow an operator to operate only the facility or system at which he is employed at the time of certification.

B. All certificates shall be regular unless:

(1) The applicant requests a conditional certification; or

(2) The facility for which certification is requested is an open dump; or

(3) The Board determines that based on the applicant's training, education, experience, and examination results, the applicant is qualified to perform duties at a particular facility or system, but not at every facility or system of that type.

C. The Board may upgrade a conditional certification after receipt of an application therefor upon a determination that based on the applicant's training, education, experience, and examination results (if a new examination is deemed necessary), the applicant is qualified for regular certification.

D. Conditional certificates shall be recertified in the same manner as regular certificates if the continuing training requirements are met.

E. Any person appointed to replace or succeed a regularly certified operator after August 29, 1983 may be issued a conditional certificate upon application to the Board and payment of the same fees as specified for regular certificates. The term of such a conditional certificate shall not exceed one year. Within one year of the date of receipt of such conditional certificate, the person must pass the examination for a regular certificate. If the examination is passed, the person may be issued an additional conditional certificate, prior to meeting other requirements for a regular certificate.

5.10 OPERATOR EXAMINATIONS.

A. The Board shall hold not fewer than four examinations per year for each of the two years following August 29, 1983, and at least two examinations per year for each year thereafter.

B. The Board shall provide appropriate written examinations for each operator level of sanitary landfills, surface impoundments, and landfarming.

C. Examinations shall be held in Baton Rouge, Louisiana unless another location is designated by the Board.

D. Notice shall be published at least 45 days before the examination in the official state journal and in such other publications determined necessary by the Board to fully publicize the examination. All notices shall, at a minimum, include the time, date, and location of the examination, the examination fee, the classes of operators for which examinations will be offered and other information relevant to examination process.

E. Within 30 days of the examination, the applicant shall be notified of the results of his or her examination. Graded examinations shall be maintained by the Board for a period of 30 days after the notice of results is distributed and thereafter destroyed, unless within that 30 days, an applicant requests that his copy be mailed to him.

F. All examinations will be graded on a pass/fail basis. Applicants who fail the examination may not retake the examination for a minimum of three months following the failed examination. A new application with applicable fees must be submitted before the new exam may be taken.

5.11 CERTIFICATION OF PRESENT PRACTITIONERS.

A. All operators employed in responsible charge of a classified waste management facility on August 29, 1983, or on the date the facility is classified, whichever is later, shall be granted a certificate by the Board as follows:

(1) Application for certification is made to the Board within one year of the classification of the system or facility; and either (2) or (3) below:

(2) The applicant attends the operator training provided by the Board within six months of submission of the application, and takes the examination conducted by the Board within six months of submission of the application. A passing score shall not be necessary for the applicant to receive a regular certificate; or

(3) The applicant does not attend the training provided, but does take and pass the examination for certification within six months of submission of the application.

B. Any applicant not qualifying for a regular certificate but qualifying for certification under Section 5.11 A(2) shall be granted a conditional certification which is valid only for the system or facility in which the operator is employed, for the conditions of operation existing on August 29, 1983, or for the classification of the facility or system.

C. Applicants must submit a statement of qualifications to the Board and must meet the standards established by the Board before being admitted to the examination process. The qualifications for each level of operator authorized by these rules are as set forth in Section 5.8 above.

D. The Board shall obtain from the applicant all necessary documentation needed to assure the Board that the established standards have been met. These documents shall be maintained as permanent records.

E. No applicant shall be granted certification unless he or she obtains a passing score on the examination as established by the Board, except as provided by Section 5.11 B.

5.12 RECERTIFICATION.

A. Regular certificates shall be valid four years after issuance. An operator shall be recertified upon recommendation by the Board for a new four year period after timely submission of

satisfactory evidence that the operator has met the continuing training requirements as specified by Section 6.2 E. Upon recertification, the Board shall issue a new certificate.

B. Application for recertification shall be submitted to the Board not less than six months prior to the expiration of certification and shall contain the following documentation:

(1) Proof of attendance at a training session or sessions approved by the Board, including but not limited to date(s) of training, hours of attendance, course outline, agency or institution providing training, etc.

(2) Proof of current certification.

C. Any operator whose certificate has expired or who cannot demonstrate to the Board that he has met the continuing training requirements shall be treated as a new practitioner. Such a person must reapply for certification, take an examination, and otherwise meet the requirements for new practitioners.

5.13 QUALIFICATION BY RECIPROCITY—The Board may issue a certificate without examination in a comparable operator classification to any person who holds a certificate in any state, territory, or possession of the United States or any country, provided the requirements for certification of operators under which the person's certificate was issued do not conflict with the provisions of the Act, are of a standard not lower than that specified by regulations adopted under the Act, and reciprocal privileges are granted by said state, territory, or possession to certified operators of this state.

Part VI: OPERATOR TRAINING FOR CERTIFICATION 6.1 - 6.2

6.1 INITIAL TRAINING.

A. The Board shall make reasonably available to all individuals who are required to obtain certification, training specifically designed to instruct these persons in all aspects of knowledge required to qualify for level certification for sanitary landfills, surface impoundments, and landfarming. The first presentations of such training shall be for the members of the Board and state employees engaged in the regulation of solid waste facilities.

B. This training shall be provided at realistic intervals for a period of not less than four years after August 29, 1983. During this period the training may be modified or added to as needed at the discretion of the Board. After this four year period the content, frequency, and location of operator training shall be at the discretion of the Board.

C. The Board shall make training available in a like manner for all operators who are required to obtain certification due to future classification or reclassification of a facility by the Board.

6.2 CONTINUING TRAINING

A. Continuing training is distinct from training specifically designed to prepare operators for initial certification. Continuing training is deemed necessary to maintain a satisfactory level of operator proficiency in light of changing technologies and regulations. This training would generally not be provided by the Board since it is available from other sources such as solid waste management organizations and educational institutions.

B. The Board, shall:

(1) Determine the continuing education which is currently available to Louisiana operators.

(2) Define which short courses or training meet the continuing training standards of the Board.

(3) Determine whether the continuing training requirements can be realistically met by the operators based on current educational offerings.

(4) Provide all certified operators with a list of that training which meets the requirements of these rules.

C. The procedures outlined in Section 6.2 B shall be reviewed and updated as needed.

D. In the event that the Board determines that adequate continuing training is not realistically available to the operators they shall either:

(1) Promote, provide, or otherwise cause adequate continuing training to be made available, or

(2) Waive the continuing training requirements in whole or in part.

E. Operator Responsibilities

(1) In order to retain certification, the operator must receive not fewer than forty contact training hours during the four years after receiving certification or recertification.

(2) The operator is responsible for determining whether the specific training is approved by the Board. This determination may be made by either of two ways:

(a) The specific training is contained on a list of approved training as published by the Board; or

(b) Approval is granted by the Board. Application for approval of specific training may be submitted to the Board in writing. Such submission shall contain a complete course outline, date and place of offering, and offering agency.

(3) The operator is responsible for obtaining and submitting to the Board adequate evidence of attendance. Such evidence may include but is not limited to educational certificates, certification of attendance, travel vouchers, etc. Such evidence should be submitted as soon as possible after attending a course with copies retained in the operator's files. All such submissions shall include the operator's certificate number on all documents.

PART VII: FEES

7.1 - 7.4

7.1 PAYMENT—Each application for examination, certification, or recertification shall be accompanied by a remittance in the full amount of the fee. No application will be accepted or processed prior to payment of the full amount specified.

7.2 METHOD OF PAYMENT—Fee payment shall be by check, draft or money order payable to the BOARD OF CERTIFICATION AND TRAINING at the following address: Board of Certification and Training, Box 44066, Baton Rouge, Louisiana 70804.

7.3 The following fees are hereby established:

- A. Examination \$100 per examination
- B. Certification \$100
- C. Recertification \$100

7.4 TRAINING FEES—The Board shall charge a fee to all persons participating in training conducted by the Board pursuant to these rules sufficient to cover the costs of such training. No person shall be allowed to attend training until all training fees have been paid in full. Fees for any board approved training not provided by the Board shall be established by and paid to the individual, agency, institution, or corporation providing such training.

PART VIII: REVOCATION AND SUSPENSIONS OF CERTIFICATES

8.1 - 8.5

8.1 The Board may revoke or modify an operator's certificate, if it determines that the operator has practiced fraud or deception in obtaining certification or in operating thereunder, has been significantly negligent in applying reasonable care, judgment, knowledge, or ability in the performance of his duties, or has become incompetent or unable to perform his duties in a proper manner.

8.2 The Board may immediately suspend, upon receipt of evidence of probable cause sufficient for revocation of certifica-

tion, an operator's certificate if such action is deemed necessary to protect the public health or the environment. Any operator whose certificate is so suspended shall be granted a hearing before the board within thirty days of such suspension in accordance with Sections 8.3 and 8.4.

8.3 Revocation, modification, or suspension hearings are to be conducted with rapidity and without the observance of all of the formalities required in adjudications by the Administrative Procedure Act, and to which only Section 961 of the Administrative Procedure Act applies.

8.4 Upon determination that grounds exist for revocation or modification under Section 8.1, or the suspension of a certification under Section 8.2, the Board may, by rule, compel any person to show cause why his certification should not be suspended, revoked or modified, either in whole or in part. The Rule To Show Cause shall specifically advise respondent of the facts on which the proposed action is based and of the time and place of the hearing to be conducted on the rule. The person served with the rule shall be given an opportunity at that hearing to show compliance he has not practiced fraud or deception in obtaining certification or in operating thereunder, has not been significantly negligent in applying reasonable care, judgment, knowledge, or ability in the performance of his duties, or has not become incompetent or unable to perform his duties in a proper manner, and may file an answer or response to the rule, prior to the hearing. Judicial appeal from the Board's decision may be taken pursuant to Administrative Procedure Act.

8.5

A. RECORD—The record of proceedings conducted under this Part shall consist of the following:

- (1) The certificate;
- (2) The notice of the hearing;
- (3) All documentary evidence and written comments received;
- (4) Written recommendations received;
- (5) The decision; and
- (6) The transcript if transcribed, or a resume or summary of the proceedings.

B. TRANSCRIPT—All hearings conducted under this Section shall be recorded, and a copy of the tape made available to the public. A verbatim transcript shall not be accomplished unless ordered by the Board.

Jerry Trumps,
Chairman

RULE

**Department of the Treasury
Bond Commission**

Pursuant to the State Bond Commission meeting held in Baton Rouge on April 10, 1984, the following is an amendment and supplement to the Rules and Regulations Regarding Non-Traditional Tax Exempt Bond Issues established by the State Bond Commission on November 20, 1979.

“(13) The Commission shall not grant preliminary approval of non-traditional bonds unless project beneficiaries certify that Louisiana manufacturers, contractors, sub-contractors and suppliers will be given an opportunity to bid on the project and further certify that preference and priority will be given to Louisiana manufacturers, contractors, sub-contractors, suppliers and labor.

Before final approval is granted, project beneficiaries must provide a certified list of names and business domiciles of manufacturers, contractors, sub-contractors and suppliers for the project and a statement as to whether Louisiana labor will be used. If

Louisiana manufacturers, contractors, sub-contractors, suppliers and labor will not be used for the project, beneficiaries must provide written detailed explanation as to why they will not be used.

Thomas D. Burbank, Jr.
Director and Secretary

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission at its regular meeting held in Kenner, Louisiana, May 1, 1984, adopted the following rules and regulations relative to seismic exploration in the State of Louisiana:

REGULATIONS GOVERNING SEISMIC EXPLORATION IN THE STATE OF LOUISIANA

In order to prevent the destruction of, or injury to the oysters, shrimp, fish and other aquatic life, wildlife, or other renewable natural resources of the State of Louisiana, and pursuant to the authority conferred by Article IX Section 7 of the Louisiana Constitution of 1974 Louisiana Revised Statutes Title 30, Sections 214 et seq. and Title 36, Section 609; the following rules shall from and after (DATE), govern any exploration work involving the discharge of explosives and other energy sources in the State of Louisiana.

1) The Louisiana Wildlife and Fisheries Commission, pursuant to its Constitutional Authority, hereby designates how exploration work insofar as it relates to the fish, seafood, aquatic life, oysters, wildlife and waterbottoms of the state shall be conducted under the following regulations. No Seismic exploration work shall be started without the approval of the Secretary of the Department. The Louisiana Department of Wildlife and Fisheries is endowed with any and all rights, powers and authority necessary to enforce and administer said regulations and any and all rights, powers and authority to take such actions which are consistent therewith and incidental thereto.

Application(s) for a permit(s) will be made by letter giving the names of the parishes where the seismographic exploration is to be conducted. A permit is granted for a period of one year from date of approval, unless otherwise specified; however, operators shall notify the Seismic Section of the Seafood Division, before beginning seismic operation on a Beginning of Seismic Operations Form, furnished by the Department. The Beginning of Seismic Operations Form should be accompanied by a detailed map. In coastal areas this detailed map shall be on a scale no smaller than 1 to 24,000 showing the exact areas in which the geophysical operations are to be conducted. See Appendix (A) 7. The Department must also be informed of interruption and cessation of work as directed by Revised Statute 30:217. If a change on the line in the permitted right of way is necessary the Seismic Operator will provide a new plat with the revised line drawn on it. If a change on the line affects different properties, or leasehold interests, the Seismic operator will provide a new Plat with new line drawn on it, and no work will begin until this change has been furnished to the Department and the Department has indicated its approval.

2) Seismic operator shall furnish the Department a surety bond from any appropriate company licensed to do business in the State of Louisiana in the amount of \$75,000. Bond forms may be obtained from the Seismic Section of the Seafood Division, of the Department. The bond should be filed by the applicant. Said bond shall guarantee payment of all shot hole fees and mileage fees,

agent fees, all compensation for damage to state land, and water bottoms, oysters, fish and other aquatic life, or other natural resources, man-made canals, bulkheads, rights-of-way and structures for which said permittee may be legally liable, and which may be suffered by the State of Louisiana, as a result of injury to said oyster beds or the oysters thereon, or other natural resources, canals, bulkheads, rights-of-way and any structures occasioned by said geophysical work; any fees for services rendered by the Department and its offices in accordance with regulations of the Louisiana Wildlife and Fisheries Commission and all applicable penalties, and any other liabilities to the State of Louisiana incurred by the applicant during the seismic operations.

3) Any seismic operator performing exploration on high-way rights of way, and on other lands subject to non-highway rights-of-way, servitudes, and easements, must furnish this Department with evidence of consent of abutting property owners before permission will be granted, as directed by Revised Statute 30:210.

4) No seismic exploration work shall be conducted on any wildlife refuge, waterfowl refuge, scenic streams, game preserve, fish preserve or hatchery, or oyster seed ground reservation without written permission from the agency and its responsible division in charge of such refuge, preserve, hatchery or reservation.

5) Each seismic exploration crew working in the State of Louisiana will always be accompanied by a Seismic Agent, unless exception has been granted by the Department. When a seismic operator employs more than one working component and the crews are at such a distance apart that it is impossible for the Seismic Agent to travel from one to the other in time to observe the work of each unit, it may be required that an agent be assigned to each working component. The seismic operator will be charged for each additional agent. The Seismic Agent may be present during the shooting operations of the party or parties to which he or she is assigned.

6) A separate report must be made for each day, whether or not shooting is in progress. (Daily reports must furnish complete information as indicated by the report form, and must be signed by the Party Chief or Party Manager, daily reports executed by the Seismic Agent.) Should the Department wish to secure any other information, it will furnish the Party Chief or Party Manager with a written request.

7) Explosive charges in excess of 50 pounds shall not be used except pursuant to express written authorization from the Chief of the Seafood Division. Requests for the use of such charges must be made in writing, giving the reasons why such charges are needed, the size of charges to be used, and the depth at which they are to be suspended or buried. Such requests should be addressed to the Seismic Section of the Seafood Division. Should multiple charges be used, the aggregate amount of explosives should not exceed 50 pounds without special permission from the Chief of the Seafood Division.

8) In the interpretation of these rules and regulations, the dividing line between North and South Louisiana will be latitude 31° North. The area lying South of this latitude is considered South Louisiana.

9) A) Minimum required depth of charges in South Louisiana in all water areas shall be as follows for shots detonated in holes:

- 1) 5 lbs. or less — 20 feet
- Up to 20 lbs. — 40 feet
- Up to 30 lbs. — 50 feet
- Up to 40 lbs. — 60 feet
- Up to 50 lbs. — 70 feet

2) No part of the charge shall be above minimum required depth.

3) These minimum required depths shall not apply to trial charge and charges for determining condition of the weathering layer, or position and water speed provided that such charges are not over five pounds.

B) Minimum required depths of charges in North Louisiana with exception of water areas shall be as follows:

- 5 lbs. or less — 15 feet
- Up to 20 lbs. — 20 feet
- Up to 30 lbs. — 25 feet
- Up to 40 lbs. — 30 feet
- Up to 50 lbs. — 35 feet

C) The placing of explosive charges on the bottoms of the waters of Gulf of Mexico, Mississippi Sound, Breton Sound, Chandeleur Sound and Lake Borgne is prohibited. All charges not detonated in holes below the bottom must be suspended and detonated at a point not below the level midway between the surface of the water and the substratum underlying such water; or detonated above the surface of the water. Under no conditions should charges be detonated nearer than five feet to the water bottom or bed.

10) When more than one shot is fired in the same hole, and there is any reasonable doubt in the mind of either the Seismic Agent or the Field Manager of the party as to the legal depth of the hole after the shot is fired, the hole will be measured for depth before reloading to ascertain that it is the required depth in accordance with the charge and depth table.

11) All pipe used in geophysical operations must be removed to at least six feet below the surface of the ground, or six feet below the bottom in water areas, before finally leaving the shotpoint. No pipes should be left in the water or unattended when the crew is not working.

12) All parties using pipe in water areas must have clearly stamped at each end of each joint the name or abbreviation of the name of the company using the pipe.

13) All 2 x 2's used for survey lines must be clearly stamped with the name of the company using the stakes at approximately three-foot intervals. These stakes must be removed upon the completion of the prospect.

14) All pipes, bouys and other markers used in connection with seismic work shall be properly flagged in the daytime and lighted at night according to the navigation rules of the U.S. Army Corps of Engineers and the U.S. Coast Guard.

15) All holes drilled in geophysical operations in land areas must be capped and filled, by the persons or agency drilling these holes, before leaving the location.

16) No marsh buggies shall have contact with any oyster reef or bed, including state owned natural reefs, nor shall any explosives or other energy sources be discharged within 250 feet of any oyster reef or bed, including any state-owned natural reefs, without permission of the owner and/or lessee of the reef or bed, without the approval by the Department.

17) All shotpoints in oyster areas must be approved by the Seismic agent.

18) No explosives shall be discharged knowingly within 1,000 feet of a boat without notice being given to such boat so that it may move from the area.

19) Persistent gas and water spouts caused by drilling or shooting operations of seismic crews will be stopped.

20) Boats, marsh buggies or other types of marsh vehicles must be used so as to cause the minimum disturbance or damage to the lands, water bottoms, and wildlife and fisheries resources thereon. When working on Wildlife management areas, wildlife refuges, scenic streams, fish preserves or hatcheries, or public

oyster seed grounds, the company will coordinate with the supervisor in charge of the area as to rules of the area where work is being done. Rules, regulations and fees may vary from one such area to another.

21) No shooting will be allowed except in daylight hours except by written authorization from the Chief of the Seafood Division. Such requests must be made in writing.

22) No shooting will be allowed in heavy fog.

23) Agents assigned to seismic crews are under the supervision of the Chief of the Seafood Division of the Department.

A) The Department's Supervisor, on request, will have access to all records, such as shot point location maps, shooters' logs and tracings, but only to the extent necessary to determine that all protective requirements were in compliance.

B) The interpretation of these rules and regulations by the Department's Supervisor will be accepted by the seismic operator and the Seismic Agent.

C) The Party Chief or Party Manager will instruct the members of his party as to these rules and regulations, and to the duty and authority of the Chief of the Seafood Division of the Department and the Seismic Agent.

24) A fee of \$115 per seismic agent per day will be charged 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 20th of each month. No payments are to be made to the Seismic Agents.

25) The Seismic Agent has the right to stop any particular operation, if, in his opinion, it will violate the above rules and regulations. **He or she** does not have the authority to halt the entire exploration work. If, in the opinion of the Seismic Section Agent, such violations continue, **he or she** will immediately contact the Seismic Section Administrator. Members of the exploration party will assist **him or her** to do this with all the facilities at their disposal.

26) The Party Chief or Party Manager will furnish the Seismic Supervisor with whatever transportation needed to allow him to visit the working area, if requested.

27) The Party Chief or Party Manager is required to notify the Seismic Section if the Seismic Agent is not on the job, and will notify the Seismic Section Administrator if it should be necessary to relieve the agent at any time.

28) No Seismic Agent shall have the right to release any operator from the obligations imposed by these rules and regulations. Exceptions may be granted by the Department only after written application setting forth reasons. The release, signed by the Secretary, will designate the particular area and rule affected, and the procedures to be followed in lieu of any established rule.

29) All seismic operators conducting operations shall use reasonable precaution in accordance with approved and accepted methods to prevent destruction of, or injury to, fish, oysters, shrimp and other aquatic life, wildlife or other living natural resources of the State of Louisiana, or their habitats.

30) Any violation of these or any other valid rules promulgated by the Department for the regulation of seismic operations, or the refusal of any seismic operator or its employees to comply fully with all orders and requirements which may be made by the authorized personnel of the Department at the time the exploration is conducted, or any attempt to unduly influence any Seismic Agent to abstain from the enforcement of these regulations shall constitute cause for suspension or cancellation of the permit, and the closing down of all exploration work, and the barring of the Party Chief, Party Manager and/or Field Manager involved from future operations in this state.

31) The Department may, after seven days written notice to permittee, suspend or cancel the seismic permit granted pur-

suant hereto for failure by the permittee to make timely payment to the Department for obligations owed to the State of Louisiana for the following:

- (a) Any adjusted shot hole fees and mileage fees;
- (b) Any compensation for damage to state land, water bottoms, oysters, fish and other aquatic life, or other natural resources, man-made canals, bulkheads, rights-of-way and structures for which said permittee may be legally liable, and which may be suffered by oyster beds or the oysters thereon, or other natural resources, canals, bulkheads, rights-of-way and any structures occasioned by said geophysical work;
- (c) Any fees for services;
- (d) Any applicable penalties.

32) When a seismic operator is on continuous operation or on a Wildlife and Fisheries management area, or an oyster area, it may become necessary for additional seismic agents to be assigned. Then the seismic operator will be charged for all agents as long as it remains a necessity.

33) Seismic operators making application to work on any designated red lined oyster seed ground belonging to the State of Louisiana will be required to pay the following fees: \$100 per drilled shot hole, or \$1,000 per mile, whichever is greater, for Reflective or Refractive cable. These fees are to be paid in advance. Fees will be reviewed each January. See Appendix (A) 8.

34) Seismic operators are required to furnish an oyster lease plat to each oyster lessee showing the proposed number of shot points on line and their proposed location as applicable to the lease(s). Seismic operators are required to furnish notice to oyster lease applicants of the proposed crossing of water bottoms for which said applicant has applied for an oyster lease, provided said application(s) has been plotted on the Departments map(s).

35) These rules and regulations supercede all other rules and regulations issued prior to this date, and are subject to change by the Department and the Louisiana Wildlife and Fisheries Commission.

APPENDIX A

The following permits are required to conduct geophysical operations in the State of Louisiana:

1) A permit from the Louisiana Department of Wildlife and Fisheries for all seismic exploration work in the State of Louisiana is required. The supervision of this work is under the Seismic Section of the Seafood Division, Department of Wildlife and Fisheries, Baton Rouge, Louisiana.

2) A permit from the State Mineral Board is required to conduct any geophysical or geological exploration on State-owned lands or water bottoms. Application for permit should be made to the State Mineral Board, Baton Rouge, Louisiana.

3) A permit from the Department of Transportation and Development is required for geophysical operations along the public highways of the State. If public highways are not regularly maintained by the Department of Transportation, it shall be necessary to procure the consent of the Police Jury or governing body of the Parish in which said public highway is located. Permits are issued by the Department of Transportation, Baton Rouge, Louisiana.

4) A permit from the State Police is necessary for the transportation of explosives over the highways of Louisiana. Such permits are issued by the Department of Public Safety, Division of State Police, Baton Rouge, Louisiana. Inspection slips for such permits may be obtained from any State Police Troop headquarters.

5) A permit from the U.S. Army Corps of Engineers, is necessary when exploration work is to be conducted in navigable waters. Applications for such permits should be submitted to the

District Engineer, Corps of Engineers — New Orleans District, Foot of Prytania Street, New Orleans, Louisiana; Vicksburg District, Vicksburg, Mississippi; or, Galveston District, Galveston, Texas.

6) A permit from the Coastal Management Section, Department of Natural Resources, Box 44396, Baton Rouge, LA 70804

7) The Seismic operator shall furnish the original "Notification of Beginning of Seismic Operations" form obtained from the Department and a detailed map to the appropriate Clerk of Court. Most Clerks of Court prefer a scale of 1 to 3 showing the exact areas in which the Seismic operations are to be conducted. A duplicate certified copy shall be sent, Return receipt requested or hand delivered, to the Seismic Section. Required by Act 662.

8) It is intention of the Wildlife and Fisheries Commission and the Department to use any fees collected as a result of Rule 33 to plant shells for oyster cultch, to rehabilitate areas damaged by operations and as mitigation for any other damages to the coastal area.

9) Definition:

a) Oyster Reef — is a discrete, clearly distinguishable structure which 1) has been formed primarily by living oysters and other organisms, 2) is not necessarily currently supporting live oysters, 3) at least a portion of which must be above the mud line, (i.e. not covered by mud or silt), and 4) may support live oysters as a result of normal hydrological fluctuations.

b) Oyster Bed — is an oyster reef or a waterbottom on which oysters are actively being cultivated.

c) Oyster Areas — are those areas of coastal Louisiana which are capable of supporting natural or cultivated oyster populations.

d) Cultivation — is any human activity the purpose of which is to enhance the production of oysters.

Jesse J. Guidry
Secretary

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission at its regular meeting held in Kenner, Louisiana, May 1, 1984, adopted the following resolution based on biological and hydrological information gathered from the Seafood Division's shrimp monitoring program:

BE IT RESOLVED, that the 1984 Spring "Brown" Shrimp Season shall open at 6 a.m., on Monday, May 21, in Shrimp Management Zone 2. Zone 2 is defined as that part of the statutorily defined "inside waters" extending from South Pass of the Mississippi River to the western shore of Vermilion Bay and Southwest Pass at Marsh Island, and that the Season shall open at 6 a.m., on Monday, June 4 in Shrimp Management Zones 1 and 3. Zone 1 is defined as that portion of the statutorily defined "inside waters" extending from the Louisiana - Mississippi state line to south Pass of the Mississippi River. Zone 3 is defined as that portion of the statutorily defined "inside waters" extending from the western shore of Vermilion Bay and Southwest Pass at Marsh Island to the Louisiana - Texas state line.

BE IT FURTHER RESOLVED, that Shrimp Management Zones 1 and 3 are contingent upon the passage of HCR 72, which would suspend that portion of RS56:497 relative to the May 25 opening day, and that should the proposed HCR 72 fail to pass both houses of the Legislature, by the close of the Legislative busi-

ness day, on May 18, 1984, the 1984 Spring "Brown" Shrimp Season shall open at 6 a.m. on Friday, May 25 in Shrimp Management Zones 1 and 3.

BE IT FURTHER RESOLVED, that the Secretary of the Department of Wildlife and Fisheries is authorized to provide for partial closures or complete closure of the Spring "Brown" Shrimp Season in inshore waters to protect small white shrimp when significant numbers (average of 10 percent by number) are found in any well defined area(s) at the Department's established sampling stations.

BE IT FURTHER RESOLVED, that the Commission shall immediately issue a press release upon the passage or failure of the pending HCR 72 so as to immediately inform the public as to the opening dates for Shrimp Management Zones 1 and 3.

J. Burton Angelle
Secretary

Notices of Intent

NOTICE OF INTENT

Capital Area Ground Water Conservation Commission

Notice is hereby given that the Board of Commissioners of the Capital Area Ground Water Conservation Commission, which consists of the Parishes of East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, and West Feliciana, effective January 1, 1985, plans to increase pumpage charges from \$1.00 to \$1.50 per million gallons of ground water pumped in accordance with R.S. 38:3076(14) and 38:3079. A public hearing will be held in the Commission's office at 9:30 a.m., June 22, 1984 in Room 240, 6554 Florida Boulevard, Baton Rouge, LA 70806. Oral comments will be accepted at the meeting.

The Commission will accept written comments until 8:30 a.m. on June 22, 1984 at the following address: Capital Area Groundwater Conservation Commission, Box 64526, Baton Rouge, LA 70896. Phone: 504-924-7420.

Mark E. Brown
Chairman

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Notice of Intent

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

There is 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)

The board will receive an estimated increase of \$12,410 in the period between January 1, 1985 and June 30, 1985 and an estimated \$24,820 increase in the 1985-86 fiscal year and each fiscal year thereafter.

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

The users—public supply and industry only—will be asked to pay 50¢ more for every million gallons of ground water pumped.

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

It is not anticipated that this rate increase will curtail any water pumping activity of public suppliers or industrial users or effect the rates charged by suppliers for water supplied or amounts charged by industry users for their products.

A. N. Turcan, Jr.
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Environmental Quality Environmental Control Commission

Under the authority of the Louisiana Environmental Affairs Act, La. R.S. 30:1066 (1) and (8) and 1136 A(1) and (5) and in accordance with the provisions in the Administrative Procedure Act, La. R.S. 49:951 et seq., the Secretary of the Department of Environmental Quality initiated rulemaking procedures on proposed amendments to the Louisiana Hazardous Waste Regulations, (LHWR) on April 26, 1984. All interested persons are invited to submit written comments to the agency on the proposed amendments. Comments received by the agency prior to the close of the working day on July 9, 1984, will be considered by the Department before a final decision is rendered by the Secretary to adopt the proposed regulations. All written comments should be submitted to Patsy Deaville, Hazardous Waste Division, Box 44066, Baton Rouge, LA 70804-4066, or phone (504) 342-1227.

Following the initiation of rulemaking procedures by the Secretary on April 26, 1984, the proposed amendments were forwarded to the Natural Resources Committees for their consideration and approval. Upon approval by the Natural Resources Committees, the Secretary will consider the final adoption of the proposed amendments on July 10, 1984.

The primary purpose of the proposed amendments to the Louisiana Hazardous Waste Regulations is to provide the state with regulations that are equivalent and consistent with the Federal hazardous waste management program for Final Authorization under Title 40 Code of Federal Regulations, Parts 124, 261, 262, 263, 264, 265, 270 and 271 (See Resource Conservation and Recovery Act, Public Law 94-580). The adoption of these regulatory revisions will enable the state to apply to the Environmental Protection Agency for federal authorization to operate a hazardous waste management program in lieu of the Federal government.

Each section or subsection of the proposed regulations is a separate amendment for purposes of the Louisiana Administrative Procedure Act and the legislative committees may act on all amendments or any separate section or subsection. Public comments may be made on all amendments or any part thereof.

In general, the proposed amendments clarify areas of ambiguity between the LHWR and federal regulations, corrects miscites and typographical errors, and adds language to provide consistency with corresponding federal regulations.

The agency contact responsible for responding to inquiries concerning the proposed amendments is Gerald D. Healy, Jr., Administrator, Hazardous Waste Division, Box 44066, Baton Rouge, LA 70804-4066, or phone (504) 342-1227.

Copies of the proposed amendments may be obtained by writing to: Patsy Deaville, Department of Environmental Quality,

Hazardous Waste Division, Box 44066, Baton Rouge, LA 70804-4066, or phone (504) 342-1227. 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 600, Sixth Floor, 625 North Fourth Street, Baton Rouge, Louisiana.

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

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

Department of Environmental Quality, 804 Thirty-First Street, Monroe, Louisiana.

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

Department of Environmental Quality, 100 Epplen Road, Lafayette, Louisiana.

Patricia L. Norton,
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Louisiana Hazardous
Waste Regulations**

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

There will be no implementation costs or savings to state or local governmental units since the added clarifying language does not alter the current program operation.

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 since this does not impact the method of assessing the fees which provide the self-generated funding for the Hazardous Waste Division.

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

There will be no additional costs or economic benefits since the additions are merely clarifying language in line with current program operation.

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

Since the added language does not alter the current program operation, it does not effect competition or employment.

Patricia L. Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Environmental Quality
Environmental Control Commission**

Under the authority of the Louisiana Environmental Affairs Act, La. R.S. 30:1066 (1) and (8) and 1136 A(1) and (5) and in accordance with the provisions in the Administrative Procedure Act, La. R.S. 49:951 et seq., the Secretary of the Department of Environmental Quality initiated rulemaking procedures on proposed amendments to the Louisiana Hazardous Waste Regulations, (LHWR) on April 26, 1984. All interested persons are invited to submit written comments to the agency on the proposed amendments. Comments received by the agency prior to the close of the working day on July 9, 1984, will be considered by the Department before a final decision is rendered by the Secretary to adopt

the proposed regulations. All written comments should be submitted to Patsy Deaville, Hazardous Waste Division, Box 44066, Baton Rouge, La. 70804-4066, or phone (504) 342-1227.

Following the initiation of rulemaking procedures by the Secretary on April 26, 1984, the proposed amendments were forwarded to the Natural Resources Committees for their consideration and approval. Upon approval by the Natural Resources Committees, the Secretary will consider the final adoption of the proposed amendments on July 10, 1984.

The primary purpose of the proposed amendments to the Louisiana Hazardous Waste Regulations is to provide the state with regulations that are equivalent and consistent with the Federal hazardous waste management program for Final Authorization under Title 40 Code of Federal Regulations, Parts 124, 261, 262, 263, 264, 265, 270 and 271 (See Resource Conservation and Recovery Act, Public Law 94-580). The adoption of these regulatory revisions will enable the state to apply to the Environmental Protection Agency for federal authorization to operate a hazardous waste management program in lieu of the federal government.

Each section or subsection of the proposed regulations is a separate amendment for purposes of the Louisiana Administrative Procedure Act and the legislative committees may act on all amendments or any separate section or subsection. Public comments may be made on all amendments or any part thereof.

The proposed amendments add new permitting and technical requirements to Chapter 22, "Reusable Materials". These additions to the regulations more fully define the responsibilities of the hazardous waste recycle, reuse industry in the state with respect to the Louisiana Hazardous Waste Program.

The agency contact responsible for responding to inquiries concerning the proposed amendments is Gerald D. Healy, Jr., Administrator, Hazardous Waste Division, Box 44066, Baton Rouge, La. 70804-4066, or phone (504) 342-1227.

Copies of the proposed amendments may be obtained by writing to: Patsy Deaville, Department of Environmental Quality, Hazardous Waste Division, Box 44066, Baton Rouge, La. 70804-4066, or phone (504) 343-1227. 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 600, Sixth Floor, 625 North Fourth Street, Baton Rouge, LA.

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

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

Department of Environmental Quality, 804 Thirty-first Street, Monroe, LA.

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

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

Patricia L. Norton,
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Hazardous Waste Regulations
"Chapter 22"**

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

These regulatory amendments will increase the number of permitted facilities in the State by approximately 15. As a result of this increase to the Division's regulated community, the workload in the permitting, enforcement, manifest and

emergency response sections will increase. The Division would need to increase the staff by one technical and one clerical person to handle increased workload. Approximate cost to the Division for first year \$70,500 approximately \$49,000 second year.

Adoption of these regulatory amendments will not result in additional costs or savings to state or local governmental units. All costs will be paid for from dollars as a result of the collection of annual maintenance fees.

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

All permitted facilities in the State are required to pay annual maintenance fees to support the Hazardous Waste Division (HWD). With the addition of 15 permitted facilities, self-generated revenues should increase by approximately \$75,000 annually. The revenue collections will be handled at the state level and will not have any effect on local governmental units.

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

These regulatory amendments require that certain hazardous waste recycle, reuse facilities comply with the technical standards for hazardous waste storage facilities and obtain a Resource Conservation & Recovery Act storage permit.

The major expenditures required would be the one-time cost for preparation of a storage permit, estimated to be approximately \$10,000 to \$20,000, the Division's annual maintenance fee at a cost of approximately \$5,000 a year, and minimum personnel cost associated with reporting and recordkeeping.

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

There is no estimated effect on competition or employment between firms in Louisiana, since they will all be covered by the same rules.

Patricia L. Norton,
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Environmental Quality
Office of Water Resources**

Under the authority of the Environmental Quality Act, L.R.S. 30:1094 (A)(3) and 1094 (B)(3) and in accordance with provisions of L.R.S. 49:951 et seq., the secretary of the Department of Environmental Quality initiated rulemaking procedures on proposed rules and procedures for water quality certification within the Office of Water Resources, Water Pollution Control Division at the April 11, 1984 meeting of the Environmental Control Commission.

Following initiation of rulemaking procedures by the secretary, the proposed rule was forwarded on May 10, 1984 to the oversight subcommittees of the Joint Committees on Natural Resources for their consideration and approval. Upon approval by the oversight subcommittees, the Secretary of the Department of Environmental Quality intends to consider final adoption of this rule.

The primary purpose of the proposed rule is to expand on the statutory language requiring water quality certification and to clarify the procedures which are required for making application for and obtaining certification. In general, the following provisions are proposed: (1) application requirements including content of application, confidentiality procedures, and alternative application methods, (2) initiation of a self-generated revenue system to cover the costs of the entire certification program, (3) public notice requirements, (4) application review procedures, (5) public hearing

procedures, (6) criteria for issuance or denial of certification, (7) time limits and conditions for certification decisions, and (8) criteria and procedures for modification and revocation of certifications.

Copies of the proposed rule may be obtained by writing to: Brenda Hart, Department of Environmental Quality, Water Pollution Control Division, Box 44066, Baton Rouge, LA 70804-4066, or phone (504)342-6363. All interested persons are invited to submit written comments which will be considered by the secretary before a final decision is made. Copies of this rule are available for inspection at the following locations from 8 a.m. until 4:30 p.m. daily, Monday through Friday:

State Land and Natural Resources Building, Room 900, Ninth Floor, 625 North Fourth Street, Baton Rouge, LA.

Capital Regional Office, 5790 Florida Boulevard, 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.

Patricia L. Norton,
Secretary.

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Water Quality
Certification Procedures**

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

The rule as proposed, with implementation of the fee system, will result in no anticipated cost increases to state or local governments and no anticipated savings to local governments. There are however, anticipated savings to the state governmental units because of the implementation of the self-generated revenue system that will not only cover the costs of expanding the current program (\$216,250 for FY84-85 and \$217,000 for FY85-86) but also provide funds to pay for the cost of the existing program (\$106,000). As stated, it is estimated that this rule change will require the additional expenditure of self-generated funds in the amount of approximately \$217,000. The expenditure will be necessary for three new positions (Environmental Program Specialist III, Environmental Program Specialist IV, and a Clerk Typist III) and related operating expenses. The proposed rule will create additional administrative workload for the Division personnel including (1) processing of additional public notices for 404 permit applicants, (2) processing of public notices for 402 (NPDES)* permit applicants, (3) processing of hearing notices and records where required, (4) review and certification for certain NPDES permits, and (5) maintaining the agency mailing list (including updating the list and providing copies of notices to all listed persons or parties). Additional manpower beyond existing requirements including professional and administrative Division staff is estimated at 6,600 man-hours per year.** Additional Division operating expense is estimated at \$141,250 per year.** One-time Capital investment (FY 84-85) is estimated at \$5,000.**

(*National Pollutant Discharge Elimination System.)

(**These costs are included in the \$216,250 figure.)

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

A one-time processing fee will be charged all 404 certification applicants in order to support the entire certification program. Annually these self-generated funds will total \$325,500 based on an estimated average of 1500 applicants per year. Fees will be assessed in the following manner:

- \$25 per application non-commercial activities
- \$265 per application commercial activities

The estimated total of \$325,500 is collected each year and is derived by the following equation:

- 300 non-commercial applications × \$25 each = \$7,500
- 1200 commercial applications × \$265 each = \$318,000

This fee system will enable the existing program and the anticipated expanded program (as described by this rule change) to be self sufficient and not dependent on state or local revenues.

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

All applicants for federal permits requiring water quality certification will be affected by implementation of the proposed rule. Applicants for 404 certification will be required to publish one or more additional notices at an estimated annual statewide cost to the applicants of \$79,000. In addition, all 404 certification applicants will be charged a processing fee as follows:

- \$25 per application non-commercial activities
- \$265 per application commercial activities

This fee system is designed to generate the estimated annual cost of the entire program (\$317,250). Applicants for 402 NPDES permits will be required to publish two or more public notices at an estimated annual statewide cost to the applicant of \$44,000. Applicants will be required to expend their own time and financial resources in preparing for hearings, obtaining legal, administrative or technical assistance. It is estimated that the total annual cost of this certification program to the private sector will be \$600,000.

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

No effects on competition are expected in the public or private sectors with implementation of this rule. No employment change in the private sector can be quantified, however it is possible that applicants for water quality certification may require additional administrative or legal assistance on a part-time or full-time basis. Maximum employment change in the public sector would be an increase of three professional or administrative employees in the Division.

Patricia L. Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Nursing**

The Louisiana State Board of Nursing hereby gives notice that the Board at the July 26-27, 1984 meeting intends to adopt two proposed amendments to its rules as follows:

1. Amendment to R.N. 3.02, adding (4) to define the term "Under the direction of a Physician" as used in R.N. 3.041 (1).
2. Amendment to R.N. 3.041 (2) to delete the term "under the direction of a physician."

Public notification made herein indicates no final approval. The public is made aware of the proposed changes in compliance with R.N. 49:951-968.

Written comments may be addressed to Merlyn M. Maillian, R.N., Executive Director, Louisiana State Board of Nursing, 907 Pere Marquette Building, 150 Baronne Street, New Orleans, LA 70112 until 4:30 p.m., July 20, 1984.

Merlyn M. Maillian, R.N.
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: R.N. 3.041(2)**

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

Implementation costs will be \$244.70. This will include only the cost of clerical activities involved in the printing of the rules and the communications cost involved in disseminating the information.

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

There will be no change in revenue collection.

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

There will be no costs, nor benefits, to directly affected persons or non-governmental groups.

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

There will be no change in competition and employment.

Merlyn M. Maillian
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: R.N. 3.02 (4)**

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

Implementation costs will be \$244.70. This will include only the cost of clerical activities involved in the printing of the rule and the communications cost involved in disseminating the information. Savings to the Board of Nursing are anticipated in terms of avoidance of the cost of litigation against the Board.

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

There will be no change in revenue collection.

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

There will be no costs, nor benefits, to directly affected persons or non-governmental groups.

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

There will be no change in competition and employment.

Merlyn M. Maillian
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

PROPOSED RULE

Effective August 1, 1984, Title XIX reimbursement will be reinstated for the following drug:

Trade Name	Active Ingredient	Dosage Form/ Route	Firm
F.E.P. Creme	Pramoxine and Hydrocortisone	Cream	Boots

Reimbursement for this drug was discontinued in a final rule, effective October 30, 1981, as published in the *Louisiana Register*, Vol. 8 No. 2, page 67, because it was determined to be "less than effective" by the Food and Drug Administration (FDA). The 1984 Edition of the Physicians' Desk Reference, (PDR) page 702, published by the Medical Economics Company, Inc., indicates that the manufacturer, (Boots Pharmaceuticals, Inc.), has reformulated F.E.P. Creme into a combination that now renders it effective, and therefore payment may be made for this drug.

Interested persons may submit written comments at the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. 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 parish in the local Office of Family Security.

A public hearing on the proposed rule will be held June 1, 1984, in the Louisiana State Library Auditorium, 760 Riverside North, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Reinstatement of one drug

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

The amount of costs or savings resulting from this proposed rule cannot be determined because it is not known whether physicians will, with implementation of this rule, commence prescribing this drug, or will continue to prescribe those drugs that were substituted when the drug was deleted from the Title XIX Medical Assistance Program. The drug(s) which have been prescribed instead of F.E.P. Creme may or may not be covered by the Program and may or may not be more expensive than the drug being reinstated.

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

The effect on collections of federal Title XIX (Medicaid) revenues is dependent on costs or savings achieved, which cannot be estimated at this time. (See I. above)

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

F.E.P. Creme will now be available to Title XIX recipients.

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

There will be no effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Health Services and Environmental Quality intends to formally adopt policies and procedures used in operation of Northwest Louisiana Adolescent Family Life Project in accordance with the Administrative Procedures Act L.S.A. 49:950, et. seq.. These policies and procedures will specifically cover the charging of fees to service recipients as mandated by federal regulations as published in the Federal Register, Vol. 47, No. 40, Monday, March 1, 1982, page 8682.

In accordance with Title XX of the Public Health Service Act (42 U.S.C. 300Z-2) administered through the United States Department of Health and Human Services, Office of Adolescent Pregnancy Programs, all individuals served by the Adolescent Family Life Project must be charged a fee. Charges are to be made to persons according to a sliding fee schedule based on ability to pay, which is generally determined by income. No person shall be denied services because of inability to pay.

Fee Policy - all persons receiving services from the Adolescent Family Life Project shall be assessed a fee for each chargeable service. Chargeable services include the Parent Family Life Education Sessions and the In-Depth Family Life Sessions. Fees will be based on cost and adjusted according to the ability of the recipient to pay.

Fee Adjustment Schedule - all persons whose gross family income is above 150 percent of the level of poverty as determined by the U.S. Community Services Administration as indicated on the fee adjustment schedule, shall pay a fee for each chargeable service. The attached fee adjustment schedule (see Exhibit A), has been approved by the federal granting agency. Fees and adjustments to fees shall be explained by the Adolescent Family Life Project staff to the organization sponsoring the Parent Family Life Education Sessions, i.e. churches, and PTA's. The sponsoring organization shall be responsible for assessing the charges according to the participant's income. If indicated, the fees shall be collected by the sponsor and given to the Project staff person at the time the session is conducted. Funds collected are handled in accordance with Division of Administration policy and procedures.

Interested persons may submit comments on the proposed rule to: Sarah M. Braud, M.D., Health Deputy Assistant Secretary, Office of Health Services and Environmental Quality, Department of Health and Human Resources, Box 60630, New Orleans, LA 70160.

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

EXHIBIT A

SERVICE:	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
	NO CHARGE	5% CHARGE	10% CHARGE	20% CHARGE	30% CHARGE	40% CHARGE	50% CHARGE	60% CHARGE	70% CHARGE	80% CHARGE	90% CHARGE	100% CHARGE
Teen Living Series						contributions						
Individual Parenting Class						contributions						
Parent Family Life Education Session	\$.25	\$.50	\$ 1.00	\$ 1.50	\$ 2.00	\$ 2.50	\$ 3.00	\$ 3.50	\$ 4.00	\$ 4.50	\$ 5.00	
In-depth Family Life Sessions	\$.50	\$ 1.00	\$ 2.00	\$ 3.00	\$ 4.00	\$ 5.00	\$ 6.00	\$ 7.00	\$ 8.00	\$ 9.00	\$ 10.00	

% Poverty Income Family Size	I No Charge	II 150% of Cost	III 155% of Cost	IV 160% of Cost	V 165% of Cost	VI 170% of Cost	VII 175% of Cost	VIII 180% of Cost	IX 185% of Cost	X 190% of Cost	XI 195% of Cost	XII 200% of Cost
1	\$ 4,310	\$ 6,465	\$ 6,681	\$ 6,896	\$ 7,112	\$ 7,327	\$ 7,543	\$ 7,758	\$ 7,974	\$ 8,189	\$ 8,405	\$ 8,620
2	5,690	8,535	8,820	9,104	9,389	9,673	9,958	10,242	10,527	10,811	11,096	11,380
3	7,070	10,605	10,959	11,312	11,666	12,019	12,373	12,726	13,080	13,433	13,787	14,140
4	8,450	12,675	13,098	13,520	13,943	14,365	14,788	15,210	15,633	16,055	16,478	16,900
5	9,830	14,745	15,237	15,728	16,220	16,711	17,203	17,694	18,186	18,677	19,169	19,660
6	11,210	16,815	17,376	17,936	18,497	19,057	19,618	20,178	20,739	21,299	21,860	22,420
7	12,590	18,885	19,515	20,144	20,774	21,403	22,033	22,662	23,292	23,921	24,551	25,180
8	13,970	20,955	21,654	22,352	23,051	23,749	24,448	25,146	25,845	26,543	27,242	27,940
9	15,350	23,025	23,793	24,560	25,328	26,095	26,863	27,630	28,398	29,165	29,933	30,700
10	16,730	25,095	25,932	26,768	27,605	28,441	29,278	30,114	30,951	31,787	32,624	33,460
11	18,110	27,165	28,071	28,976	29,882	30,787	31,693	32,598	33,504	34,409	35,315	36,220
12	19,490	29,235	30,210	31,184	32,159	33,133	34,108	35,082	36,057	37,031	38,006	38,980
13	20,870	31,305	32,349	33,392	34,436	35,479	36,523	37,566	38,610	39,653	40,697	41,740
14	22,250	33,375	34,488	35,600	36,713	37,825	38,938	40,050	41,163	42,275	43,388	44,500
15	23,630	35,445	36,627	37,808	38,990	40,171	41,353	42,534	43,716	44,897	46,079	47,260
16	25,010	37,515	38,766	40,016	41,267	42,517	43,768	45,018	46,269	47,519	48,770	50,020
17	26,390	39,585	40,905	42,224	43,544	44,863	46,183	47,502	48,822	50,141	51,461	52,780

NOTE: Income shown under each group is maximum income for that group.

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

Rule Title: Fees for Family Life Project

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

The estimated implementation costs will be minimal and will have a negligible effect on state or local government.

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

The estimated annual revenue collected from this project is expected to be less than \$200; thus the effect on revenue collections of state and local governmental units will be minimal.

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

Persons or non-governmental groups directly affected by this rule will be charged a fee for some of the educational services of this program. However, charges will be made to persons according to a sliding fee schedule based on ability to pay, which is generally determined by income and no person shall be denied services because of inability to pay. Thus, the costs should not create undue hardship on persons or groups directly affected.

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

This rule is expected to have no effect on competition and employment.

Sarah M. Braud, M.D. Mark C. Drennen
Health Deputy Asst. Secretary Legislative Fiscal Officer

NOTICE OF INTENT

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

Effective July 20, 1984, the Department of Health and Human Resources, Office of Health Services and Environmental Quality, proposes to adopt the following rule as mandated by U.S. Department of Agriculture in 7CFR Part 246. This rule provides for the WIC Program's policies on vendor selection, participation and sanctioning process.

Section 17 of Public Law 95-627 states, "Congress finds that substantial numbers of pregnant, postpartum and breastfeeding women, infants and young children from families with inadequate income are at special risk with respect to their physical and mental health by reason of inadequate nutrition or health care, or both.—The program shall serve as an adjunct to good health care, during critical times of growth and development to prevent the occurrence of health problems the improve and health status of these persons."

The WIC Program provides supplemental food, health services and nutrition education for women, infants and children. It is federally funded through the U.S. Department of Agriculture. The Nutrition Section, DHHR-OHSEQ, shall be responsible for the administration of the WIC Program in Louisiana. Extensive regulations have been published by the Food and Nutrition Service of the U.S. Department of Agriculture in 7CFR Part 246. Federal regulations require intensified efforts directed toward vendor selection and vendor monitoring.

The Preapplication Package, the Agreement, and the WIC Vendor Handbook are available for review by any interested party at the Nutrition Section, Office of Health Services and Environmental Quality, Room 405, 325 Loyola Ave., New Orleans, Louisiana 70112, or at any local health unit.

GENERAL RULE

I. Definitions

Agency—Office of Health Services and Environmental Quality, Department of Health and Human Resources.

Agency Plan—Comprehensive implementation and operational Manual including criteria and standards for nutritional certification as approved by U.S.D.A.

Agreement—Document which is a legally binding agreement between the vendor and WIC Program. Agreement specifies application information and standards of compliance.

Authorized Vendor—A vendor who has completed the application process, has submitted a signed and notarized agreement, has been approved by the Agency and has been assigned a distinctive five digit vendor number.

Categorical Eligibility—Pregnant, breastfeeding or postpartum (up to six months) women, infants (birth to one year of age), and children (one year of age to five years of age).

Competent Professional Authority—Physicians, nurses, nutritionists employed by the Agency, or contract Agency, who may determine a patient's eligibility and prescribe the supplemental foods.

Days—Calendar days except for those time standards which specify working days.

Disqualification—The act of ending an authorized food vendor's participation in the WIC Program whether as a punitive sanction or for administrative reasons.

Fair Hearing—A procedure by which a vendor may appeal an adverse decision rendered by the Agency.

Food Package—Those foods, in the designated quantities, which are listed on the voucher.

Health Unit Staff—Personnel employed to work at the local health unit.

Judicial Review—A procedure by which an authorized vendor may appeal an adverse decision rendered at a Fair Hearing.

Local Health Unit—A facility, including those contracting with the Agency, within the parish that provides health care including WIC services under the authority of the Office of Health Services and Environmental Quality, Department of Health and Human Resources.

Patient—Persons certified by a competent professional authority to be eligible to participate in the WIC Program because they are categorically eligible, low income and at nutritional risk in accordance with Agency Plan.

Price Report Sheet (WIC-3)—A statement of the retail price of each item in the WIC Food Package as of the first of each month.

Reimbursement—The procedure an authorized vendor may use to request payment from the agency when a voucher has been refused by the bank or state fiscal office.

Right of Appeal—As mandated by 7CFR Part 246 of the federal regulations, a vendor may request a review and hearing of adverse action taken by the agency.

Rural—All areas not included under urban area.

Sanctions—Actions taken by the Agency when an authorized vendor fails to comply with WIC Program regulations. Actions including warnings, suspensions, disqualifications and fines.

Suspension—Short term (3-6 months) removal from the WIC Program.

U.S.D.A.—The United States Department of Agriculture.

Urban—All incorporated places and all unincorporated places of 1,000 or more population as reported in the 1980 census report.

Vendor—Owner and employees of any retail food outlet.

Vendor Monitor—Staff employed by the agency to assess vendor compliance to WIC Program rules and regulations.

Vendor Number—A distinctive five digit number assigned to each authorized vendor.

Voucher—The sequentially numbered checks issued to patients to purchase from authorized vendors the specific foods, in specific quantities, as listed on the back of each voucher.

WIC—Supplemental food and health program for pregnant, breastfeeding or postpartum (up to six months) women, infants (birth to one year of age), and children (one year of age to five years of age).

II. Vendor Selection Criteria

As outlined in Federal Register, 7CFR Part 246, the agency has the responsibility to maximize the use of available funds by providing the food package to patients at the most reasonable cost and to have an agreement with enough vendors to meet the needs of the patients while restricting the number of authorized vendors so that the agency can maintain an effective monitoring system.

A. Basic Vendor Eligibility Criteria:

1. To apply for WIC authorization, a vendor must be currently certified as a Food Stamp Program participant.

2. Cost containment: Vendor must offer food package below the median price charged by other authorized vendors in the parish, as evidenced by submission of WIC Program price report sheets.

3. Business integrity:

a) Owner and/or manager shall have demonstrated a willingness to follow written instructions and regulations, if the applicant has had prior participation with the WIC Program.

b) Owner and/or manager of current or prior business shall not have been disqualified from any U.S.D.A. food program within the prior three years.

c) Owner and/or manager shall not employ any management personnel or 25 percent or more of cashiers who worked in any establishment disqualified from any U.S.D.A. food program within the prior three years.

d) Owner and/or manager shall not have been convicted of any federal, state or local tax violations within prior three years.

e) Owner and/or manager shall not have been convicted of any felony within prior three years.

4. Vendor must be open for business a minimum of 48 hours per week.

5. Vendor must have a current permit to operate from the Parish Health Unit.

B. Criteria Determining The Number of Authorized Vendors in Parish:

1. Minimum number of authorized vendors per parish is four.

2. The need for increasing the number of authorized vendors will be determined by the following criteria:

a) Ratio of patients to authorized vendors exceeds 400:1 and

b) No authorized vendor in a three mile radius of applying vendor in rural area or

c) No authorized vendor in one mile radius of applying vendor in urban area and

d) Availability of public transportation routes accessing applying vendor to WIC population.

C. Falsified information on any of the application forms will automatically disqualify a vendor from authorization.

III. Agreement

A. The authorized vendor must sign and agree to the conditions enumerated in WIC Vendor Application and Agreement. Agreement must be notarized and approved by the agency.

B. No claim for reimbursement by the vendor, not provided in the Agreement, shall be paid by the agency. Unauthorized

vendors who accept food vouchers may be held liable for repayment of any funds received.

C. Falsification of application or fraudulent violations of the WIC Program regulations will result in disqualification and possible referral for criminal prosecution.

D. Terms of Agreement:

1. Agreement shall be for a period of one year. Neither party has an obligation to renew the Agreement. Vendor will be responsible for applying for reauthorization 60 days before the expiration of the Agreement.

2. Agreement may be terminated by 30 day written notice or by mutual agreement of both parties. The 30 day notice does not apply when the agency disqualifies a vendor as a result of violation(s) of the terms of the Agreement.

E. In the WIC Vendor Application and Agreement authorized vendor agrees to unannounced monitoring visits by authorized local, state or federal employees to determine compliance with Vendor Application and Agreement.

F. WIC vendors agree to provide any records relevant to their WIC Vendor Agreement upon request of the agency.

IV. Reimbursement Of Altered Or Bank Rejected Vouchers:

A. Vendor must submit to the agency, through the local health unit, any bank rejected voucher(s) within six months from last day of valid period. Any vouchers submitted thereafter will not be considered.

B. Vendor must submit in writing, an explanation of the error and the amount expected for reimbursement.

C. Original voucher(s) and written explanation are to be sent or delivered to a local health unit.

D. In determining whether or not to reimburse vendors for voucher(s) rejected by the bank due to errors on the vendors' part the agency will consider the following criteria in making its determination.

1. Prior record of same repeated errors.

2. Vendor's reported food costs versus amount requested for reimbursement.

E. Vendors will be notified by mail of adverse decisions.

V. Vendor Sanctions For Violations:

A. Minor violations such as, but not limited to, first time documentation that the vendor is out of required WIC food item(s); vendor not having on site "Procedure in Cashing WIC Vouchers" signed by all employees; failure to submit required Monthly Price Report Sheets; acceptance of post-dated or stale-dated vouchers; acceptance of presigned vouchers; failure to use vendor number on all redeemed vouchers; giving "rain checks", "I.O.U.'s" or crediting personal accounts; acceptance of unmatched or incomplete patient signatures on vouchers; or redeeming vouchers for similar but ineligible items will result in the following actions:

1. First offense will receive a written warning.

2. Second offense will receive a suspension from participation for 90 days from receipt of notification.

3. Third offense will receive a disqualification from participation for one year.

B. Major violations such as, but not limited to, obvious falsification of food shelf prices reported on Monthly Price Report Sheets; repeated findings of vendor being out of required WIC foods; allowing patients to purchase less than the total food package; failure to fill out dollar amount of the transaction in front of the patient; or knowingly exchanging or refunding money for WIC food items will result in the following actions:

1. First offense will receive a suspension for six months.

2. Second offense will receive a disqualification for one to two years.

Further, major violations such as, but not limited to, exchange of

vouchers for money; acceptance of vouchers for ineligible foods (meat, candy, soft drink), alcohol, tobacco or nonedible items; charging higher prices for WIC food items to WIC patients; redeeming vouchers for an amount higher than the actual food cost; allowing patients to purchase in excess of the food package in order to increase cost of voucher; redeeming vouchers for a fixed amount rather than reflecting true WIC food costs; failure to prove purchase of adequate stock of WIC foods to cover number of vouchers redeemed; or submitting falsified documents or WIC forms will result in a disqualification from participation for two to three years.

C. Combination of one or more violations may result in a more severe sanction than listed for a single violation, but not to exceed a three year disqualification.

D. The agency will take into consideration any severe hardship to the WIC patients that a suspension or disqualification would incur.

1. Suspensions may be waived if there are no other authorized vendors within a three mile radius in a rural area or within a one mile radius in an urban area.

a) In lieu of suspension, vendor may be required to make a cash restitution and be assessed a monetary fine of not less than \$300 but not greater than \$10,000 and/or

b) Vendor may serve up to one year probation. Any violations found during probation will preclude any further considerations.

2. Disqualifications for minor or major violations may be waived if there are no other authorized vendors within a three mile radius in a rural area or within a one mile radius in an urban area and there are no interested vendors within the same area on the vendor waiting list.

a) In lieu of disqualification, vendor may be required to make a cash restitution and be assessed a monetary fine of not less than \$500 but not greater than \$10,000 and/or

b) Vendor may serve up to three years probation. Any violations found during probation will preclude any further considerations.

E. Vendors disqualified from the Food Stamp Program, administered by U.S.D.A., will also be disqualified automatically from the WIC Program for the same time period.

F. Following completion of a suspension period the vendor may be reinstated only upon sufficient evidence that the vendor has complied with the terms and conditions of the Agreement. Vendors may reapply for authorization three years after serving a disqualification period.

G. Criminal or civil charges may be filed against vendors who use fraudulent means to violate the WIC Program.

VI. Fair Hearing:

Any vendor wishing to appeal an adverse decision by the agency must state their request in writing and mail to the agency within 15 days after the receipt of such a decision. The hearing process is governed by the procedures set forth in the Administrative Procedure Act, R.S. 49:950 et. seq. and as mandated by federal regulations, 7CFR Part 246.

A public review hearing will be held on May 23, 1984 at 10 a.m., at 325 Loyola Ave., Room 511, New Orleans, to collect comments on the rule. Comments on the proposed rule may be submitted to Sarah M. Braud, M.D., Deputy Health Assistant Secretary, Office of Health Services and Environmental Quality, Room 513, State Office Building, 325 Loyola Avenue, Box 60630, New Orleans, LA 70160.

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Rules of Vendor Participation in the WIC Program

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

The Louisiana WIC Program is funded by the U.S. Department of Agriculture. Implementation of these regulations will allow the Agency to establish clear guidelines for the authorization of vendors. More intensive monitoring is mandated in 7CFR 246.4. This will decrease fraud and enable the agency to serve more patients by maximizing use of available funds. This rule will not increase costs to OHSEQ. There may be some savings to the agency by a decrease in total food package costs.

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)

The rule will contain the growth of authorized vendors and provide vendor monitoring in compliance with federal regulations. This rule will assure that maximum funds go to a maximum number of eligible patients.

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

This rule will also impact on the number of approved vendors. There is no estimated impact on employment.

Sarah M. Braud, M.D.
Deputy Health Assistant
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Natural Resources Office of Conservation

In accordance with the laws of the State of Louisiana, and with reference to the provisions of Title 30 of the Louisiana Revised Statutes of 1950, as amended by Act 16 of the Extraordinary Session of 1973, being Chapter 7 of Title 30, and particularly Section 542(A) of said Act, a public hearing will be held in the Conservation Auditorium, First Floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana at 9 a.m., June 21, 1984.

At such hearing the Commissioner will consider evidence relative to the amendment of Regulation No. 9 pertaining to Natural Gas Pipeline Safety standards.

The proposed revisions represent the views of the Commissioner as of this date; however, the Commissioner reserves the right to propose additions or amendments thereto prior to final adoption.

Comments and views regarding the proposed Regulation should be directed in written form to be received not later than 5 p.m., June 20, 1984. Oral comments will be received at the hearing but should be brief and not cover the entire matters contained in the written comments. Direct comments to: Herbert W. Thompson, Commissioner of Conservation, Box 44275, Capitol Station, Baton Rouge, LA, 70804. All parties having interest in the aforesaid shall take notice thereof.

Herbert W. Thompson
Commissioner

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

Rule Title: Pipeline Safety Regulation Amendment

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Amendment of the Pipeline Safety Regulation will help guarantee continued receipt of up to 50 percent federal matching funds. (This program receives about \$200,000 from the federal government annually.
Adoption of these rule changes will not affect implementation costs or savings to state or local governmental units. Existing funds and staff will be sufficient to implement the proposed changes.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Implementation of the proposed rule changes will have no effect on the collection of revenues by state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
No costs or economic benefits will be incurred or received by directly affected persons or nongovernmental groups.
- IV. ESTIMATED EFFECT OF COMPETITION AND EMPLOYMENT - (Summary)
No effect on competition and employment is anticipated as a result of adopting the proposed rules.

Herbert W. Thompson
Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Natural Resources
Office of the Secretary
Fishermen's Gear Compensation Fund**

In accordance with Louisiana Revised Statutes 49:950 et seq., the Administrative Procedure Act and Louisiana Revised Statutes 56:700.1 through 56:700.5, the Fishermen's Gear Compensation Fund, notice is hereby given by the Department of Natural Resources that the balance in the Fishermen's Gear Compensation Fund has reached less than \$100,000, and as provided in R.S. 56:700.2, an additional fee will be assessed on July 1, 1984. The fee will be in the amount of \$300 per state mineral lease and \$300 per state right-of-way. The fee will apply to all leases and rights-of-way located in the Coastal Zone of Louisiana.

Any questions or comments relative to this fee should be directed to Edward M. Wagner, Jr., Administrator, Fishermen's Gear Compensation Fund, Box 44124, Capitol Station, Baton Rouge, LA 70804, Telephone (504) 342-4600, and should be received by June 15, 1984.

William C. Huls
Secretary

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

Rule Title: Fishermen's Gear Compensation Fund Fee Assessment

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no additional costs/savings to state or local governmental units as a result of this rule change. The program will be administered in the same manner as in past years.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
This assessment will generate approximately \$600,000, based on presently active state mineral leases and pipeline right-of-way grants.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
The assessment will affect the petroleum exploration and transmission industry. Failure to assess the fees will result in failure of the program to function as intended by the legislature, (i.e., the payment of damaged gear claims by Louisiana fishermen.)
- IV. ESTIMATED EFFECT OF COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment because this rule change only affects the assessment of a fee.

William C. Huls
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of the Treasury
Teachers' Retirement System of Louisiana**

The Board of Trustees of the Teachers' Retirement System of Louisiana intends to amend its procedures concerning enrollment of substitutes by adoption of the following:

PROPOSED RULE

On day one of employment all substitute personnel shall be enrolled in the retirement system and forthwith forward contributions. Substitutes will receive refunds upon request only once per fiscal year. This rule is to become effective on or after July 1, 1984.

Interested persons may submit written comments on the proposed change until 4:30 p.m., May 31, 1984, to Dr. Carleton C. Page, Secretary-Treasurer, Teachers' Retirement System, Box 44123, Capitol Station, Baton Rouge, LA 70804-4123.

Carleton C. Page, D.B.A.
Secretary-Treasurer

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

Rule Title: Enrollment Substitute Workers

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
The cost to reporting agencies of paying employer retirement contributions, rather than FICA in some cases, is undetermined since the number of such employees hired by each agency is unknown.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
The revenue collections of the retirement system will be increased by the amount of additional retirement contributions which will be paid by the employees and employers. This amount is not known due to variance in the number of hires and the contribution level of each.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
Each day-by-day substitute will make retirement contributions from the first day of employment at the appropriate

rate for the retirement plan in which enrolled. These substitutes would begin earning retirement credits from the first day of employment.

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

It is unknown if the change in regulations requiring enrollment of substitutes on the first day of employment will have an effect on employment of substitutes.

Carleton C. Page
Secretary-Treasurer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of the Treasury
Teachers' Retirement System of Louisiana**

The Board of Trustees of the Teachers' Retirement System of Louisiana intends to amend its procedures concerning enrollment of part-time employees by adoption of the following:

PROPOSED RULE

Employees who work 25 percent of the normal work time are considered part-time for that classification of employment and will be required to enroll as members of the Teachers' Retirement System of Louisiana effective on or after July 1, 1984.

Interested persons may submit written comments on the proposed change until 4:30 p.m., May 31, 1984, to Dr. Carleton C. Page, Secretary-Treasurer, Teachers' Retirement System, Box 44123, Capitol Station, Baton Rouge, LA 70804-4123.

Carleton C. Page, D.B.A.
Secretary-Treasurer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Part-time Employees**

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

Reporting agencies will be required to pay employer contributions on eligible employees who work between 1/4 and 1/3 of full time. The cost to the agencies will be minimal since the number of such employees is small.

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

The revenue collections of the retirement system will be increased by the amount of additional retirement contributions which will be paid by the employees and employers. This amount is not known due to variance in the number of hires and the contribution level of each.

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

The part-time employees eligible for the retirement system will be required to make employee contributions at the appropriate rate for the retirement plan in which enrolled and will begin earning credits toward a retirement benefit.

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

It is anticipated that enrollment of employees who work at least 1/4 of full time will have no effect on competition or employment of this category of employee.

Carleton C. Page
Secretary-Treasurer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

**Amendment to Jobs Bill Public Law 98-8
Louisiana Community Development
Block Grant Program Final Statement**

The Jobs Bill Public Law 98-8 Louisiana Community Development Block Grant Program Final Statement which was published June 20, 1983, in the *Louisiana Register* is being amended to change Part III E, 8, allowing a less restrictive employment certification. In implementing the program, Local Governments have commented to the Department on the difficulty of compliance with the employment certification. Contractors are unwilling to layoff a portion of their current workforce in order to comply with the certification. Therefore, Part III E, 8 is amended to read:

(8) Certification of Unemployment. Local governments must certify that maximum priority be given to hiring individuals within their jurisdiction who were unemployed 15 of the 26 weeks prior to March 24, 1983.

Interested persons may submit comments on the proposed amendment to Colby S. LaPlace, Assistant Secretary, Office of Planning and Technical Assistance, Box 44455, Baton Rouge, LA 70804.

Dorothy Taylor
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Jobs Bill PL 98-8**

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

Proposed amendment has no fiscal impact.

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

Proposed amendment has no fiscal impact.

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

It is likely that since the proposed amendment to Part III, E. (8) removes the percentage quota in hiring, fewer unemployed meeting the criteria would be hired than under the current rule; however, employees already working for contractors would probably not have to be laid off as a result of working on these projects.

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

Since the proposed amendment to Part III, E. (8) gives priority to unemployed persons, this amendment will more likely affect additional employees necessary to complete the contract than the existing workforce.

Clark Forrest
Program Manager

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

**Louisiana Community Development
Block Grant (LCDBG) Program
FY 1984 Proposed Statement**

I. PROGRAM OBJECTIVES. The Small Cities Program provides grants to units of general local government in nonentitled-

ment areas to undertake community development activities. The Small Cities Program, however, is competitive in nature and the demand for funds far exceeds the amount available. Therefore, eligible applicants selected for funding will be those communities having the greatest need as evidenced by poverty, and whose applications most adequately address locally-determined needs of low and moderate income persons, consistent with one or more of the following LCDBG Program objectives and consistent with the national objectives as defined in the Housing and Community Development Act of 1974 (Section 104 (b) (3)), as amended:

(1) Strengthen community economic development through the creation of jobs, stimulation of private investment, and community revitalization.

(2) Elimination of slums and blight and the prevention of blighting influences.

(3) Elimination of conditions which are detrimental to health, safety, and public welfare.

(4) Benefit low to moderate income persons.

II. GENERAL.

A. DEFINITIONS. For the purpose of the LCDBG program or as used in the regulations, the term:

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

(b) "Low-Moderate Income Persons" are defined as those having income within the Section 8 income limits as determined by the Secretary of Housing and Urban Development. (See Appendix 1 and 2.)

(c) "General Distress" means a combination of indices which reflect the overall fiscal status of a locality. Factors included are: percentage (%) and number of poverty persons. (Data compiled from state and federal sources.)

(d) "Auxiliary Activities" means a minor activity which directly supports a major activity in one program area (Housing, Public Facilities). Note: The State will make the final determination of the validity (soundness) of such actions in line with the program intent and funding levels.

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

B. ELIGIBLE APPLICANTS. Eligible applicants are units of general local government, that is, municipalities and parishes, excluding the following areas: Alexandria, Baton Rouge, Bossier City, Houma, Jefferson Parish (including Grand Isle, Gretna, Harahan, Jean Lafitte, and Westwego), Kenner, Lafayette, Lake Charles, Monroe, New Orleans, Shreveport, Slidell and Thibodaux. Each unit of general local government, be it a municipality or a parish, must submit an application on its own behalf. Applications submitted on the behalf of one unit of local government, by another unit of local government, will not be considered for funding. Joint projects shall necessitate a meeting with state staff prior to submitting the application to determine who would be the correct applicant. Although the applications involving joint projects can be submitted by only one applicant, all local governing bodies involved must be eligible according to the threshold criteria.

C. ELIGIBLE ACTIVITIES. Eligible activities will be only those as defined in Section 105 (a) of Title I of the Housing and Community Development Act of 1974, as amended. (See Appendix 4 for a listing of the eligible activities.) Ineligible activities are identified in Section 570.207 of the September 23, 1983, issue of the *Federal Register*.

D. TYPES OF GRANTS. Recognizing that needs of communities vary widely, the Small Cities Program has two types of grants—Multi-Purpose and Single Purpose. Single purpose and multi-purpose grants will be used for two program areas: Housing and Public Facilities. Only single purpose grants can be applied for under an Economic Development Grant. When more than one of

the two areas (Housing or Public Facilities) has major expenditures in an application, it is classified as a Multi-Purpose application. It is then classified as a Multi-Purpose Housing or Public Facilities application depending on which area (Housing or Public Facilities) has the largest expenditure. Final determination of the classification will be made by the State. For example, if more money is requested for housing, it would be classified as a Multi-Purpose housing application.

E. DISTRIBUTION OF FUNDS BETWEEN GRANTS. Figure 1 shows how the funds available will be allocated between the various type grants. Of the total CDBG funds allocated to the State of Louisiana, up to two percent will be used to administer the program. Since creation and retention of permanent jobs is so critical to the economy of the State of Louisiana, 25 percent of the total LCDBG funds will be allocated specifically for economic development type grants. Only economic development applications will compete for these funds. There will be three separate Economic Development Funding cycles. The 25 percent set-aside will be allocated equally among the three cycles. If at the end of each Economic Development funding cycle(s), monies remain in the Economic Development fund, those monies will be transferred into the subsequent Economic Development cycle. If at the end of the third cycle, monies remain, those monies may be transferred into the grant category deemed feasible.

Public Facilities and Housing applications will be funded with 60 percent of the available CDBG funds. This fund will be divided into two parts, one specifically for Public Facilities applications and the other for Housing. The exact distribution of these funds will be based upon the number of applications received and amount of funds requested in each category. Half of the money will be allocated based on the number of applications received in each category and half based on the amount of funds requested in each category. This same procedure will be followed in allocating monies for single and multi-purpose applications under the two program areas of housing and public facilities. The remaining 15 percent of available CDBG funds will be used to fund communities that have never received CDBG monies from either HUD or the State. This fund will be divided into two parts, one specifically for public facilities applications and the other for housing. The exact distribution of these funds will be based upon the number of applications received and amount of funds requested in each category. Half of the money will be allocated based on the number of applications received in each category and half based on the amount of funds requested in each category. This same procedure will be followed in allocating monies for single and multi-purpose applications under the two program areas of housing and public facilities.

SIZE OF GRANTS.

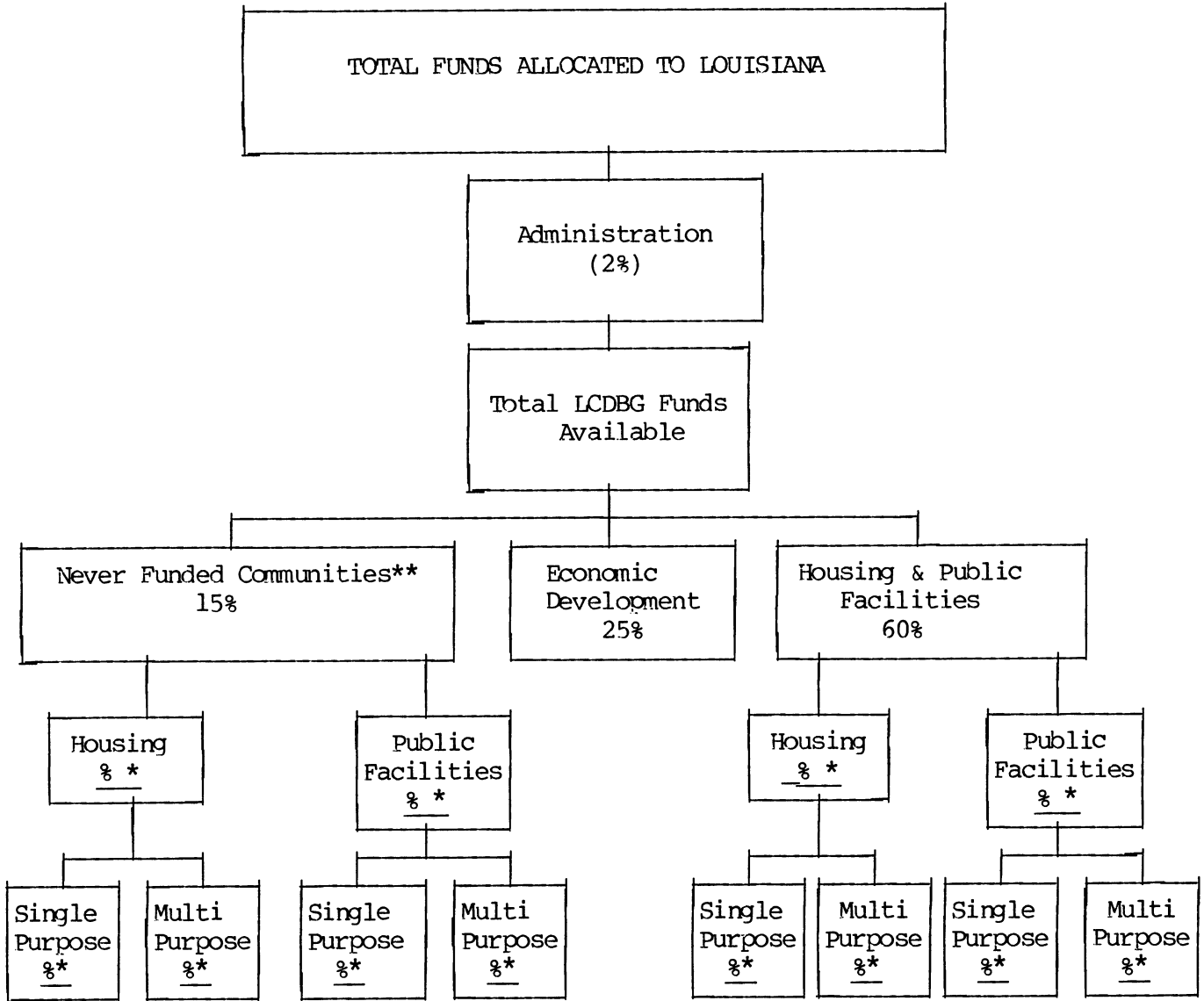
(1) Ceilings. The State has established funding ceilings of \$750,000 for Single Purpose and \$750,000 for Multi-Purpose Grants.

(2) Individual grant amounts. Both Single Purpose and Multi-Purpose Grants for specific grantees will be provided in amounts commensurate with the applicant's program. In determining appropriate grant amounts for each applicant, the State may consider an applicant's need, proposed activities, and ability to carry out the proposed program.

G. RESTRICTIONS ON APPLYING FOR GRANTS.

(1) Each eligible unit of general local government may apply for one Single Purpose or one Multi-Purpose Housing or Public Facilities Grant in each fiscal year. Any eligible applicant may apply for an Economic Development grant within any or all cycle(s) even those previously funded under the Housing and Public Facilities components.

FIGURE 1



*The percentage distribution between Housing and Public Facilities will be based upon the number of applications received and amount requested in each category. Half of the funds will be distributed based on percentage of applications received in each category and half on the basis of amount of funds requested in each category. The same procedure will be followed in allocating monies for single and multi-purpose in each category.

**This category is set-aside for communities that have never received CDBG monies from either HUD or the State.

(2) Capacity and performance: threshold considerations for grant approval. No grant will be made to an applicant that lacks the capacity to undertake the proposed program. In addition, applicants which have participated in the Block Grant Program previously must have performed adequately. Performance and capacity determinations are made as of the deadline date the application is due to the State and may be the basis for rejecting an application from further consideration. In determining whether an applicant has performed adequately, the State will examine the applicant's performance in the following areas:

(a) Units of general local government will not be eligible to receive funding if past CDBG programs awarded by HUD have not been closed out as of the deadline for receipt of LCDBG applications by the State.

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

(i) FY 1982 LCDBG recipients must have expended no less than 95 percent of the total grant amount,

(ii) FY 1983 LCDBG recipients must have expended no less than 75 percent of the total grant amount.

(c) The applicant's compliance with the laws, regulations and Executive Orders applicable to the Community Development Block Grant Program and/or HUD's monitoring. Audit and monitoring findings made by the State or HUD must be cleared prior to the deadline for receipt of applications by the State. If an applicant feels that there are extenuating circumstances beyond his/her control which prevents resolution of the findings, then the applicant must submit a request for waiver to the State prior to the application deadline.

The State is not responsible for notifying applicants as to their performance status regarding these prohibitions prior to submittal of the application. The applicant must request the waiver from the State prior to the application deadline date. The State may provide waivers to these prohibitions, but in no instance shall a waiver be provided when funds are due to HUD or the State unless a satisfactory arrangement for repayment of the debt has been made.

III. METHOD OF SELECTING GRANTEEES. The State has established selection and rating systems for both Multi-Purpose and Single Purpose Grants which identify the criteria used in selecting applicants. Applications are required for both types of grants. An applicant must include sufficient information in its application to permit the State to rate the application against the various selection criteria and must document to the State the source of information and the method used to compile the information for the application. The State will provide the information necessary to rate applications on the general indicators of distress. Existing sources of information, such as areawide analyses, State plans or needs assessments, and data from the Bureau of the Census, should be used whenever possible. Local surveys may be necessary to document the information submitted in the application. Documentation of the State's selection process and copies of applicant ratings will be made available upon request for public review.

The State shall establish deadlines for submission of applications and notify all eligible units of local government through a direct mailing.

A. DATA

(1) General Distress. Data used in the general indicators is derived from the United States Bureau of the Census. The State will provide this data.

(2) Low-Moderate Income. The low-moderate income limits are defined as being within the Section 8 income limits as established by HUD. In order to determine the benefit to low-

moderate income persons for a public facility project, the applicant must utilize either census data or conduct a local survey.

(a) Census Data. If 1980 census data on income is available by enumeration district, then the State will calculate the applicant's low and moderate income percentages. If the applicant chooses to utilize census data, the low-moderate income levels as shown in Appendix 2 will be followed. However, the applicant must request this data prior to submittal of the application. If 1980 enumeration district data is not available, then a survey must be conducted to obtain the income data.

(b) Local Survey. If the applicant chooses to conduct a local survey, the survey sheet in the FY 1984 application package must be used. Local surveys must be conducted for all housing activities. (Note: See Submission Requirement section for requirements that original survey sheets must be submitted with the application.)

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

No. of Persons in Household	Percent of Parish/MSA* Median Income
1	50
2	64
3	72
4	80
5	85
6	90
7	95
8 or more	100

*MSA = Metropolitan Statistical Area

The following percentages must be used as a guideline in meeting the required number of responses for a statistically reliable random sample for public facilities projects:

Number of Occupied Housing Units In Target Area	Sample Size Needed	Percent
No.	No.	Percent
25,000	378	1.5
15,000	374	2.5
10,000	370	3.7
5,000	357	7.1
4,000	351	8.8
3,000	341	11.4
2,000	322	16.1
1,000	278	27.8
750	254	33.9
500	217	43.4
250	152	60.8
100	80	80.0
50	44	88.7
25	24	96.0

Whenever the applicant's occupied housing count falls within two of the established ranges in column one, the applicant must use the percentage requirement for column three for the number in column one that is closest to the actual count in the target area. Surveys conducted for housing activities must involve 100 percent of the total houses within the target area.

Local surveys which have been conducted within twelve

months prior to the application submittal date will be accepted, provided the survey conforms to current program requirements.

B. PROGRAM DESIGN. The program as a whole must principally benefit low and moderate income persons and directly address and have an impact on the applicant's needs. Each activity contained within such programs must meet one of the following two National Objectives:

(1) Principal benefit to low-moderate income persons. At least 51 percent of the total persons benefitting must be individuals who are low to moderate income as defined in the Final Statement.

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

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

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

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

C. SINGLE PURPOSE GRANTS.

(1) Definition. A Single Purpose Housing and Public Facilities Grant provides funds for one need (water or sewer or housing, etc.,) consisting of an activity which may be supported by auxiliary activities. Single Purpose Economic Development grants are one project, consisting of one or more activities. Funds are available to address serious problems with housing and economic conditions or public facilities which affect both the public health and safety, all of which principally benefit persons of low and moderate income or aid in the prevention or elimination of slums and blight.

(2) Selection System for Single Purpose Grants. All Single purpose applications will be rated and scored in two major categories: General Indicators of Distress (maximum of 50 possible points for all applications) and the Specific Program Category (maximum of 150 possible points for housing and public facilities grant and 200 points for economic development applications). The total possible points for a single purpose housing or public facilities grant is 200 points. The total possible points for a single purpose economic development grant is 250 points.

(a) General Indicators of Distress. (50 Points)

Each applicant will be rated against all other applicants in each of the following categories:

1. Percentage of Poverty Persons	25
2. Number of Poverty Persons	<u>25</u>
TOTAL POSSIBLE POINTS	50

(i) Percentage of Poverty Persons - 25 points. All applicants are compared in terms of the percentage of their population below the poverty level. Individual scores are obtained by dividing each applicant's percentage of persons in poverty by the highest percentage of persons in poverty of any applicant and multiplying by 25.

(ii) Number of Poverty Persons - 25 points. All applicants are compared in terms of the number of persons whose incomes are below the poverty level. Individual scores are obtained by dividing each applicant's absolute number of persons in poverty by the greatest number of persons in poverty of any applicant and multiplying by 25.

(b) Specific Program Criteria. There will be three specific

program categories: 1) Economic Development (200 points); Public Facilities (150 points); and 3) Housing (150 points).

Each applicant will be rated against all other applicants proposing projects in the same specific program category. The criteria for rating each of the specific programs are as follows:

1) ECONOMIC DEVELOPMENT

i) PROGRAM IMPACT (Maximum Possible Points - 75)

(1) Number of permanent jobs created or retained 30 pts

(2) Private/Public ratio: Firm Private sector financial commitments/LCDBG funds 25 pts

(3) Percent of funds recaptured by unit of local government 20 pts.

A firm financial commitment from the private sector investor will be required upon submission of the application. Any application lacking a firm financial commitment will not be considered for funding. Each application will be given preliminary points for each of the above items, relative to other applicants' performance for that specific item. Once the preliminary points for all four categories are determined and summed for all applicants, the applicants will again be ranked from highest to lowest number of total preliminary points. The top ranked application will receive 75 points. All other applicants will receive points based on how they score relative to that highest score:

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

Points (total possible points)

If a project creates or retains fewer than 10 permanent jobs, or has a private funds/public funds ratio of less than 2:1, the application will not be considered for funding. Although an application may be determined to be eligible, the State will make the final determination as to whether or not the proposed activity is viable.

ii. COST EFFECTIVENESS (Maximum Possible Points- 25)

This will be calculated by dividing total LCDBG funds used by the number of permanent jobs created or retained to determine LCDBG cost per permanent job created or retained. Raw scores will be arrayed and the top ranked application will receive 25 points. All other applicants will receive points based on how they score relative to the lowest cost per job created:

$$\text{Cost Effective Points} = \frac{\text{lowest cost per job}}{\text{applicant's cost per job}} \times 25$$

If cost per job created or retained exceeds \$15,000, applications will not be considered for funding.

iii. BENEFIT TO LOW-MODERATE INCOME PERSONS

(Maximum Possible Points - 50)

This will be calculated by determining the number of permanent jobs created or retained that are or will be held by low-moderate income persons and dividing that number by the total number of permanent jobs created or retained top ranked applicants will receive 50 points. All other applicants will receive points based on how they score relative to that highest score:

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

iv. PROJECT FEASIBILITY (Maximum Possible Points - 50)

Based on the State's review, each applicant will be assigned points based on such factors as economic feasibility, soundness of the "deal" risk, diversification of the State's econ-

omy, financial viability and other factors deemed appropriate to the State.

In addition, priority will be given to those applicants who have not been funded under a previous ED cycle in FY 1984.

(2) PUBLIC FACILITIES

i. PROGRAM IMPACT

Maximum Impact, 100 points

The project would bring a community's substandard infrastructure into conformance with state or national standards and/or would completely remedy documented infrastructure deficiencies in a particular geographic area which threatens public health and safety, and is cost effective. All proposed improvements must be documented. The State has rated most communities' water supply, sewer, and solid waste and utility systems. Each community has a fire insurance rating. Projects which would bring substandard systems into compliance with the state or national standards would receive 100 points. Projects which would remedy documented threats to public health and safety would also receive 100 points. The applicant will have to document the threat or non-compliance with standards by using independent and appropriate sources such as letters from cognizant state or federal agencies. For example, a water project that proposes treatment and supply improvements must have documentation from a cognizant state or federal agency for both quality and supply.

Moderate Impact, 65 points

The project would result in substantial progress being made towards achieving local conformance with state or national standards and/or towards remedying infrastructure deficiencies that pose documented threats to public health and safety, and is cost effective. All proposed improvements must be documented.

Projects which would not bring substandard systems into total compliance with the State or national standards would receive 65 points.

Projects which would make substantial progress remedying documented threats to public health and safety but which would not completely resolve them would receive 65 points. Documentation of threats or noncompliance must come from independent and appropriate sources such as letters from cognizant state or federal agencies.

Minimal Impact, 30 points

The project would improve a community's infrastructure but would address only documented needs which are not a threat to public health and safety and is cost effective, or the threat to health and safety is inadequately documented.

Projects which involve improvements or facilities which do not pose threats to public health and safety would receive 30 points. Inadequately documented projects will also receive 30 points.

For example, a water project involving water quality and water distribution which only includes documentation on the quality will receive 30 points.

Insignificant Impact, 0 points.

The project would improve a community's infrastructure but has insignificant documentation of the necessity of such improvements.

Projects which involve public improvements or facilities which do not include sufficient documentation will receive 0 points.

Documentation letters from the independent and appropriate sources must have been prepared within the 12 months prior to application submittal date. It is the applicant's responsibility to ascertain that the documentation letters address the criteria re-

quired to receive the maximum points. No activity will be funded that receives less than 65 points on program impact.

ii. BENEFIT TO LOW-MODERATE INCOME PERSONS

(Maximum Possible Points - 50)

This will be calculated by dividing the number of low-moderate persons benefiting (as defined by the State) by the total persons benefiting. The resulting raw scores will be arrayed and the top ranked applicant will receive 50 points. All other applicants will receive points based on how they score relative to that highest score:

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

For improvements which involve different numbers of beneficiaries, the percentages must be identified separately.

(3) HOUSING

i. PROGRAM IMPACT (Maximum Possible Points - 75)

This will be determined by dividing the total number of proposed units to be rehabilitated and replaced and vacant units to be demolished by the total number of owner-occupied substandard units in need of rehab and replacement and vacant units in need of demolition in the total area in which rehabilitation and/or demolition will be permitted, that is:

$$\frac{\begin{aligned} &\# \text{ of units to be rehabed and replaced} \\ &\text{inside the target area} \\ &+ \# \text{ of vacant units to be demolished} \\ &\# \text{ of owner-occupied substandard} \\ &\text{units including those in need of demolition and replacement} \\ &+ \text{vacant units in need of demolition inside the target area} \end{aligned}}{\text{highest score}} = \text{Raw Score}$$

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

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

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

This system also permits up to 10 percent of the rehabs to be located outside of target areas without affecting impact scores in any way. Rental units which will be occupied by low-moderate income persons are allowed as long as the number of rental units to be treated does not exceed ten percent of the total owner occupied units proposed for rehab. Ten percent of the total rehab monies may also be used for emergency repairs. All units, except the emergency rehabs, must be brought up to at least the Section 8 Existing Housing Quality Standards and HUD's Cost Effective Energy Conservation Standards. The number of housing target areas cannot exceed three.

ii. COST EFFECTIVENESS (Maximum Possible Points - 25)

Cost effectiveness will be measured by dividing actual funds budgeted for rehab (i.e., loans, grants, acquisitions, relocations, demolitions) by the number of proposed rehabilitations and demolition. That is: loan, grant, acquisition, relocation,

$$\frac{\text{demolition costs}}{\text{Number of units affected}} = \text{Raw Score}$$

These scores will be arrayed and the top ranked applicant will receive 25 points. All other applicants will receive points based on how they score relative to that highest score:

$$\text{Cost Effective Points} = \frac{\text{lowest cost per unit}}{\text{applicant's cost per unit}} \times 25$$

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

Benefit to low-moderate income will be calculated by dividing total number of households directly benefiting into the number of low-moderate income households (as defined by the State) directly benefiting, that is:

$$\frac{\text{Number of low-moderate households directly benefiting}}{\text{Total number of households directly benefiting}} = \text{Raw Score}$$

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

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

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

D. MULTI-PURPOSE GRANT

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

(2) **Selection System for Housing and Public Facilities Multi-Purpose Grants.** All Public Facilities multi-purpose applications will be rated and scored in two major categories, as will all Housing multi-purpose applications: General Indicators of Distress (Maximum of 50 possible points) and the Specific Program categories (maximum of 150 points).

(a) **General Indicators of Distress.** (50 points) Each applicant will be rated against all other applicants on the same criteria listed under General Indicators of Distress for Single Purpose Grants.

(b) **Specific Program Criteria.** (150 points) Multi-purpose applicants will be rated on the same specific program criteria as the single purpose grants. The final scores received by the applicants will be based on the number of points they attain from each separate activity (maximum of 150 for each activity), weighted by the ratio of that activity's cost to the total cost of all activities, making the maximum number of points 150, no matter how many activities are included.

E. SUBMISSION REQUIREMENTS

Applications shall be submitted in a form prescribed by the State to the Department of Urban and Community Affairs and shall consist of the following:

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

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

i. Identification of which of the national objectives that the activity will address.

ii. A description of each activity to be carried out with LCDBG assistance. A detailed cost estimate for each public facilities activity including information necessary for considering the cost-effectiveness factor. If the proposed activity is dependent on other funds for completion, the source of funds and the status of the commitment must also be indicated.

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

iv. A statement on the percent of funds requested that will

benefit low and moderate income persons. The statement should indicate the total number of persons to be served and the number of such persons that meet the definition of low and moderate income, as defined by the State.

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

i. census tracts and/or enumeration districts;

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

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

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

v. specific location of each activity.

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

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

(6) **Certification of Assurances.** The certification of assurances required by the State, relative to Federal and State Statutory requirements, shall be submitted by all applicants; this certification includes, but is not limited to, Title VI, Title VIII, and affirmatively furthering fair housing.

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

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

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

a. The amount of funds available for proposed community development and housing activities;

b. The range of activities that may be undertaken, including the estimated amount proposed to be used for activities that will benefit persons of low and moderate income;

c. The plans of the applicant for minimizing displacement of persons as a result of activities assisted with such funds and to assist persons actually displaced as a result; and of such activities.

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

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

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

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

(11) Submission of Additional Data. Only that data received by the deadline established for applications will be considered in the selection process unless additional data is specifically requested, in writing, by the State. Unrequested material received after the deadline will not be considered as part of the application.

F. APPLICATION REVIEW PROCEDURE

(1) The application must be received prior to the deadline that has been established by the State. The applicant must obtain a "Certificate of Mailing" from the Post Office, certifying the date mailed. The State may require the applicant to submit this Certificate of Mailing to document compliance with deadline for mailing, if necessary.

(2) The application submission requirements must be complete.

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

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

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

i. Where local environmental reviews have not yet been completed;

ii. Where the requirements regarding the provision of flood or drainage facilities have not yet been satisfied.

iii. To ensure that actual provision of other resources required to complete the proposed activities will be available within a reasonable period of time;

iv. To ensure the project can be completed within estimated costs.

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

i. Based on review of the application, it is determined that general administrative costs exceed six percent of total public facilities construction costs or housing rehabilitation administrative costs exceed 12 percent of total housing costs.

ii. Based on field review of the applicant's proposal or other information received, it is shown that the information was incorrect, and the application was improperly rated, and no longer rates sufficiently high to warrant approval when compared with other applications in the competition, given funds available.

iii. On the basis of significant facts and data generally available and pertaining to community and housing needs and objectives, the State determines that the applicant's description of such needs and objectives is plainly inconsistent with such facts and data. The data to be considered may be published data accessible

to both the applicant and State such as census data, or other data available to both the applicant and State, such as recent local, areawide, or State comprehensive planning data.

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

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

vi. Any of the items identified under E. Submission Requirements are not included in the application.

G. PROGRAM AMENDMENTS FOR SINGLE PURPOSE AND MULTI-PURPOSE GRANTS.

The State may consider amendments if they are necessitated by actions beyond the control of the applicant. Recipients shall request prior State approval for all program amendments involving new activities or alteration of existing activities that will change the scope, location, or objectives of the approved activities or beneficiaries.

(1) New or altered activities are rated in accordance with the criteria for selection applicable at the time the original application was rated. The rerated score of the total program, because of the program amendment, must be no less than the lowest rating received by a funded program in that category during that cycle of application ratings.

(2) Consideration shall be given to whether any new activity proposed can be completed promptly.

STATE'S PAST USE OF FUNDS

Federal regulations require the State to provide a description of the past use of funds within the Final Statement. The description includes both FY 1982 and FY 1983 State-awarded grants. Appendix 5 provides:

a. A description of the use of funds under each previous allocation;

b. An assessment of the relationship of the use of funds to the community development objectives identified by the State in each prior Final Statement; and

c. An assessment of the relationship of the use of funds to the requirements of Section 104 (b) (3) of the Act, as they existed at the time of the certification.

ADMINISTRATION

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

B. Innovative or Pilot Projects. The State may develop criteria and guidelines for innovative or pilot projects and establish a special fund for their implementation, if need, interest and available money warrant.

These regulations are to be effective on July 20, 1984, and are to remain in force until they are amended or rescinded. Anyone having comments should contact: Colby LaPlace, Assistant Secretary, Office of Planning and Technical Assistance, Department of Urban and Community Affairs, Box 44455, Baton Rouge, LA 70804. Written comments will be accepted until May 30, 1984. Colby LaPlace is the person responsible for administering this program.

Dorothy M. Taylor
Secretary

APPENDIX 1:

1983 Median Family Income
By Parish and MSA

<u>Parish</u>	<u>1983 Median Family Income</u>	<u>Low/Mod Income Limit</u>
Acadia	\$ 21,600	\$ 17,300
Allen	21,200	16,950
Ascension	See MSA - Baton Rouge	
Assumption	24,800	19,850
Avoyelles	16,200	12,950
Beauregard	23,500	18,800
Bienville	18,600	14,900
Bossier	See MSA - Shreveport	
Caddo	See MSA - Shreveport	
Calcasieu	See MSA - Lake Charles	
Caldwell	16,800	13,450
Cameron	27,800	22,250
Catahoula	17,000	13,600
Claiborne	19,500	15,600
Concordia	20,300	16,250
DeSoto	19,900	15,900
East Baton Rouge	See MSA - Baton Rouge	
East Carroll	13,800	12,500
East Feliciana	21,800	17,450
Evangeline	17,200	13,750
Franklin	15,900	12,700
Grant	See MSA - Alexandria	
Iberia	26,400	21,100
Iberville	23,100	18,500
Jackson	18,500	14,800
Jefferson	See MSA - New Orleans	
Jefferson Davis	23,900	19,100
Lafayette	See MSA - Lafayette	
Lafourche	See MSA - Houma-Thibodaux	
La Salle	20,300	16,250
Lincoln	22,200	17,750
Livingston	See MSA - Baton Rouge	
Madison	14,200	12,500
Morehouse	17,300	13,850
Natchitoches	17,900	14,300
Orleans	See MSA - New Orleans	
Ouachita	See MSA - Monroe	
Plaquemines	27,500	22,000
Pointe Coupee	19,900	15,900
Rapides	See MSA - Alexandria	
Red River	16,900	13,500
Richland	16,100	12,900

1983 Median Family Income
By Parish and MSA

Sabine	\$ 18,100	\$ 14,500
St. Bernard	See MSA - New Orleans	
St. Charles	See MSA - New Orleans	
St. Helena	15,200	12,500
St. James	29,100	23,300
St. John the Baptist	See MSA - New Orleans	
St. Landry	19,000	15,200
St. Martin	See MSA - Lafayette	
St. Mary	28,300	22,650
St. Tammany	See MSA - New Orleans	
Tangipahoa	19,400	15,500
Tensas	13,900	12,500
Terrebonne	See MSA - Houma-Thibodaux	
Union	18,700	14,950
Vermilion	23,500	18,800
Vernon	16,600	13,300
Washington	18,400	14,700
Webster	See MSA - Shreveport	
West Baton Rouge	See MSA - Baton Rouge	
West Carroll	14,400	12,500
West Feliciana	19,100	15,300
Winn	16,600	13,300

MSA - Metropolitan
Statistical Areas

MSA Alexandria, LA ¹	21,100	16,800
MSA Baton Rouge, LA ²	28,300	22,650
MSA Houma-Thibodaux, LA ³	28,400	22,720
MSA Lafayette, LA ⁴	29,900	23,900
MSA Lake Charles, LA ⁵	28,600	22,900
MSA Monroe, LA ⁶	22,700	18,150
MSA New Orleans, LA ⁷	26,400	21,100
MSA Shreveport, LA ⁸	24,400	19,500

Footnotes:

- 1 Includes Rapides Parish only.
- 2 Includes East Baton Rouge, West Baton Rouge, Livingston, and Ascension Parishes.

³Includes Terrebonne and Lafourche Parishes.

⁴Includes St. Martin and Lafayette Parishes.

⁵Includes Calcasieu Parish only.

⁶Includes Ouachita Parish only.

⁷Includes Jefferson, Orleans, St. Tammany, St. Bernard, St. John the Baptist and St. Charles Parishes.

⁸Includes Caddo, Bossier and Webster Parishes.

Source: Section 8 Median Income Data, provided by HUD Area Office, March 1, 1983.

APPENDIX 2

1980 Median Family Income
By Parish and MSA

Parish	1980 Median Family Income	LOW/MOD INCOME LIMIT	
		Families	Unrelated Individuals
Acadia	\$ 15,792	\$ 12,634	\$ 8,844
Allen	15,685	12,548	8,784
Ascension	21,572	17,258	12,080
Assumption	17,334	13,867	9,707
Avoyelles	11,987	9,590	6,713
Beauregard	17,417	13,934	9,754
Bienville	13,850	11,080	7,756
Bossier	See MSA - Shreveport		
Caddo	See MSA - Shreveport		
Calcasieu	See MSA - Lake Charles		
Caldwell	12,624	10,099	7,069
Cameron	20,562	16,450	11,515
Catahoula	12,770	10,216	7,151
Claiborne	14,538	11,630	8,141
Concordia	15,208	12,166	8,516
DeSoto	14,887	11,910	8,337
East Baton Rouge	See MSA - Baton Rouge		
East Carroll	10,388	8,310	5,817
East Feliciana	16,184	12,947	9,063
Evangeline	12,540	10,032	7,022
Franklin	11,937	9,550	6,685
Grant	See MSA - Alexandria		
Iberia	19,268	15,414	10,790
Iberville	17,340	13,872	9,710
Jackson	13,919	11,135	7,795
Jefferson	See MSA - New Orleans		
Jefferson Davis	17,657	14,126	9,888
Lafayette	See MSA - Lafayette		
Lafourche	19,947	15,958	11,170
LaSalle	15,250	12,200	8,540
Lincoln	16,660	13,328	9,330
Livingston	See MSA - Baton Rouge		
Madison	10,679	8,543	5,980
Morehouse	12,949	10,359	7,251
Natchitoches	13,343	10,674	7,472
Orleans	See MSA - New Orleans		
Ouachita	See MSA - Monroe		
Plaquemines	19,884	15,907	11,135
Pointe Coupee	14,913	11,930	8,351
Rapides	See MSA - Alexandria		
Red River	12,482	9,986	6,990
Richland	12,112	9,690	6,783
Sabine	13,519	10,815	7,571

1980 Median Family Income
By Parish and MSA

<u>Parish</u>	<u>1980 Median Family Income</u>	<u>LOW/MOD INCOME LIMIT</u>	
		<u>Families</u>	<u>Unrelated Individuals</u>
St. Bernard	See MSA - New Orleans		
St. Charles	\$ 23,223	\$ 18,578	\$ 13,005
St. Helena	11,370	9,096	6,367
St. James	21,044	16,835	11,785
St. John the Baptist	21,818	17,454	12,218
St. Landry	13,893	11,114	7,780
St. Martin	16,612	13,290	9,303
St. Mary	20,688	16,550	11,585
St. Tammany	See MSA - New Orleans		
Tangipahoa	14,315	11,452	8,016
Tensas	10,447	8,358	5,850
Terrebonne	20,918	16,734	11,714
Union	14,027	11,222	7,855
Vermilion	16,951	13,561	9,493
Vernon	12,951	10,361	7,253
Washington	13,641	10,913	7,639
Webster	See MSA - Shreveport		
West Baton Rouge	See MSA - Baton Rouge		
West Carroll	10,807	8,646	6,052
West Feliciana	14,289	11,431	8,002
Winn	12,445	9,956	6,969

MSA-Metropolitan
Statistical Areas

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

FOOTNOTES

¹Includes Rapides and Grant Parishes

²Includes East Baton Rouge, West Baton Rouge, Livingston and Ascension Parishes

³Includes Lafayette Parish Only

⁴Includes Calcasieu Parish Only

⁵Includes Ouachita Parish Only

⁶Includes Jefferson, Orleans, St. Bernard and St. Tammany Parishes

⁷Includes Bossier, Caddo and Webster Parishes

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

APPENDIX 3

Act 590 of the 1970 Parish Redevelopment Act - Section 0-8

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

(i) "Blighted area" means an area which by reason of the presence of a substantial number of slum, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use; but if the area consists of any disaster area referred to in Subsection C (5), it shall constitute a "blighted area."

APPENDIX 4

Eligible Activities

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

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

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

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

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

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

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

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

(8) provisions of public services, including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, energy conservation, welfare or recreation needs, if such services have not been provided by the unit of general local government (through funds raised by such unit, or received by such unit from the State in which it is located) during any part of the twelve-month period

immediately preceding the date of submission of the statement with respect to which funds are to be made available under this title, and which are to be used for such services, unless the Secretary finds that the discontinuation of such services was the result of events not within the control of the unit of general local government, except that not more than 15 per centum of the amount of any assistance to a unit of general local government under this title may be used for activities under this paragraph unless such unit of general local government used more than 15 percent of the assistance received under this title for fiscal year 1983 for such activities (excluding any assistance received pursuant to Public Law 98-8), in which case such unit of general local government may use not more than the percentage or amount of such assistance used for such activities for such fiscal year, whichever method of calculation yields the higher amount;

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

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

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

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

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

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

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

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

(A) a description of energy use and projected demand by sector, by fuel type, and by geographic area;

(B) an analysis of the options available to the community to conserve scarce fuels and encourage use of renewable energy resources;

(C) an analysis of the manner in, and the extent to, which the community's neighborhood revitalization, housing, and economic development strategies will support its energy conservation strategy;

(D) an analysis of the manner in, and the extent to, which energy conservation objectives will be integrated into local government operations, purchasing and service delivery, capital improvements budgeting, land use planning and zoning, and traffic control, parking, and public transportation functions;

(E) a statement of the actions the community will take to foster energy conservation and the use of renewable energy resources in the private sector, including the enactment and enforcement of local codes and ordinances to encourage or mandate energy conservation or

use of renewable energy resources, financial and other assistance to be provided (principally for the benefit of low- and moderate-income persons) to make energy conserving improvements to residential structures, and any other proposed energy conservation activities;

(F) appropriate provisions for energy emergencies;

(G) identification of the local governmental unit responsible for administering the energy use strategy;

(H) provision of a schedule for implementation of each element in the strategy; and

(I) a projection of the savings in scarce fossil fuel consumption and the development and use of renewable energy resources that will result from implementation of the energy use strategy;

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

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

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

(c)(1) In any case in which an assisted activity described in paragraph (14) or (17) of subsection (a) is identified as principally benefitting persons of low and moderate income, such activity shall —

(A) be carried out in a neighborhood consisting predominantly of persons of low and moderate income and provide services for such persons; or

(B) involve facilities designed for use predominantly by persons of low and moderate income; or

(C) involve employment of persons, a majority of whom are persons of low and moderate income.

(2) In any case in which an assisted activity described in subsection (a) is designed to serve an area generally and is clearly designed to meet identified needs of persons of low and moderate income in such area, such activity shall be considered to principally benefit persons of low and moderate income if (A) not less than 51 percent of the residents of such area are persons of low and moderate income; or (B) in any jurisdiction having no areas meeting the requirements of subparagraph (A), the area served by such activity has a larger proportion of persons of low and moderate income than not less than 75 percent of the other areas in the jurisdiction of the recipient.

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

APPENDIX 5

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

The following is a chart reflecting the allocation of LCDBG funds by category for FY 1982 and FY 1983. A portion of the funds are currently unallocated, as indicated, due to cancellation of some grants.

CATEGORY	FY 1982		FY 1983	
	\$	%	\$	%
Prior Year Commitment	13,213,528	42.83	6,579,549	23.68
Economic Development	962,500	3.12	1,084,000	3.90
Housing	4,601,999	14.92	4,311,920	15.52
Public Facilities	9,563,651	31.00	11,654,065	41.94
Planning	196,767	.64	0	.00
Imminent Threat	1,713,300	5.55	2,089,520	7.52
Innovative Housing	0	.00	1,100,000	3.96
Administration	308,484	1.00	333,444	1.20
Unallocated	288,144	.94	634,502	2.28
TOTAL	30,848,373	100.00	27,787,000	100.00

The applicants selected for funding in FY 1982 and FY 1983 were required to meet one or more of the national objectives. The national objectives are:

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

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

NATIONAL OBJECTIVES AND FUNDING

National Objective	FY 1982		FY 1983	
	\$	%	\$	%
Elimination of Slums & Blight	253,455	.89	109,714	.43
Conditions detrimental to health, safety, and public welfare	1,626,800	5.70	2,033,050	8.02
Benefit to low-mod	26,642,673	93.41	23,213,063	91.55
Total	28,522,928	100.00	25,355,827	100.00

A state objective was also included to strengthen economic development through the creation of jobs, stimulation of private investment, and community revitalization. In 1982, \$1,242,878 was funded for economic development, excluding recipient administrative funds, to meet this state objective. FY 1983 funds of \$1,185,563 met this objective. The economic development grants also met the national objective of benefit to low and moderate income persons; therefore, the amount of \$1,185,563 is also shown under that national objective.

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: (CDBG) Final Statement**

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

The Department of Urban and Community Affairs presently has the necessary matching funds in the Executive Budget recommendation for 1984-1985.

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

Approximately \$26,593,724 in federal funds will be distributed to municipalities and parishes to support economic development, housing rehabilitation, and public facilities. Under the proposed rule changes 60 percent of the funds will be set-aside for funding housing and public facilities projects, 25 percent for economic development projects, and 15 percent for funding communities not previously funded. There are no

local matching requirements. The Department of Urban and Community Affairs will retain \$290,277 for administrative costs.

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

These funds will be awarded in accordance with selection criteria established in the LCDBG final statement. The program is designed to serve low to moderate income persons in local communities.

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

Bids to contractors are awarded in accordance with OMB Circular A-102 and Louisiana bid laws. Grantee communities with an approved Section 3 Plan may give preference to contractors from their jurisdiction.

Clarence Cunningham
Under Secretary

Mark C. Drennen
Legislative Fiscal Officer

Potpourri

POTPOURRI

Department of Education Southern University

Please note a change in location of the June meeting of the Southern University Board of Supervisors.

The Board of Supervisors' meeting scheduled for June 23, 1984 will be held in Baton Rouge, Louisiana in the J. S. Clark Administration Building.

Jesse N. Stone, Jr.
President

POTPOURRI

Department of Health and Human Resources Board of Examiners of Psychologists

The Rule became effective March 20, 1984 as published in the *Louisiana Register*, pages 207-208.

SUMMARY OF COMMENTS: RULES ON TRAINING AND CREDENTIALS

Summary of Comments—All persons commenting supported the Board's efforts to amend the rules and regulations in this area to facilitate evaluation of applicants' credentials for licensure. There were several comments concerning changes in IIA and IIB which the Board considered in making its judgments on the changes accepted.

IA A deletion of the statement "A school or college which has been admitted to candidacy status by a regional accrediting body shall be accepted as having met this requirement if it has maintained candidacy status for a minimum of three years."

The Board needs to have in its rules evidence that a school or college is either accredited or not accredited. The candidacy status clouds the determination of accreditation status and thus is deleted to achieve better clarity of the accreditation status of a school or college.

No comments were received.

II. Underscore the words "either . . ." and "or."

The emphasis is added to better denote that either IIA or IIB meet the definition of "full time graduate course of study in psychology" and does not require both.

No comments were received.

IIA Deletion of "or by the National Council of Accreditation of Teacher Education according to the standards of the National Association of School Psychologists."

Comments were received indicating that deletion of NCATE accreditation from IIA would restrict the number of school psychologists in the state and thereby make it difficult for Louisiana to recruit school psychologists. The Board counters this argument as being unsubstantiated since, even with IIA as it now stands, credentials must meet Rule III. Thus, a person with credentials showing a degree from an NCATE accredited school may still not be shown to have a "major in psychology" when credentials are compared to Rule III. The same obtains for APA approved schools, for the credentials of a person with such a degree are subjected to the same credential review against Rule III. Thus, Rule IIA does not automatically admit a person to candidacy; it only satisfies the definition of a "full-time graduate course of study in psychology". Once Rule IIA or IIB are satisfied, credentials must also pass the test of Rule IIIA and IIIB.

Some comments implied that Louisiana licensure would be out of line with other states' standards. However, only one other state (Indiana) (and possibly another one—Virginia) includes NCATE accreditation in their rules as determining a degree from a program that offers a full time graduate course of study in psychology. Thus, Louisiana would not be overly restrictive in deleting this accreditation body from its rules.

One of the crucial concerns of the Board is the scope of the NASP standards and NCATE accreditation which includes other professions and psychology at lower levels than the doctorate. The Board judges that the accreditation of the National Council of Accreditation of Teacher Education (NCATE) is not specific accreditation to psychology programs at the doctoral level as does the accreditation by the American Psychological Association and therefore is not appropriate in this section. NCATE accredits sub-doctoral level programs and serves to regulate education programs as well. Thus, accreditation does not insure that the person has obtained training in psychology at the doctoral level, as the statute requires. In addition, the standards are not comparable even in their application to psychology programs since they do not specify that the basic core training required in psychology (e.g., Biological Bases of Behavior, History and Systems, etc.) are requirements of programs accredited by NCATE and NASP. This represents a basic discrepancy in other rules on training and credentials and makes interpretation of a person's credentials difficult. (i.e., Rule II specifies that IIA or IIB must be met as well as IIIB which specifies those areas listed above, not required by NCATE and NASP but required for a person's credentials being judged by the Board as a "major in psychology.") The change in this rule would require that non-APA approved school psychology programs, like non-APA approved clinical and non-APA approved counseling programs etc., as well as other specialty areas in which APA does not offer accreditation, be submitted to credential review under Rule IIB and Rule III. No discriminatory application of the rules are allowed.

IIB. Change wording "Programs not approved by the American Psychological Association must meet the following standards." from "Psychology programs which do not meet criterion IIA must meet the following standards." is suggested to add clarity to the section. No change in meaning is implied.

No comments received on this change.

IIB-11. Add "11. The program shall be an internal degree program (as opposed to an external degree program) unless it is approved by the American Psychological Association."

Number 11 is added to define another type of program which exists in the educational community. The rationale is that the Board does not have the resources to adequately evaluate the many external degree programs developing across this country. Therefore, the Board defers the evaluative process to APA.

No comments were received on this change.

IIIA. Add heading "Scientific Areas." for clarity. No comments.

IIIA. Change wording "each student to obtain instruction in the areas . . ." from ". . . each student to demonstrate knowledge in the areas of . . ."

The Board upon reconsideration, judged that the original wording was more adequate.

No comments were received.

IIIB. Add heading "Substantive Content Areas." for clarity. No comments.

IIIB. Add "Competence shall be demonstrated by successful completion of at least 24 or more graduate semester hours (or equivalent quarter hours) with at least six semester hours in each of the four areas, or by documentation of comprehensive examination in each of the four substantive content areas."

POTPOURRI

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

**REPORT ON DHHR RESIDENTIAL
CARE RATE SETTING SYSTEM**

This report is published in accordance with the request of the Subcommittee on Oversight of the Joint Committee on Health and Welfare of the Louisiana Legislature and as required in the *Louisiana Register* published July 20, 1983.

Prior to January, 1983, approximately 138 residential facilities received funding from the Department of Health and Human Resources for individuals in need of care and treatment. These facilities were funded through various Offices of the Department and the reimbursement guidelines and rates varied from Office to Office. The Department of Health and Human Resources published and adopted a new rate setting system which included all 24 hour residential facilities except hospitals, quasi-hospitals and nursing homes. This new system replaced the historical cost methodology. Instead, it uses a prospective budget with inflation and budget screens, resulting in maximum reimbursement rates paid by the Department.

In August, 1983, rates were established for 177 facilities, with a median rate established of \$57.74. The number of facilities has increased since August 1982 by 87, making a current total of 225.

Below is a summary comparison of the old rate setting system (historical cost) to the new prospective budgeting system.

TOTAL NUMBER OF FACILITIES

	82-83	83-84	Anticipated 84-85
	FY	FY	FY
New System Grouping			
CAPACITY OF 4 - 6	21	48	85
CAPACITY OF 7 - 15	56	62	65
CAPACITY OF 16 - 85	29	29	29
CAPACITY OF 86 and above	10	10	10
Public/Quasi Public	17	22	29
Halfway Houses	<u>5</u>	<u>6</u>	<u>7</u>
TOTAL	138	177	225

RATES

	Median Rates	Median Rates	Percentage Increase in Median Rate
	FY 82-83	FY 83-84	
New System Grouping			
CAPACITY OF 4 - 6	\$49.50	\$62.89	27%
CAPACITY OF 7 - 15	42.70	49.97	17%
CAPACITY OF 16 - 85	53.70	57.93	8%
CAPACITY OF 86 and above	48.83	59.67	22%
Public/Quasi Public	86.93	94.98	9%
Halfway Houses	<u>19.23</u>	<u>21.02</u>	<u>9%</u>
TOTAL	\$50.15	\$57.74	15%

Of the 177 facilities whose rates were set, the maximum decrease in rate was \$49.50 and the maximum increase in rate was \$12.61.

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

Graduates who cannot document competence in all substantive content areas (1-4 below), may demonstrate competence by taking additional coursework or examination, not to exceed one substantive content area. Graduates who are deficient in more than one substantive content area will be considered as not having a "major in psychology."

Comments received during the public hearing implied that such a raising of standards within the content areas would unnecessarily restrict certain specialty areas of psychology, especially school psychology, from meeting the requirements for licensure. The Board agrees with these comments insofar as the three hour requirement probably satisfies the intent of specification of areas as long as the 24 semester hour requirement is maintained. The Board does not, however, necessarily agree that the restriction would focus on any one area of psychology.

The proposal of six semester hours in each of the four areas was changed from the previous three hour requirement to be in compliance with the recommendations of the American Association of State Psychology Boards (AASPB). Information received from AASPB indicates that approximately one third of the states in the United States and provinces in Canada who are members of AASPB use the six hour model. Even though some states use the six hour model, the Board, upon reconsideration, decided to continue with the three hour requirement.

IIIB. Delete paragraph "Competence may be demonstrated by passing comprehensive examinations in each of the areas or by successful completion of at least 24 or more graduate semester hours (or equivalent quarter hours) with at least three semester hours in each of the four areas, or by other means acceptable by the Board."

This paragraph was deleted and an additional change in paragraph one of IIB was substituted for clarity.

Comments were received in support of this change.

IIIC. Add heading "Specialty Areas."

This heading was added for clarification and no comments were received.

IIIC1. Omit word "normally."

This omission was intended to clarify the rule inasmuch as the word was added originally to accommodate industrial-organizational psychology which does not always require an internship. However, the difference in requirements for this area and other applied areas are specified further in CIII2 and is not needed in the general statement of IIIC1.

No comments were received.

IIIC1b. Substitute word "psychologists" with "assistants".

This substitution was made to make the rules consistent with the statute inasmuch as it restricts the word "psychologists" to licensed persons and, by definition, unlicensed persons are not psychologists.

No comments were received.

IV. Delete entire section.

This section was deleted to make the rules consistent with the statute. The statute does not sanction licensure of persons who do not present doctoral credentials in accordance with Rules I through III. Therefore, the rule did not correspond with the statute.

No comments were received during the formal hearing. Many comments, both pro and con, were received at a previous informal hearing.

June M. Tuma, Ph.D.
Chair

POTPOURRI

**Department of Natural Resources
Fishermen's Gear Compensation Fund**

In accordance with the provisions of the Fishermen's Gear Compensation Fund, Louisiana Revised Statutes 56:700.1 through 56:700.5, and in particular, Section 700.4 thereof; regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980; and also the rules of the Secretary of this Department, notice is hereby given that 23 completed claims, amounting to \$29,309.84, were received during the month of April, 1984. During the same month, six claims, amounting to \$8,476.02 were paid. The following is a list of the paid claims:

Claim No. 83-1091	Claim No. 83-1336
Timothy Schouest, Sr.	Ronald W. Gaspard
Claim No. 83-1299	Claim No. 83-1284
Ivy Duet	Danny Segura
Claim No. 83-1149	Claim No. 83-1351
Leo Paul Pitre	Steven Charpentier

No hearings are scheduled for the month of June, 1984.

William C. Huls
Secretary

The following chart shows where in the *Louisiana Register* a particular page cited in the index falls:

1984		
1 — 67	.....	Jan.
69 — 188	.....	Feb.
191 — 268	.....	Mar.
273 — 387	.....	Apr.
393 — 443	.....	May

**CUMULATIVE INDEX
(Volume 10, Number 5)**

Agriculture Department:

- Advisory Commission on Pesticides, 193R, 387E, 397R
- Agricultural Commodities Commission, 75R
- Agricultural Finance Authority, 73ER, 104N, 274ER
- Commissioner of Agriculture:
 - EDB limits, 191ER
 - Meat and poultry inspection, 199R
 - Livestock Sanitary Board, 191ER
- Horticulture Commission, 385P
- Seed Commission, 365N
- State Entomologist:
 - Burrowing nematodes, 46N, 277R
 - Sweet potato weevil quarantine, 64P

Aircraft, use of (see Governor's Office, Division of Administration)

Block grants (see Health and Human Resources Department, Office of the Secretary)

Bond Commission (see Commerce Department)

Budget reductions (see Executive Order DCT 83-26)

Capitol Area Ground Water Conservation Commission, 413N

Certified Public Accountants, Board of (see Commerce Department)

Civil Service Department:

- Civil Service Commission:
 - Appointments after layoff, 105N
 - Conversion of provisional appointment to permanent, 395ER
 - Leave, probationary period, 47N
 - Performance appraisal system, 366N
 - Preferred re-employed list, 395ER

Commerce Department:

- Certified Public Accountants, Board of, 76R, 105N, 278R
- Certified Shorthand Reporters, Board of Examiners of:
 - Fees, 49N, 279R
- Contractors Licensing Board:
 - License renewal fee, 49N, 199R
- Financial Institutions, Office of:
 - Agreement corporations, 4R
 - Thrift club memberships, 50N, 200R
- Minority Business Development Authority, 200R, 237N
- Racing Commission:
 - Allowable levels of drugs, 74ER, 106N
 - Claiming horses, 276ER
 - Delete Rule LAC-6:53.5, 74ER, 107N
 - Jockey agents, 192ER, 368N
 - License applications, 76R
 - Medical exams and analyses, 368N
 - Minors, 192ER, 368N
 - Referee sample, 276ER
- Real Estate Commission, 276ER

Community Development Block Grant (see Urban and Community Affairs Department)

Corrections Department:

Secretary, Office of:

Amend regulation 30-14, 4R

Amend regulation 30-19, 50N

Culture, Recreation and Tourism Department:

Tourism, Office of, 107N, 279R

Democratic State Central Committee, 180P

Education Department:

Educational Employees Professional Improvement Program, 242N

Elementary and Secondary Education, Board of:

Annual leave, 76R

Authorized equipment, 7R

Bulletin 741, Program of Studies, 237N, 396ER

Bulletin 746, 237N

Computer science, 3ER, 51N, 280R

Elective course approval, 369N

Employee resignations, 7R, 200R

Fourth grade skills, 108N, 192ER, 400R

Guidance counselors, 7R

High school credit for armed forces member, 76R

High school credit for college, 7R

High school graduation requirements, 396ER

Marine, Petroleum Institute fees, 200R

Migrant State Plan, 237N

Montessori certification, 108N, 400R

Reference Materials Committee terms, 269N

Special education, 7R, 369N

Speech, language, hearing specialist, 51N, 280R

Support Services funds, 51N, 280R

Talented certification, 76R

Teacher certificates, 7R

Termination of employees, 76R, 200R

Textbook adoption, 76R

Vo-Tech attendance policy, 200R

Southern University Board of Supervisors, 370N, 441P

Environmental Quality Department:

Environmental Quality Commission:

Air Quality, Office of, 281R, 370N, 371N

Hazardous waste management regulations, 109N, 110N, 111N, 200R, 260CR, 280R, 280R, 413N, 414N

Solid Waste Division, 242N, 404R

Office of Water Resources, 415N

Executive Orders:

DCT 83-27—Extend report date for Task Force on Environmental Health, 1

DCT 83-28—Amend and supplement DCT 83-26, budget reductions, 1

DCT 83-29—Commuting fee for users of state vehicles, 1, 69

DCT 83-30—Concerning Department of Environmental Quality and merger of Departments of Corrections and Public Safety, 2

DCT 84-1—Amend DCT 83-28, budget reductions, 69

DCT 84-2—Create 50 States Project advisory committee, 191

DCT 84-3—Enterprise Zone policy, 273

EWE 84-1—Layoff procedures, 273

EWE 84-2—Establish sections within Division of Administration, 393

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

EWE 84-3—Authority over superintendent of Division of State Buildings and Grounds, 393

EWE 84-5—Clearinghouse operation for federal review process, 393

EWE 84-6—Establish Governor's Commission for Women, 394

EWE 84-7—Order shell dredging study committee, 395

Flood Control Program (see Transportation and Development Department, Office of Public Works)

Food Stamps (see Health and Human Resources Department, Office of Family Security)

Governor's Office:

Division of Administration:

Commissioner's Office:

Act 160 reports, 76R

Data processing procurement, 77R

PPM 63, Use of State vehicles, 88R, 120N, 281R, 372N, 385CR

PPM 64, Printing procedures, 70PPM

PPM 67, Travel in State-owned aircraft, 54N, 188E, 200R

Contractual Review, Office of, 112N

Elderly Affairs, Office of, 372N, 373N

Real Estate Leasing Office, 122N, 290R

State Planning Office, 64P, 261P

Telecommunications Management, Office of, 80R

Women's Business Enterprise, Louisiana Office of, 53N

Special Commission on Education Services, 373N

Veteran's Affairs Department, 111N

Group Benefits Program (see Treasury Department)

Hazardous waste (see Environmental Quality Department)

Health and Human Resources Department:

Board Certified Social Work Examiners, Board of, 203R

Chiropractic Examiners, Board of, 159N, 327R

Dentistry, Board of, 88R

Electrolysis Examiners, Board of, 162N, 329R

Embalmers and Funeral Directors, Board of, 180P

Examiners of Psychologists, Board of, 207R, 261P, 441P

Family Security, Office of:

AFDC application process, 342R

Application processing, 169N

Earned income tax credits, 7R

Food stamps:

Standard utility allowances, 9R

Fraud and abuse, MAC program, 59N, 209R

GA program:

Alien sponsor's income, 59N

Inclusion of specific persons for certification, 58N, 209R

Irregular transportation elimination, 57N, 209R

Limit of checks for out-of-state recipients, 58N, 209R

Homemaker services, 375N

Isosorbide Dinitrate, reinstatement of, 8R

Less than effective drugs, 251N, 400R

LMAC list drugs, 374N

Medical Assistance Program, federal requirements for timely filing, 397ER

Medicaid closures due to SSI, 88R

Medicare, tracking reimbursement principles, 397ER

Non-emergency ambulance transportation, 89R

Nursing home beds, payment for, 8R

Nursing home reimbursement, 170N, 375N

Nurse Midwives, 173N, 342R

Prorated benefits for individuals, 8R

Refugee Cash Assistance, 251N, 401R

Reinstatement of one drug, 417N

Reinstatement of three drugs, 251N, 401R

Transportation, limit reimbursement for non-emergency, 8R

Transportation, Title XIX applicants, 3ER, 60N, 209R

Treatment for assigned support payments, 89R

Voluntary Family Responsibility Program, 192ER, 252N, 401R

Health Services and Environmental Quality, Office of:

Access to vital records, 377N

Family Life Project fees, 417N

Sanitary Code, 210R

Staggered registration regulations, 9R

Water vending machines, 10R

WIC program, vendors in, 419N

Human Development, Office of:

Adult protective services, 89R

Reporting adoption by stepparents, 173N, 342R

Management and Finance, Office of, 180P

Mental Retardation and Developmental Disabilities, Office of, 174N, 343R

Nursing, Board of, 385P, 416N

Nursing Home Administrators, Board of Examiners for, 374N

Pharmacy, Board of, 248N

Practical Nurse Examiners, Board of, 168N, 335R

Secretary, Office of:

Ancillary services in rate setting, 253N

Block grants, 379N

Clarification of regulation for rate setting, 253N

Client care provider standards, 210R

Controlled substances licensing, 176N, 343R

Dietitians, standards for registration of, 11R

Life Safety, residential care providers, 256N

Rate setting for Residential Care manual, 402R, 442P

1122 Programs policies, 177N

Veterinary Medicine, Board of, 208R, 249N, 261P

LP Gas Commission (see Public Safety Department)

Natural Resources Department:

Board of Solid Waste Operator Certification and Training, 404R

Conservation, Office of:

Order 29-B, non-hazardous oilfield waste, 61N, 210R, 260CR, 386P, 386P

Pipeline safety amendment, 421N

Environmental Affairs, Office of:

Air Quality Control Program, fee system, 63CR, 90R

Construction Grants Priority List, 1984, 63CR

Emission Standards, air pollutants, 63CR, 89R

Hazardous Waste Management Regulations, 179CR

Section 17.14, "excessive concentrations", 61N, 261CR

Fishermen's Gear Compensation Fund, 64P, 185P, 261P, 385P, 443P

Forestry, Office of:

Seedling price revision, 381N

Timber stumpage values, 63CR

Legal Division:

Coastal Management Program, stay orders, 63CR

Mineral Board, 179CR

Secretary, Office of:

Coastal Use Permits, 216R, 382N

Fishermen's Gear fees, 422N

Stay orders, applications for, 7R

Pipelines (see Natural Resources Department)

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**

Policy and Procedure Memoranda (see Governor's Office)
Printing procedures, PPM No. 64 (see Governor's Office, Division of Administration)
Public Safety Department:
 Fire Marshal, Office of, 179CR
 Liquefied Petroleum Gas Commission, 74ER
Racing Commission (see Commerce Department)
Real Estate Commission (see Commerce Department)
Revenue and Taxation Department:
 Tax Commission:
 Guidelines for value of property, 14R
Sanitary Code (see Health and Human Resources Department, Office of Health Services and Environmental Quality)
Solid Waste (see Natural Resources Department and Environmental Quality Department)
Special Commission on Education Services (see Governor's Office)
State vehicles, commuting fee for (see Executive Order DCT 83-29 and Governor's Office, PPM No. 63)
Teachers' Retirement System (see Treasury Department)
Transportation and Development Department:
 General Counsel, Office of:
 Cable crossing, 90R
 Materials Laboratory:
 Gasahol specifications, 383N
 Petroleum fuels, sale of, 46R
 Professional Engineers and Land Surveyors, Board of Registration for, 90R, 343R

Public Works, Office of:
 Flood Control Program, 91R
Treasury Department:
 Bond Commission:
 Non-traditional bond financing, 4ER, 62N, 409R
 Teachers' Retirement System, 422N, 423N
 State Employees Group Benefits Program, Board of Trustees:
 Comprehensive Medical Plan, 216R, 343R
 Exclude temporary appointments, 46R
 New premium rates, 237R
 State Employees Retirement System, Board of Trustees:
 Monthly meeting, 67P
Urban and Community Affairs Department:
 Office of Community Services, 188P
 Office of Planning and Technical Assistance, 387P, 423N, 423N
WIC program (see Health and Human Resources Department)
Wildlife and Fisheries Department:
 Wildlife and Fisheries Commission:
 Hunting seasons, 384N
 Net ban, D'Arbonne Lake, 256N, 385CR
 Oyster fishing regulations, 64CR, 177N
 Seismic exploration, 257N, 385CR, 410R
 Shrimp seasons, inside waters, 260N, 385CR, 412R
 South Zone trapping extension, 193ER
Women, Governor's Commission for (see Governor's Office)

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