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Executive Orders

EXECUTIVE ORDER DCT 82-25

Emergency Rules

DECLARATION OF EMERGENCY

Department of Commerce Office of Financial Institutions

WHEREAS, high technology industry is one of the fastest growing industries in this country; and

WHEREAS, the future economic development of Louisiana is dependent upon the state's ability to attract these new industries; and

WHEREAS, the state's ability to attract such industries is dependent upon its ability to provide the appropriate support and training through our educational institutions, particularly our higher education system, vo-tech schools and high schools; and

WHEREAS, there should be a mechanism whereby the State of Louisiana can determine what factors can encourage high technology industries to locate here, and to make recommendations on how the education system, in particular, can respond to these needs;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority of power invested in me by the Constitution of and applicable statutes of the State of Louisiana, do hereby create the Governor's Task Force on High Technology, to consist of the following members and such other members as may be appointed by me;

Mr. Ben F. James, Jr., Chairman, Mr. Emile J. Brinkmann, Vice Chairman, Dr. William Arceneaux, Dr. James H. Wharton, Dr. Ray Authement, Dr. F. Jay Taylor, Dr. Eamon Kelly, Reverend James C. Carter, S.J., Dr. James R. Prestage, Dr. Samuel DuBois Cook, Dr. Leon J. Richelle, Mr. Russell J. Protti, Mr. John J. Graham, Mr. Wiley H. Sharp, Jr., Mr. J. Robert Fitzgerald, Mr. R. M. Allen, Mr. Morrell F. Trimble, Mr. John W. Barton, Mr. Harry D. Richardson, Mr. James J. Reiss, Jr., Mr. Murray C. Fincher, Mr. J. Hugh Watson, Mayor Pat Screen, State Representative John C. Ensminger, State Senator Thomas H. Hudson and State Senator William J. Jefferson.

This task force shall be organized under the Office of the Governor.

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 2nd day of December, A.D., 1982.

David C. Treen
Governor of Louisiana

Under authority granted by R.S. 6:902B, the Commissioner of Financial Institutions hereby adopts the following Rule, effective December 6, 1982, for the purpose of providing a means by which State Chartered Savings and Loan Associations may have authority consistent with that granted federal associations by Federal Home Loan Bank Board Rules and Regulations 546.2 (b) and (e).

RULE

Notwithstanding limitations imposed by Chapter 9, Title 6, Louisiana Revised Statutes, one or more state chartered savings and loan associations may merge in accordance with the following Rule:

(a) Each association, by a two-thirds vote of its board of directors, shall approve a plan of merger evidenced by a merger agreement. The agreement shall state that it is effective only when approved by the Commissioner of Financial Institutions, State of Louisiana, and the Federal Home Loan Bank Board and shall specify (1) which association will be the resulting association; (2) the name it will use; (3) the location of its home office and branch offices; (4) the basis on which its savings accounts will be issued; and (5) the number of its directors and their names, addresses, and the length of their terms.

(b) Notwithstanding any other provision of this Rule, the Commissioner may require that a plan of merger be submitted to the voting members of any of the merging associations at a duly called meeting(s) and that the plan, to be effective, be approved by them.

This Emergency Rule was necessary in order to resolve problems in connection with "impaired" savings and loan associations prior to the end of the calendar year. This action was taken in accordance with the emergency provisions of the Administrative Procedure Act.

Hunter O. Wagner, Jr.
Commissioner

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its meeting of November 18, 1982, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and adopted the following as an emergency Rule:

Revised Home Study Guidelines (Pursuant to R.S. 17:236)

I. Definition

A home study plan for the purpose of these Guidelines is a

program in which an approved curriculum can be implemented under the direction and control of a parent or a tutor.

II. Eligibility

Any child eligible by Louisiana law to attend Louisiana elementary or secondary schools shall be eligible to participate in a home study plan. The home study plan does not replace the provisions of the state home-bound law.

III. Application Process

Before the student's instruction in a home study plan begins, the parent or tutor shall submit a home study application to the State Department of Education for review and recommendation to the State Board of Elementary and Secondary Education. Acceptance of the home study application shall be at the discretion of the State Board of Elementary and Secondary Education.

IV. Instructor

A parent or tutor* may be permitted to provide instruction in a home study plan. *Tutor: Court appointed guardian under Louisiana law.

V. Curriculum

The home study program shall have a sustained curriculum of a quality at least equal to that offered by public schools at the same grade level. In order to receive a Louisiana state equivalency diploma, the student must pass the General Educational Development (GED) test.

VI. Transfer Provisions

The local public school system shall have a written policy to receive any student from a home study plan and shall use whatever means are applicable to arrive at an appropriate placement in the local school system.

Note: When a student enters an approved public or non-public school, the school shall have the authority to test the student to determine appropriate grade level placement or subject matter unit credit.

VII. Due Process

The due process procedures for resolution of disagreements at the local level pertaining to the application and reauthorization of the home study plan shall follow the procedures established by the State Board of Elementary and Secondary Education in its Policies and Procedures Manual.

VIII.

All reasonable costs directly attributable to the home study program shall be borne by the parents.

This emergency adoption is necessary in order for the revised application form to be implemented during the current school year. The effective date of this Emergency Rule is November 18, 1982.

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

**Office of the Governor
Division of Administration
Office of Data Processing**

The Office of Data Processing in the Division of Administration, as required by Act 855 of the 1982 Regular Session and in accordance with the Administrative Procedure Act, R.S. 49:953B, declares this an Emergency Rule. These guidelines establish the procedure to be used in the issuance of the solicitation for proposals for fiscal intermediary services for processing claims of health

care providers. The complete text may be found in the Notice of Intent section of this issue of the *Louisiana Register*.

Len Sanderson
Assistant Commissioner

DECLARATION OF EMERGENCY

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

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provisions of the Administrative Procedure Act R.S. 49:953B to revise the reimbursement methodology for hospital services to a prospective method with a target reimbursement rate set at the 90th percentile. Effective January 1, 1983, the following methodology shall apply for determining reimbursement rates for all in-patient and outpatient services provided on or after that date:

I. DEFINITIONS

A. 1) Consumer Price Index (CPI) - The Consumer price index for all items for all urban consumers as prepared by the Council of Economic Advisors for the Joint Economic Committee.

2) Medical Component of the CPI - the portion of the CPI pertaining to the cost of medical services for all urban consumers.

B. Hospitals - Public or private hospitals (except one for tuberculosis or mental diseases) which participate in the Title XIX vendor payment plan.

1) Emergency Access Hospital - a hospital which is not a Medicaid participating provider which provides emergency services to a Title XIX eligible recipient when such services are necessary to prevent the death of the individual or the serious impairment of his health.

2) New hospital - a hospital not currently enrolled as a Medicaid provider which becomes a Medicaid provider after midnight December 31, 1982.

3) Hospital serving a disproportionate number of low income patients - any short-term general hospital in which the combination of Medicaid inpatient days and indigent inpatient days represents 30 percent or more of the total inpatient days for that hospital's most recent fiscal year.

C. Indigent Inpatient Days - All Medicaid inpatient days shall be considered indigent inpatient days, as shall a day of care consumed by an individual whose gross monthly income is within the specified limits of the Louisiana Eligibility Standard for services in state general hospitals. The 1982-83 Eligibility Standards are as follows: a single individual whose income is \$500 or less; an individual from a two-member family with a monthly income of \$700 or less; a three-member family with a monthly income of \$800 or less; a four-member family with an income of \$900 or less; a five-member family with an income of \$1000 or less; a seven-member family with an income of \$1100 or less; and so forth, with \$50 added to the monthly limit for each additional member of the family. A plan for determining and verifying indigent patients other than Medicaid patients must be submitted by the hospital and be approved by the Medical Assistance Program.

D. Occupancy Rate - the ratio of the number of utilized beds to the total number of certified beds.

The following methods for determining reimbursement rates for inpatient and outpatient services are being proposed effective January 1, 1983, for all services provided on or after that date:



DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Human Development

The Office of Human Development of the Department of Health and Human Resources has exercised the emergency provisions of the Administrative Procedure Act (R.S. 49:953B) to amend the rate determination formula promulgated in the June 20, 1981 issue of the *Louisiana Register*. This amendment applies to non-state operated residential facilities who provide services funded under the Client Placement Program and who do not operate under a written contractual arrangement with the Office of Human Development. The basis of the emergency is that the Client Placement Program will be in a deficit funding posture before the end of this fiscal year, if it continues to pay rates at the level set by the existing rate determination formula. Without a reduction in rates Office of Human Development will be unable to provide placement services to any of its clients currently in placement, when funds are depleted. Lack of placement services would constitute a clear danger to the health, safety and welfare of clients now being served by the Client Placement Program.

Effective January 1, 1983 the per diem rates paid to providers affected by this amendment shall be determined in the following manner:

1. The per diem rates paid to providers affected by this amendment as of December 31, 1982 will be arrayed to establish a range of payments.
2. The 50th percentile of this array of rates will be calculated by the Department of Health and Human Resources.
3. All providers providing services at per diem rates at or below the 50th percentile will continue to be paid at that per diem rate.
4. All providers providing services at per diem rates above the 50th percentile will be paid a per diem rate calculated as follows:

Maximum per diem rate - 50th percentile plus one half of the amount of the current per diem in excess of the 50th percentile.

Roger P. Guissinger
Secretary

Rules

RULE

Department of Culture, Recreation and Tourism Office of State Parks

The following Rules and Regulations, procedures and fees were established in accordance with Louisiana Revised Statutes 56:1687-1699. They become effective January 1, 1983.

RULES AND REGULATIONS OFFICE OF STATE PARKS

These Rules and Regulations were enacted by the Office of State Parks to govern all State Parks, State Commemorative Areas, State Preservation Areas, State Preservation Sites, Sta

II. Inpatient Hospital Services - The per diem reimbursement rate effective January 1, 1983, shall be determined by taking the cost report for the most recent fiscal period ending before July 1, 1982. The per diem rate shall be calculated using that cost report and based on actual occupancy rate. The per diem rate thus calculated shall then be inflated by the percentage change in the medical component of the Consumer Price Index (CPI). The rate shall be increased by the percentage increase in the CPI for the same month in which the cost report ends (e.g. if the cost report covered services through November 30, 1981, it would be the percentage increase in the CPI medical component from November 1, 1981, through June, 1982). The rates shall then be arrayed from lowest to highest with determination of a target rate at the 90th percentile. All hospitals with rates below the 90th percentile will have their rate increased by the percentage change in the CPI from December, 1981, to June 1982. Hospitals with rates currently above the target rate will have their rate decreased by 1/5 of the difference between their current rate and the target rate.

A. Hospitals serving a disproportionate number of low income patients will have their rates determined in the same manner as noted above, but shall use the percentage increase in the medical component of the CPI from December, 1981 to June, 1982. However, no rate may be increased above the target rate.

New rates will be computed each year effective July 1, of the year by taking the percentage change in the consumer price index or the medical component CPI, whichever is appropriate, from December of two years previously to December of the last calendar year, and applying that to the rate for the immediately preceding year. No rate may be increased beyond the target rate. Hospitals above the target rate will have their rate reduced based on the difference between their rate and the target rate. Effective July, 1983, these rates will be reduced by 1/4 of the difference, in 1984 by 1/3 of the difference, in 1985 by 1/2 of the difference and in 1986 these rates shall be reduced to the target rate.

C. New Hospitals (Inpatient Services) - The Medical Assistance Program shall reimburse new hospitals at a rate equal to the 50th percentile for inpatient services, not to exceed Medicare reimbursement rate(s) for such service(s). New hospitals shall bill the Medical Assistance Program for their usual and customary charge for such services and shall be required to certify in writing to the Medical Assistance Program, that their billed amounts are in compliance with this policy.

D. Emergency Access Hospitals (Inpatient Services) - The Medical Assistance Program shall reimburse hospitals designated as emergency access hospitals at a rate equal to the 50th percentile for inpatient services, not to exceed Medicare reimbursement rate(s) for such service(s). The hospitals shall bill the Medical Assistance Program their usual and customary charge for such services and shall be required to certify in writing to the Medical Assistance Program that their billed amounts are in compliance with this policy.

III. Outpatient Hospital Services - Hospitals (including new hospitals and emergency access hospitals) shall be reimbursed for outpatient services at 85% of billed charges. Hospitals must bill the Medical Assistance Program their usual and customary charges and will be required to certify in writing to the Medical Assistance Program that their billed amounts are in compliance with this policy.

This Emergency Rule is necessary due to a project budgetary deficit in the Medical Assistance Program. Without this action the Medical Assistance Program will be unable to continue services for the entire fiscal year once current funds are depleted. Lack of these services would imperil the health, safety and welfare of Title XIX recipients.

Roger P. Guissinger, Secretary
Department of Health and Human Resources

Experimental Sites and all other holdings under its jurisdiction, pursuant to the authority given in Title 56, Chapter 6 of the Louisiana Revised Statutes of 1950.

SECTION 1. PARK PROPERTY AND ENVIRONMENT

1.1 It is strictly forbidden to destroy, deface, remove, or in any other manner damage any natural feature or plant within a park. (The word "park" is defined for these Rules and Regulations to mean any holding of the Office of State Parks.)

1.2 It is strictly forbidden to deface, destroy, remove, alter, damage or disturb any building, sign, marker, structure, or other park property.

1.3 No timber may be cut, destroyed, or damaged except as necessary to meet established park management criteria including insect control, public safety, and approved park construction. No timber cutting or removal may occur without the written permission of the Assistant Secretary or his authorized agent.

1.4 No building, structure, or other park feature may be altered, erected, or constructed without written consent of the Assistant Secretary or his authorized agent.

1.5 A park manager or his agent may close the park to incoming visitors when the maximum use capacity of the park has been reached or when it is determined that additional users may cause damage to the park.

1.6 No food, beverage or smoking is permitted in structures or areas containing historical furnishings or displays except in designated meeting rooms and assembly locations.

1.7 The use of metal detectors or other devices for the purpose of locating surface or subsurface artifacts or relics is prohibited. It is strictly forbidden to dig for or otherwise remove any historical feature, relic or artifact. Excavations for and removal of historical features by professional archaeological means may be considered by a special permit for historical and scientific research purposes. All such requests will be reviewed by the Louisiana State Archaeological Survey and Antiquities Commission. Applications for such permits must be made to the Assistant Secretary, Office of State Parks.

1.8 No plant material may be planted or otherwise introduced on any state park area without the written approval of the Assistant Secretary.

SECTION 2. VEHICLE USE

2.1 Automobiles, trucks, motorcycles, bicycles, recreation vehicles, or any other wheeled vehicles must be operated only on those roads, lanes, or byways designated for vehicular park traffic unless otherwise authorized by the park manager.

2.2 Vehicles, including recreational vehicles, shall be parked only in designated parking areas unless otherwise authorized by the park manager.

2.3 The vehicular speed limit in parks is 15 miles per hour unless otherwise posted.

2.4 The operation of motorcycles, trailbikes, minibikes, motorscooters, or other two-wheel motor vehicles is prohibited from 6:30 p.m. to 6:30 a.m., except for ingress into or egress out of the park. The operation of any vehicle on public roads in state parks must meet all licensing requirements and be properly licensed for operation on public roads as specified by the Louisiana Department of Public Safety or other regulatory agencies.

2.5 The driving of any vehicle, carelessly or heedlessly, disregarding the rights or safety of others, or without due caution and at a speed or manner so as to endanger or be likely to endanger any person or property, is prohibited.

2.6 All motor vehicles must be operated with a muffler in good working order and are not to be operated in such a manner as to create excessive or unusual noise or annoying smoke.

2.7 No motorist may excessively accelerate the engine of a motor vehicle or motorcycle when such vehicle is not moving or is approaching or leaving a stopping point.

2.8 All persons operating a licensed vehicle must possess a valid operator's license on their person.

2.9 No two-wheel motor vehicles are allowed beyond the entrance to the Grand Isle State Park. All such vehicles must be parked in the designated area, locked and registered with the gate attendant.

2.10 The removal of any barrier to gain access to a restricted area is prohibited.

SECTION 3. BOATING USE

3.1 The operation of all water craft in and on all waters or streams, on or adjacent to park property, must be done in a careful and reasonable manner, subject to the rules of safety imposed by the laws of Louisiana and by the United States Coast Guard.

3.2 It is strictly forbidden to operate or be a passenger in or on any boat, vessel, conveyance, or other water craft on any waters owned by or subject to the supervision of the Office of State Parks without a life jacket, ring, belt, or other device approved by the United States Coast Guard.

3.3 Boats shall be launched only from designated boat ramps or launching areas within a park.

3.4 Any power boat under way at night must display a white stern light higher than the forward red and green port and starboard running lights. Canoes, pirogues, and other similar craft must carry a white light that can be flashed at intervals to prevent collisions.

3.5 When at anchor, all power boats must display a white light that can be seen by any boat approaching from any direction.

3.6 Persons renting boats must return the boat to the original docking location after use.

3.7 No boat may be operated in a designated swimming area or in any other area designated by signs or any area restricted from boat operation or docking.

3.8 Boats left docked and unattended must be properly secured in designated areas only. The Office of State Parks will not be responsible for theft or damage to boats, equipment or supplies left unattended.

3.9 Boats will be considered abandoned when left unattended for more than seven consecutive days unless written approval is granted in advance by the park manager.

SECTION 4. DAY USE

4.1 Day use facilities such as shelters, barbecue pits, tables, etc., which do not require prior reservations shall not be reserved by placing personal articles at these facilities prior to their immediate use. This includes firewood, ice chests, or any other personal property. The use of all such facilities is on a first come, first served basis.

4.2 The use of any facility in a park area is subject to certain conditions or policies set down on an individual facility basis by the park manager. These conditions or policies must be approved in writing by the Assistant Secretary.

SECTION 5. OVERNIGHT USE

5.1 Any overnight use of a park requires a written permit or cash receipt from the park.

5.2 Any permit may be terminated by the Assistant Secretary of the Office of State Parks and may be immediately terminated by the park manager upon the violation of any established park rule, regulation, or any condition of the permit.

5.3 Overnight camping, lodge use, or cabin use is limited to a 14 day period within 30 days. No campsite may be vacated for longer than a 24 hour continuous period under any permit agreement.

5.4 In no case will public residency be allowed in a state park.

5.5 State parks campgrounds are intended for tents and recreational vehicles only, and in no case will mobile homes be allowed.

5.6 Campsite occupancy is limited to one family unit per night or a non-family unit not to exceed six persons. Not applicable to areas set aside for special group camping activities, i.e. Scouts, etc. (A family unit is composed of members of an immediate family group, husband, wife, and/or children.)

5.7 Only one camping rig will be allowed in each campsite.

5.8 A camper rig is defined as the maximum combination of camping equipment that will be allowed to occupy one campsite. These allowable combinations are:

- A. One passenger vehicle and one tent.
- B. One passenger vehicle and one camping trailer.
- C. One van-type camping vehicle and one tent.
- D. One van-type camping vehicle and one camping trailer.
- E. One pickup truck camper and one tent.
- F. One pickup truck camper and one camping trailer.
- G. One motorized camper (or bus).

5.9 In no case may a campsite be reserved by payment or other means prior to actual physical occupancy by the permittee.

5.10 Permittee may not transfer or assign any use permit nor sublet any facility or part thereof.

5.11 Upon termination of any use permit, the facility must be delivered up in good repair and in the same condition in which it was found. Where applicable, all doors and windows will be closed, all water taps shut, and all fires extinguished. Permittee will be responsible for any and all damages resulting from his use of the facility.

5.12 Established time schedules (check-in and check-out) are strictly enforced. Failure to comply without advanced approval of the park manager may result in additional charges and denial of any future use of the facility.

5.13 No permittee may repair or install any park equipment or furnishings unless authorized and supervised by the park manager.

5.14 Permittee waives and releases all claims against the State of Louisiana for any damage to person or property arising from the privileges granted by any use permit.

5.15 No camper may erect or display unsightly or inappropriate structures or features which, in the opinion of the park manager, may create a disturbing or otherwise unpleasant condition detrimental to the general park use.

5.16 Tents and/or camping vehicles must be erected or parked only on designated campsites provided for such purposes.

5.17 Campers must maintain a reasonably quiet camp between the hours of 10 p.m. and 6 a.m.

5.18 Beds are arranged under Health Service recommendations and cannot be changed without the permission of the park manager.

5.19 Keys or lock combinations are issued for the personal use of the permittee who is prohibited from allowing others to use the key or lock combination otherwise making the facilities open so that others not covered by the permit may enter or leave the facility or area.

5.19.1 Gate keys are available at some parks for the use of overnight visitors at a refundable deposit rate of \$2 each. The key must be surrendered when the visitor completes his stay.

5.20 The park manager has the authority to require registration of every person occupying a campsite or overnight facility.

5.21 No one occupying an overnight facility will be allowed to reregister for the use of that facility for a period of more than 14 days within a 30 day period.

5.22 All overnight facilities have a check-in time of 4 p.m. and a check-out time of 2 p.m.

5.23 The park manager will furnish or post in each overnight structure an inventory of movable equipment and furnishings which are available in the unit. The user should check the inventory immediately upon occupancy and report to the manager

any deviation between the actual inventory and the printed inventory. The user may be required to reimburse the Office of State Parks for the cost of any equipment or furnishings which, if not reported upon occupancy, is missing or damaged when the unit is vacated.

SECTION 6. HUNTING, TRAPPING, AND THE USE OF FIREARMS OR FIREWORKS

6.1 The wildlife in state parks areas is under strict protection and must not be hunted, molested, disturbed, destroyed, or removed, except for scientific purposes when approved by the Assistant Secretary.

6.2 Bringing or keeping of any hunting dogs on park property for the purpose of hunting inside or adjacent to a park area is prohibited.

6.3 The display or discharge of any weapon, including but not limited to shotguns, rifles, pistols, and bow and arrows within a park area is prohibited.

6.4 The taking and hunting of frogs with a light after dark on any park property is prohibited.

6.5 No fireworks of any type are allowed in a park area.

6.6 The taking of fish by nets, traps or any means other than hook or line is prohibited on any state park area except for management purposes authorized by special permit. Taking of Flounder by gigs is permitted.

SECTION 7. HORSES, CATTLE, AND PETS

7.1 Horseback riding is allowed on only those parks with specifically developed areas and/or trails for their use. Under no circumstance may horses be ridden in parks unless authorized by the park manager.

7.2 Dogs or pets are not allowed to run at liberty in the parks. Any dog or pet brought within the park area must be leashed, caged or crated, and under no circumstances be permitted within buildings or other enclosed structures of the park (the leash is not to exceed five feet in length). Only seeing eye dogs will be permitted near developed swimming areas. Owners of pets causing any injury or damage will be fully responsible.

7.3 Under no circumstances will livestock be allowed to run or graze on park property.

7.4 No pets are allowed on State Preservation Areas or the Louisiana State Arboretum.

7.5 In the event that a park visitor or employee is attacked, bitten or scratched by an animal on a park area, a report shall be made immediately to the park manager. When applicable, the manager will take steps necessary and feasible to ensure that law enforcement and/or animal control agents are properly advised of the incident. Such animals, at the option of the park manager or other enforcement agents, may be seized or impounded for observation.

7.5.1 All costs associated with such action will be the responsibility of the animal owner. No animal shall be brought on a park area by a visitor unless he bears a current rabies inoculation tag indicating that he has been properly and currently inoculated against the disease.

7.5.2 Release or final disposition of an impounded animal will be the responsibility of the Parish Health Officer or a registered veterinarian.

SECTION 8. SANITATION

8.1 Visitors using parks must dispose of all paper, garbage, litter, and other refuse by placing such materials in receptacles provided for that purpose.

8.2 Draining or dumping refuse waste from any trailer or other vehicle except in places or receptacles provided for such uses is prohibited.

8.3 Cleaning fish or food, or washing clothing or articles of household use at hydrants or at water faucets located in restrooms is prohibited.

8.4 Polluting or contaminating water supplies or water used for human consumption or swimming is prohibited.

8.5 Depositing, except into receptacles provided for that purpose, any body waste in or on any portion of any comfort station or any public structure, or depositing any bottles, cans, cloth, rags, metal, wood, stone, or other damaging substance in any of the fixtures in such stations or structures is prohibited.

8.6 Using refuse containers or other refuse facilities for dumping household or commercial garbage or trash brought to a park as such is prohibited.

8.7 Glass containers of any kind are prohibited within any perimeter boundaries of pools, enclosed swimming areas, enclosed beach areas, and beach parks.

SECTION 9. FIRES

9.1 Fires shall be built only in places specifically designated for that purpose.

SECTION 10. SWIMMING

10.1 Swimming is permitted only at designated places, and persons are not permitted to swim unaccompanied.

10.2 All children under 12 years of age must be accompanied by an adult at any swimming area not under the supervision of a certified lifeguard.

10.3 The capacity of all pools and beach areas is determined, regulated and enforced by the park manager.

SECTION 11. AMPLIFIED SOUND EQUIPMENT

11.1 There will be no playing of amplified musical instruments within areas.

11.2 The operation or use of any public address systems, whether fixed, portable, or vehicle mounted, without prior approval of the park manager is prohibited.

11.3 Remote public broadcast activities involving the use of amplified sound equipment is prohibited on all state park holdings.

SECTION 12. CONDUCT OF VISITORS

12.1 Disorderly or boisterous conduct is forbidden.

12.2 The manager and/or his agent is authorized to control the use and consumption of alcoholic beverages in a park. The consumption of alcoholic beverages may be allowed to the extent that such activity does not adversely affect the use and enjoyment of the park by a majority of the park users.

SECTION 13. BUSINESS ACTIVITIES

13.1 No one may sell or offer for sale any merchandise or service in a park area without the written consent of the Assistant Secretary.

13.2 No one may distribute, post, place, or erect any advertising device in the park area without the written consent of the Assistant Secretary.

SECTION 14. FEES, FINES, AND ENFORCEMENT OF THE RULES AND REGULATIONS

14.1 The use of certain parks and/or facilities is subject to charges which will be imposed by the manager according to the schedule of fees approved by the Office of State Parks. The manager or his agents are responsible for the collection and enforcement of these fees.

14.2 Persons violating the Rules and Regulations of the respective parks are subject to fines for each violation of not less than \$15 nor more than \$250 (L.R.S. 56:1689).

14.3 Park managers and other park agents including rangers, watchmen, and guards if certified as "park wardens" are fully authorized to administer and enforce the Rules and Regulations applicable to the park areas and are empowered to issue citations and make arrests for violation of these Rules and Regulations. The manager and his agents if certified as "park wardens" are permitted to carry concealed weapons (L.R.S. 56:1689).

14.4 The Assistant Secretary or his authorized agent may direct the closing of a park to public use when or if any natural or

man-made occurrence has affected or is expected to affect the operation and management of the park to a degree that normal public use and enjoyment are altered, or when such use may impair the health, safety, and well-being of the public or employees of the agency.

14.5 Entering a park when closed or entering a park without proper registration or any effort to avoid payment of user fees is prohibited. Anyone entering a park without proper registration will be subject to a fine of not less than \$25.

14.6 In addition to the Rules and Regulations as printed herein, there may be other specific Rules and Regulations that are applicable to the operation of an individual area or facility. Any such regulation in order to be effective must be approved according to the Administrative Procedure Act (L.R.S. 40:951-968). Such regulations are enforceable as any Rule or Regulation printed herein and these Rules and Regulations are subject to enforcement action and/or fines identified in L.R.S. 56:1689.

SECTION 15. REFUNDS

15.1 Refunds can be granted in certain cases where the visitor is forced to leave the park prematurely for reasons beyond his control except when evicted for enforcement or disciplinary reasons. In emergency situations where the park must be closed due to natural or man-made emergencies (water shortage, fire, weather, and equipment failure), refunds will be issued at the park site. In all other situations, refunds will be issued through the Administrative Office; however, the refund procedure will be initiated at the individual park. The visitor must remit to the park attendant his original receipt which the park attendant will certify and submit with the appropriate form to the Administrative Office. The refund decision will be based upon the visitor's explanation and the park attendant's verification of the refund need.

15.2 Visitors are encouraged to request a temporary visitor pass for the purpose of inspecting the park facilities prior to an anticipated visit. Refunds are not granted when a visitor by his own choosing leaves the park as a result of inclement weather.

These Rules and Regulations are hereby approved pursuant to Louisiana Revised Statutes 56:1687-1688.

PROCEDURES GOVERNING ACTIVITIES, FUNCTIONS, FACILITIES AND EVENTS

SECTION 1 OPERATING SCHEDULE

Unless otherwise noted, the following schedule applies to the operation of all State Park Areas.

1.1 State Parks

Summer Schedule (1 April - 30 September)

Parks Open: 7 a.m. - 10 p.m. daily (exception: Chicot State Park, South Landing, 5 a.m. and Grand Isle State Park, 6 a.m.)

Winter Schedule (1 October - 31 March)

Parks Open: 8 a.m. - 7 p.m. daily (exception Chicot State Park, South Landing, 7 a.m.)

(Note: Attendant on duty until 10 p.m. on weekends for camper registration)

1.2 State Commemorative Areas

Museums - Year-round Schedule

Open: 9 a.m. - 5 p.m. daily

Closed: Christmas Day; New Year's Day; Thanksgiving Day

Day-Use Facilities and Grounds

Summer Schedule (1 April - 30 September)

Open: 8 a.m. - 7 p.m. daily

Winter Schedule (1 October - 31 March)

Open: 8 a.m. - 5 p.m. daily

- 1.2.1 Exceptions:
 Kent House SCA - October - February; Second Wednesday each month,
 Open: 2 p.m. - 9 p.m. Closed Second Thursday each month; Christmas Day; New Year's Day; Thanksgiving Day
 Old Arsenal SCA - Year-round Schedule
 Open: 10 a.m. - 4:30 p.m. Wednesday - Monday
 Closed: Tuesday; Christmas Day; New Year's Day; Thanksgiving Day
- 1.3 State Preservation Areas
 Open: 9 a.m. - 5 p.m. Monday - Saturday
 1 p.m. - 5 p.m. Sunday
 Closed: Christmas Day; New Year's Day; Thanksgiving Day
- 1.4 Temporary Operating Schedule
 Some areas are not fully operational pending completion of programs or facilities. Such areas operate on a part time schedule as follows:
- 1.4.1 Port Hudson State Commemorative Area
 Open: 8 a.m. - 5 p.m. Thursday - Sunday
 Special group tours may be made through the Park Manager on other days.
- 1.4.2 Plaquemine Locks State Commemorative Area
 Open: 8 a.m. - 5 p.m. Thursday - Sunday
 Special group tours may be made through the Park Manager on other days.
- 1.4.3 Fort St. Jean Baptiste State Commemorative Area
 Open: 8 a.m. - 5 p.m. Thursday - Sunday
 Special group tours may be made through the Park Manager on other days.

SECTION 2 FEES AND FACILITIES

2.1 General Admission Day Use Facilities

2.1.1 A day use fee is charged at all state parks and at two state commemorative areas (Audubon SCA and Longfellow-Evangeline SCA). Non-commercial vehicles with up to four people are charged \$1 per day. Each additional person is charged \$0.25. Buses used as public conveyances are charged \$10 per day. Walk-in visitors are charged \$0.25 per person for the day. All prices include state and local taxes.

2.1.2 In any cases where entrance fees are charged, there is no additional charge for the use of picnicking, boat launching, or swimming facilities.

2.1.3 Exception: St. Bernard State Park: Swimming Pool Fee \$1 per person per day.

2.2 Museums:

2.2.1 An admission of \$1 per adult and \$0.50 per child (between the ages of six and twelve) is charged for all park museums except Audubon SCA and Longfellow-Evangeline SCA.

2.2.2 All children under six years of age accompanied by an adult 18 years of age or older are admitted free.

2.2.3 School groups are requested to notify the Park Manager in advance of their arrival.

2.2.4 Candlelight Tours

2.2.4.1 Special candlelight tours are offered at Kent House SCA on the second Wednesday of each of the following months: October, November, December, January and February. Tour hours are 6 p.m. to 9 p.m. on these days with the first hour reserved for the general public. Group reservation use may be scheduled to occur between 7 p.m. and 9 p.m. No tours will begin after 8 p.m.

2.2.4.2 The fee for the candlelight tours is \$5 per person during the public use period and \$5 per person for group use with a minimum charge of \$50 for group reservations. Contact the His-

toric Site Manager at Kent House SCA for group reservations and other information at least 30 days before the proposed use. A group reservation permit is required. The number of visitors and group size will be controlled by the site manager. Reservations are taken on a first come, first served basis. The operating hours of Kent House SCA on days when candlelight tours are held will be 2 p.m. until 9 p.m. The House will be closed on the second Thursday (following the candlelight tours) during the months of October through February.

2.3 Boating

2.3.1 Rental boats range in length from 12 feet to 14 feet and are available in most parks. The use of motors on these boats is limited to the manufacturer's recommended horsepower capacity.

2.3.2 Boats are available at a rental rate of \$3 per boat per day.

2.3.3 Life jackets are available at some parks and may be rented for \$1 per day. A refundable deposit of \$2 per jacket is required.

2.3.4 Paddles are available at no charge and have a refundable deposit of \$2 per paddle.

2.3.5 Certain parks maintain a boat system utilizing a central fee collection and a boat lock system. The boat keys are issued upon renting a boat and must be returned when rental period expires. A refundable deposit of \$2 is required for the use of the key.

2.4 Swimming Pools and Enclosed Beach Areas

2.4.1 Pools and enclosed beach areas are usually operated from June 1 through Labor Day, subject to an operating schedule per individual park. All pools and enclosed beach areas are closed on Monday, except holidays.

2.5 Fishing Piers

2.5.1 A fishing pier extending into the Gulf of Mexico is located at Grand Isle East State Park. Tickets available at the park are \$1 for children (12 years of age and under) and \$2 for adults. Tickets are available for either day or night fishing and must be purchased in addition to the regular day use or overnight use fees.

2.5.2 A day use ticket allows a person to use the pier from 7 a.m. until 7 p.m. during the summer season (April 1 through September 30) or from 8 a.m. until 6 p.m. during the winter season (October 1 through March 31). The pier is closed for cleanup between 7 p.m. and 8 p.m. in the summer and between 6 p.m. and 7 p.m. in the winter.

2.5.3 A night use ticket allows a person to use the pier from 8 p.m. until 6 a.m. in the summer or from 7 p.m. until 7 a.m. in the winter. Night use tickets are sold between 8 p.m. and 10 p.m. in the summer and between 5 p.m. and 7 p.m. in the winter. Night tickets become invalid if the user leaves the park. The pier is closed for cleanup between 6 a.m. and 7 a.m. in the summer and between 7 a.m. and 8 a.m. in the winter.

2.6 Marina Facilities

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

2.6.1.1 A rental agreement will be executed between all boat rental slip occupants and the Office of State Parks, Department of Culture, Recreation and Tourism.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.6.1.11 Requests received before July annually but not assigned during that assignment period will not be carried forward. Each request for the applicable drawing period must be filed after July 1 annually and before December 31 of the same calendar year.

2.7 Assembly Rooms

2.7.1 Any meeting room or enclosed facility of a park used to accommodate meetings and functions of private groups, clubs and other organizations is available at a rate of \$50 per day (a normal day is the period between 9:30 a.m. and 3:30 p.m.) or \$10 per hour for day use, whichever is the lower. All use after 3:30 p.m.

until normal closing hours of the park is charged at a rate of \$15 per hour or at a flat rate of \$75, whichever is the lower. Kitchen facilities may be used if available.

2.7.2 All use after regular closing hours requires written approval from the Assistant Secretary and is available at a flat rate of \$50 plus \$25 per hour.

2.7.3 Assembly rooms are available at Fort Jesup SCA and Chemin-A-Haut SP.

2.8 Exemptions

2.8.1 Senior Citizens - All persons age 62 or older are admitted free upon proof of age. All persons accompanying a visitor 62 or older in a private, non-commercial vehicle are exempt from the entrance fees and the museum charges.

2.8.2 Disabled Veterans - A special "Veteran Entrance Permit" allows any disabled U. S. Veteran and any person(s) accompanying him in a single, private, non-commercial vehicle free entrance to all day use areas and museums. Applications for a veteran permit may be made to the Louisiana Department of Veterans' Affairs Service Office serving the parish in which the applicant resides. After certification of eligibility has been established by the Department of Veterans' Affairs, the Assistant Secretary of the Office of State Parks will issue a permit directly to the applicant.

2.8.3 School Groups - Any school child who is on a field trip conducted as part of the curriculum of the school and any classroom teacher, parent, bus driver and any other person accompanying a school child on such a field trip are exempt from paying the general admission charge to any state park, museum or related state facility in Louisiana. This exemption shall be valid from Monday through Friday during the school year.

2.9 Annual Permits

2.9.1 Annual Day Use Permits allow a single, private non-commercial vehicle and its occupants entry to all state parks and are available at a cost of \$25 per year. The permit, to be permanently affixed to the vehicle, may be obtained by application and payment to the Office of State Parks, P. O. Drawer 1111, Baton Rouge, Louisiana 70821. Permit applications are available at all State Park areas. The permit is valid for a period of one year beginning January 1 and ending December 31.

The annual day use permits are valid for exemption of the general admission day use charge only.

SECTION 3. OVERNIGHT USE

3.1 Camping Fee

Reservations for campsites are not accepted. Improved campsites rent for \$6 per night. Unimproved campsites rent for \$4 per night.

Each campsite is restricted to use by one camping unit.

Improved sites are equipped with picnic table, grill, electricity and water hookups.

3.1.1 Specific primitive areas accommodating organized groups (Boy Scouts, Girl Scouts, etc.) are located at the following State Park areas: Chicot State Park, Fountainebleau State Park, Lake Bistineau State Park, Lake Claiborne State Park, and Sam Houston Jones State Park. Reservations for these areas are made directly with the Park Manager. The group charge is \$10 per night. Capacity level will be set by the Park Manager.

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

3.2.1 Reservations for rally camping areas may be obtained for group reservation through the park's reservation office on a first come, first served basis. A \$25 advance deposit is required to confirm reservations, which will be applied to the first

night's use. Reservations must be made at the park where the facilities are to be used. Reservations for use between January 1 and May 31 are accepted beginning October 1 annually. Reservations placed for this period between October 1 and October 10 are accepted by telephone only and are on a first come, first served basis. Reservations for this period are accepted after October 10 annually by either telephoning or writing the individual park at which accommodations are desired. Reservations for use between June 1 and December 31 are accepted beginning January 1 annually. Reservations placed for this period between January 1 and January 10 are accepted by telephone only and are on a first come, first served basis. Reservations for this period are accepted after January 10 annually by either telephoning or writing the individual park at which accommodations are desired. Reservations are accepted only from persons 18 years of age or older and adults must accompany all minors.

3.2.2 Fees - A lump sum fee of \$25 per night is assessed to the group for the exclusive use of the area, plus an additional \$6 per unit per night is for each individual camper rig occupying the area.

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

3.3 Exemptions

3.3.1 All persons 62 years of age or older and anyone accompanying such person in the same vehicle are entitled to a \$2 per night discount on the use of camping facilities. Proof of age is required.

3.4 Backpacking

3.4.1 Backpacking is available only at Chicot State Park at the present time. A permit is required for all overnight backpacking use and may be obtained at the park entrance station. For group outings this permit must be obtained two weeks in advance and may be obtained by writing to Chicot State Park.

3.4.2 Each person will be assessed a fee of \$0.25 per night. A copy of the backpacking regulations can be obtained at the park entrance station.

3.4.3 Backcountry camping or backpacking is defined as camping in undeveloped areas of the park where there are no designated campsites and no facilities provided. These areas are reached by backpacking or by boat. The following regulations for backcountry use have been developed to protect users and park resources:

3.4.3.1 A written backcountry permit issued at the individual park office is required for all overnight backcountry use. This permit may be obtained at the park entrance station. For group outings this permit must be obtained two weeks in advance and may be obtained by writing to the individual state park.

3.4.3.2 A trip plan including expected area of camping, route of travel, and expected departure and return times must be filed with designated personnel.

3.4.3.3 All garbage and litter must be brought back to the main park for proper disposal in trash containers. The camping area should be left as clean or cleaner than it was before you used it.

3.4.3.4 Human waste is to be buried well away from camp areas and streams.

3.4.3.5 Fires are permitted but only dead wood collected from the ground is to be used for fuel. Fires should be modest in size and fully extinguished when camp is left.

3.4.3.6 Digging, ditching, or leveling of ground for tent sites is prohibited. Installation of permanent camp facilities is prohibited.

3.4.3.7 No horses, dogs, cats, mechanized or wheeled vehicles, or motor boats are allowed in backcountry areas.

3.4.3.8 Possession of firearms, traps, seines, etc., is prohibited. Fishing is permitted with a valid Louisiana fishing license.

3.4.3.9 Campers should be self-sufficient and carry enough water, food, and first aid equipment for emergency situations.

3.4.3.10 Vehicles used to get to the trail head will be left in areas designated by appropriate park personnel.

3.4.3.11 Because of the delicate nature of the backcountry environment at Chicot State Park no more than 20 people per campsite will be allowed at any given time. Since there are five campsites, permits will be issued to a maximum of 100 people.

3.4.4 Backcountry Camping Permit Procedure

3.4.4.1 Provide user with copy of regulations and have trip leader fill out permit in duplicate.

3.4.4.2 Collect use fee for park at rate of \$0.25 per night of use per person.

3.4.4.3 Review trip plan with party leader and impress upon him the importance of following plan to greatest extent possible.

3.4.4.4 Sign permit and give one copy to party leader. Keep second copy in park office.

3.4.4.5 Tell users where you want them to leave their vehicles.

3.4.4.6 Plastic trash bags will be issued to those users unable to carry out their garbage in any other manner.

3.5 Cabins and Lodges

3.5.1 Class "A" Cabins - There are two types of class "A" cabins, the modular and the standard. Both are two bedroom, accommodate six persons with a maximum of eight persons, and rent for a nightly rate of \$30, with bed linen and kitchen equipment furnished. Modular cabins are furnished with one double bed, two single beds, and two single day beds. Standard cabins contain two double beds and two single beds and have a screened porch. Both modular and standard cabins are available at Lake Bistineau State Park and Sam Houston Jones State Park. Modular cabins are available at Chicot State Park.

3.5.2 Class "B" Cabins - These cabins are furnished similarly to class "A" cabins but have a normal capacity of four persons with a maximum of six persons and rent for a nightly rate of \$25. Class "B" cabins are available at Chemin-A-Haut State Park and Chicot State Park. Cabins at Chemin-A-Haut SP contain one bedroom with two double bed-sized bunks and a fireplace. Cabins at Chicot SP contain two bedrooms with one double bed in each. All class "B" cabins have screened porches.

3.5.3 Park Lodges - These are large overnight structures equipped with kitchen, bath and sleeping facilities and can accommodate a large family or several family groups. Reservations for lodges are made through the park reservation office.

The Chicot State Park Lodge is available at a rate of \$50 per night, and a one night advance deposit is required. This unit contains sleeping facilities for 12 persons with a maximum of 16 persons.

The Fontainebleau State Park Lodge is available at a rate of \$40 per night, and a one night advance deposit is required. This unit contains sleeping facilities for nine persons with a maximum of 13 persons.

3.6 Group Camps

These are available at certain parks for organized group use. The capacity, type of facility, rate and location are as follows:

Park Location	Type of Facility	Capacity (No. Persons)	Minimum Rate and Deposit Overnight	Day Use Rate
Chemin-A-Haut SP	1 Dormitory	52	\$ 56	\$30
Chicot Area No. 1	5 Cabins,	160	172	90
Chicot Area No. 2	1 Dormitory			
Fontainebleau No. 1 (West end-large)	6 Cabins	48	52	30
Fontainebleau No. 1 (West end-small)	1 Dormitory	150	162	90
Fontainebleau No. 2 (West end-small)	1 Dormitory	30	33	20
Fontainebleau No. 3 (East end)	2 Dormitories	65	70	40
Lake Bistineau Area No. 1	20 Cabins	160	172	90
Lake Bistineau Area No. 2	6 Cabins	48	52	30
Longfellow-Evangeline	1 Dormitory	60	65	40

3.6.1 Minimum overnight rate is based on 50 percent capacity of the facility. Rate is \$2 per person per night for each person over the 50 percent capacity.

3.6.2 Group camps may be reserved for day use only at a basic rate. In addition the normal day use entrance fee will be assessed each vehicle entering the group camp area.

3.6.3 Beds, kitchen and necessary cooking ware are furnished. User must furnish his own tableware (silver, dishes, glasses, etc.), bed linens, pillows, towels, and toilet necessities.

3.7 Reservation Policy

Reservations may be made in advance for use of cabins, group camps, lodges and assembly rooms; beginning October 1 reservations must be made at the park where the facilities are to be used.

3.7.1 Reservations for use between January 1 and May 31 are accepted beginning October 1 annually. Reservations placed for this period between October 1 and October 10 are accepted by telephone ONLY and are on a first come, first served basis. Reservations for this period are accepted after October 10 annually by either phoning or writing the individual park at which accommodations are desired.

3.7.2 Reservations for use between June 1 and December 31 are accepted beginning January 1 annually. Reservations placed for this period between January 1 and January 10 are accepted by telephone ONLY and are on a first come, first served basis. Reservations for this period are accepted after January 10 annually by either phoning or writing the individual park at which accommodations are desired.

3.7.3 Reservations are accepted only from persons 18 years of age or older. Adults must accompany all minors.

3.7.4 The minimum reservation period for a weekend is from 4 p.m. Friday through 2 p.m. Sunday.

3.8 Special Facilities (Overnight)

3.8.1 Poverty Point SCA Dormitory

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

3.8.1.2 Eligible Users - The dormitory is available to college students, professional archaeologists and other scientists who are studying the Poverty Point culture and/or actively conducting research which relates to or directly involves the Poverty Point SCA.

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

3.8.1.3 Application Process - Requests for use of the dormitory must be made by letter addressed to the Assistant Secretary, Louisiana Office of State Parks, P. O. Drawer 1111, Baton Rouge, Louisiana 70821-1111.

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

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

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

3.8.1.4 Facility Use Agreement

All parties granted permission to use the dormitory must execute a Facility Use Agreement. This agreement is between the Office of State Parks and those parties using the dormitory. It stipulates the terms and pertinent regulations by which the dormitory occupants agree to abide.

The user must execute the agreement and return it to the Assistant Secretary before occupying the dormitory.

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

3.8.1.5 Fees

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

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

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

A minimum overnight rate of \$50 is based on 50 percent capacity of the facility (38 people). An additional fee of \$2 per person per night will be charged for each person over the 50 percent capacity.

3.8.1.6 Occupancy Requirements

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

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

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

Articles and facilities furnished by the Office of State Parks are as follows:

1. Laundry room including washers and dryers.
2. Kitchen facilities including eating utensils, pots and pans, refrigerator, stove, freezer, and dishwasher.
3. All necessary cleaning supplies.
4. Men's and women's restrooms with showers.
5. Sleeping facilities including beds and mattresses.

Articles not furnished by the Office of State Parks are as follows:

1. Linens, blankets and pillows.
2. Towels and all personal articles.
3. Food.

3.8.1.7 Housekeeping Procedures

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

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

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

3.8.1.8 Check-out Procedure

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

3.8.1.9 Special Conditions

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

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

No trailer or tent camping is permitted on any property at Poverty Point SCA.

3.8.1.10 Rules and Regulations of the Office of State Parks

All boarders will adhere to all Rules and Regulations of the Office of State Parks.

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

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

SECTION 4 SPECIAL USES AND RESTRICTIONS

4.1 Special Use

Any function requiring special or restricted use of any facility or area within a state park holding must be approved by the

Assistant Secretary and the fee for such will be computed on the same basis as the use for Assembly Rooms. Written request for special use of a facility must be received at the Office of State Parks, P. O. Drawer 1111, Baton Rouge, Louisiana 70821-1111 at least 30 days prior to the scheduled event. No telephone requests are accepted.

4.2 Political Activities

Political events involving the use of state park areas are discouraged; however, each event is considered on an individual request basis and, if approved, will be authorized by the Assistant Secretary. Such activities will be considered only when in the judgement of the Assistant Secretary the function will not adversely affect the normal programmed use of the area by the general public. Requests for such events must be submitted in writing to the Assistant Secretary at least 30 days in advance of the proposed use. Such events will be considered "Special Use Events" and fees and permits will be regulated by the special use provisions herein. No political candidates or organizations will be granted or shall expect to receive special consideration for use or fee waivers.

4.3 Use Restrictions

4.3.1 A "State Commemorative Area is an area which possesses a historical, cultural, or memorial significance when judged on a statewide basis." The state commemorative area is established to allow the visiting public an opportunity to experience man's past through the resources preserved at the area, and is restricted to this use.

4.3.2 It is necessary that development on a state commemorative area be limited to that which is essential for visitor accommodation and enjoyment of the area's theme or feature. Day use facilities will be limited to these activities which are not in conflict with the historical theme of the site, and confined to areas of the grounds set aside for usage of this nature.

4.3.3 As important as the artifactual evidence existing on the areas is the atmosphere created around these objects which make their study by the public more conducive. In order that the greater interest and primary function of the area be served, it is necessary to restrict certain incompatible activities from the sites. Organized sports such as baseball, football, field hockey, soccer, and the like cannot contribute to a greater understanding of the historical, cultural, or memorial theme of the area and is therefore prohibited on any State Commemorative Areas.

4.3.4 It has also been determined that the use of State Commemorative Areas for such activities and events as fairs, circuses, carnivals, amusement rides, and other promoter sponsored, commercial activities and events is not deemed in the best interest of the state commemorative areas. Such use fails to achieve the intent outlined in the preservation purpose and may increase the potential for serious damage to the quality and character of the area, adversely affecting the experience of the visitor.

4.3.5 Organizations offering support to commemorative areas, either one in particular or on a general basis through such things as historical societies or service groups, may be permitted special functions at a commemorative area if a written request is made and written permission is obtained from the Assistant Secretary, Office of State Parks. Such functions may not be specifically for the benefit of an individual, but must be held to benefit the commemorative area either directly or indirectly through greater public awareness in the site or history of the area.

SECTION 5 SPECIAL FEATURES

5.1 Sculpture and Monuments

Policies regarding such sculptures or monuments are as follows:

5.1.1 The proposed monument or statue shall have a theme which is in keeping with the theme of the area or park in which it is to stand and shall be of general interest.

5.1.2 The monument shall be commissioned through a

recognized professional artist based upon models and/or drawings submitted by artists in open competition. The models will be reviewed by the sponsoring agency and the Office of State Parks, a monument or statue agreeable to both parties selected from the competition.

5.1.3 Should an existing sculpture or monument be proffered, it will be considered as would any other donation of a piece of art. The sculpture will be reviewed by the Office of State Parks, the Visual Arts Council, and the sponsoring agency to determine whether or not the proposed site is a fitting receptacle of the object. Once accepted the same stipulations as to placement and erection, ownership, etc., apply to it as to commissioned pieces accepted after competition.

5.1.4 Any foundation construction, pedestals, or supportive apparatus for the statue or monument shall also be presented to the review committee for their approval at the time of the general competition or proposal.

5.1.5 The Office of State Parks shall be responsible only for the site on which the proposed sculpture is to be placed and it is the prerogative of that office to select the site location for the sculpture.

5.1.6 No portion of the project is to be initiated until the sponsoring agency has certified to the Office of State Parks that funds have been secured and are on deposit in sufficient amount to bring the project to completion.

5.1.7 The Office of State Parks shall in no way be financially obligated to the artist, subcontractors, or sponsoring agency for any cost associated with the preparation or placement of the proposed monument or sculpture.

5.1.8 After the sculpture or monument is placed on the site it shall become the property of the Office of State Parks.

5.1.9 The sponsoring agency shall be solely responsible for the fiscal management of the project and shall receive all donations, grants, and other means of financing and shall also disburse all payments relative to the preparation and erection of the monument. All financial records shall be subject to the review of the State Legislative Auditor and shall comply with sound accounting practices and procedures.

5.1.10 The Office of State Parks shall review and approve all literature and promotional material relating to the project which includes any reference to or utilizes the name of the State of Louisiana, Department of Culture, Recreation and Tourism, Office of State Parks, or name of the area or park on which the statue is to be placed.

5.1.11 In the event the project fails to materialize within a certain length of time to be specified in contract and the project terminated, the Office of State Parks shall not be responsible in any way for funds and donations acquired by the sponsoring agency, their return, or disbursement.

SECTION 6

OFFICE OF STATE PARKS OPERATING UNITS STATE PARKS, STATE COMMEMORATIVE AREAS AND STATE PRESERVATION AREAS

6.1 Audubon State Commemorative Area (P. O. Box 546, St. Francisville, LA 70775, 504-635-3739) is located in West Feliciana Parish, near St. Francisville on LA 956. The 100-acre woodland setting is the site of Oakley Plantation House, built in 1799, where artist-naturalist John James Audubon created many of his famous bird paintings. Oakley has been restored as a museum containing Audubon memorabilia. Formal garden accents exterior of house. The house is included on the National Register of Historic Places.

6.2 Camp Moore State Commemorative Area (P. O. Box 15, Tangipahoa, LA 70465, 504-229-8200) is located in Tangipahoa Parish in the community of Tangipahoa on U. S. 51. The

four-acre site includes a cemetery where several hundred Confederate soldiers are buried. A museum houses many artifacts relating to the Civil War and Camp Moore which was one of the largest Civil War training camps in the South. Included on the National Register of Historic Places.

6.3 Chemin-A-Haut State Park (Route 5, Box 617, Bastrop, LA 71220, 318-281-5805) is located east of LA 139, ten miles north of Bastrop. The 405-acre park, lying at the intersection of Bayous Chemin-A-Haut and Bartolomew, is a portion of the high road to the south used by Indians in their seasonal migrations. A beautiful lake in the park is stocked full of freshwater fish. Four cabins and a camping area offer overnight accommodations. A swimming pool and a playground are also available.

6.4 Chicot State Park (Route 3, Box 494, Ville Platte, LA 70586, 318-363-2503, Reservations 318-363-2403) is located in North Evangeline Parish, six miles north of Ville Platte on LA 3042. This 6500-acre park features large rolling hills, surrounding a 2,000-acre artificial lake, well-stocked with fish such as bream, bass and crappie. Two camping areas, 27 fully-equipped cabins and two group camps are available to overnight visitors. Day-use facilities included at picnic sites, a biking trail and a swimming pool.

6.5 Clinton Confederate State Commemorative Area (P. O. Box 546, St. Francisville, LA 70775, 504-635-3739) is a cemetery located in the town of Clinton, one block south of LA 10 in East Feliciana Parish. The four-acre site contains the remains of hundreds of Civil War troops, both Confederate and Union. Connected by railroad to the Mississippi River, Clinton received numerous sick and wounded soldiers from nearby Port Hudson. Cemetery was originally a public burial ground.

6.6 Cypremort Point State Park (Star Route B, Box 428AA, Franklin, LA 70538, 318-867-4510) is located 24 miles south of Jeanerette off LA 319 in Iberia and St. Mary Parishes. The 185-acre site offers access to the Gulf of Mexico. Its man-made beach located in the heart of a natural marsh offers fresh and saltwater fishing and most seashore recreation opportunities. Picnic sites also available. The park is a favorite for sail-boaters and it hosts several annual regattas.

6.7 Earl K. Long State Commemorative Area (Route 2, Many, LA 71449, 318-256-5480) is located in the city of Winnfield. It was established as a memorial to the only man ever to serve three terms as Governor. The symmetrical design of the park, from its eight-foot bronze statue at the apex of a partially hedged circular walk to its pavilion, is enhanced by effective landscaping throughout.

6.8 Edward Douglass White State Commemorative Area (RFD 2, Box 234, Thibodaux, LA 70301, 504-447-3473) is located five miles north of Thibodaux in Lafourche Parish on LA 1. This park includes the 130-year-old homestead of the former statesman and Chief Justice of the U. S. Supreme Court. The white frame raised cottage of Creole origin has been restored and sits amidst six acres of land. The facility is a National Historic Landmark.

6.9 Fairview-Riverside State Park (P. O. Box 97, Madisonville, LA 70447, 504-845-3318) is located two miles east of Madisonville in St. Tammany Parish on LA 22. The park consists of 98 acres of picturesque moss-draped oaks and woodlands near the banks of the Tchefuncte River. Boat dock, fishing pier and canoe trail offer many opportunities for fishermen and other water sportsmen. Campsites and picnic facilities available.

6.10 Fontainebleau State Park (P. O. Box 152, Mandeville, LA 70448, 504-626-8052) is located southeast of Mandeville in St. Tammany Parish on U. S. 190. The park embraces over 2,800 acres on the north shore of Lake Pontchartrain. The ruins of a plantation brickyard and sugar mill, and an alley of live oaks lining the entrance road are popular assets of the park. The park offers swimming, fishing, camping and picnicking. A nature trail is very popular.

6.11 Fort Jesup State Commemorative Area (Route 2, Many, LA 71449, 318-256-5480) is located on LA 6, formerly the original El Camino Real. This site features replicas of a large two-story brick and frame structure and of an army field kitchen. The site was selected by Zachary Taylor in 1822 and the fort existed for 26 years as one of the strongest garrisons in Louisiana. The facility is a National Historic Landmark.

6.12 Fort Pike State Commemorative Area (Route 6, Box 194, New Orleans, LA 70129, 504-662-5703) is located adjacent to the Old Spanish Trail (U. S. 90) in eastern New Orleans. The Fort, set on a 125-acre site, was constructed shortly after the War of 1812 to defend navigational channels leading into the city of New Orleans. Visitors can stroll through authentic brick archways and stand overlooking the Rigolets as sentries once did. A museum exhibits numerous artifacts related to the fort. The facility is included on the National Register of Historic Places.

6.13 Fort St. Jean Baptiste State Commemorative Area (P. O. Box 1127, Natchitoches, LA 71457, 318-357-0001) is located in downtown Natchitoches, oldest town in the Louisiana Purchase. The reconstructed facility is an exact replica of the fort as it existed in 1732. Includes a long barracks building, small warehouse, chapel, messhall and several Indian huts. The fort was a strategic outpost for the French to prevent the Spanish from advancing further into Louisiana. Park personnel wear period dress as part of the interpretive program.

6.14 Grand Isle State Park (P. O. Box 741, Grand Isle, LA 70358, 504-787-2559) is located on the east end of Grand Isle on LA 1 in Jefferson Parish. This 140-acre site offers access to the Gulf of Mexico and its beach and fishing jetties afford seashore recreation opportunities. A 400 foot fishing pier built out over the water offers day/night fishing. Picnicking and camping are also available.

6.15 Kent House State Commemorative Area (3601 Bayou Rapides Road, Alexandria, LA 71301, 318-445-5611) is located in the city of Alexandria in Rapides Parish. The house, built in the early 1800's is the oldest remaining such structure in central Louisiana. Situated on a four-acre site, the house and grounds are restored to the period of the early 19th century. Out buildings include a working kitchen, slave cabins and milk house. The facility is included on the National Register of Historic Places.

6.16 Lake Bistineau State Park (P. O. Box 607-A, Doyline, LA 71203, Reservations 318-745-3505) is located east of LA 163 in Webster Parish, near Doyline. This beautiful 750-acre park site is set in the heart of a pine forest and takes its name from the large lake which borders its area. Twelve cabins, two group camps, 67 campsites, 150 picnic sites and two swimming pools are available for visitors.

6.17 Lake Bruin State Park (Route 1, Box 183, St. Joseph, La 71366, 318-766-3530) is located east of U.S. 65 near St. Joseph in Tensas Parish. The park takes its name from the adjacent natural lake and features a magnificent cypress growth along the shore. Waterskiing and boating are prime pleasures of the park. A special area for swimmers, picnic sites and campsites are also available.

6.18 Lake Claiborne State Park (P. O. Box 246, Homer, LA 71040, 318-927-2976) is located in Claiborne Parish on LA 146, just seven miles southeast of Homer. The park consists of some 620 acres of woodland touching the shores around a 6,400-acre lake. Rental boats and several boat landings are available to fishermen and water sportsmen. Designated swimming area in the lake, picnic sites and campsites facilitate the park.

6.19 Lake D'Arbonne State Park (102 Sportsman Drive, Farmerville, LA 71241, 318-368-8322) is located west of LA 15 near Farmerville in Union Parish. The park is set in wooded surroundings adjoining the shores of Lake D'Arbonne. Observation tower affords visitor the opportunity to view the entire lake which is a popular spot for fishermen. Fishing pier, boat dock, rental boats, picnic sites and playground for youngsters available.

6.20 Locust Grove State Commemorative Area (P. O. Box 546, St. Francisville, LA 70775, 504-635-3739) is located northeast of St. Francisville in West Feliciana Parish off U. S. 61. In this one-acre cemetery are buried Sarah Knox Taylor, wife of Jefferson Davis, and General Eleanor W. Ripley, who was noted for his distinction at the Battle of Lundy's Lane during the War of 1812.

6.21 Longfellow-Evangline State Commemorative Area (P. O. Box 497, St. Martinville, LA 70582, 318-394-3754) is located in St. Martinville along the banks of Bayou Teche. Developments centered around an Acadian house of the late 18th century and its kitchen-garden. Also of note is the Acadian craft shop. The 157-acre park and its structures interpret the history of the early French settlers of Louisiana. The house is a National Historic Landmark.

6.22 Los Adaes State Commemorative Area (P. O. Box 248, Robeline, LA 71469, 318-472-6582) is located on LA 6, east of Robeline in Natchitoches Parish. Originally built in 1721, the fort protected Spanish territory from the French. Despite official friction, the Spanish of Los Adaes and the French of Fort St. Jean Baptiste maintained friendly relations. Important archaeological site. Included on the National Register of Historic Places.

6.23 Louisiana State Arboretum State Preservation Area (Route 3, Box 489, Ville Platte, LA 70586, 318-363-6287) is located on LA 3042, approximately eight miles north of Ville Platte and a mile and a half from the main entrance to Chicot State Park in Evangeline Parish. The 300-acre facility features several miles of nature trails which lead beside more than 100 species of plant life native to Louisiana. The plants are labeled. Library on site contain dried samples of the native plantlife. Tours are offered.

6.24 Mansfield State Commemorative Area (Route 2, Box 252, Mansfield, LA 71052, 318-872-1474) is located four miles south of the town of Mansfield. This park is the site of the most important battle of the Civil War fought west of the Mississippi. The 44-acre site includes a museum noted for its variety of military artifacts. The interpretive program explains how the badly-outnumbered Rebels defeated the union, ending the Red River Campaign. The facility is included on the National Register of Historic Places.

6.25 Marksville State Commemorative Area (P. O. Box 336, Marksville, LA 71351, 318-253-9546) is located adjacent to the town of Marksville, east of LA 1 and LA 452. The park area is of great archaeological significance due to the buried evidence of an Indian culture which flourished some 2,000 years ago. Visitors can enjoy prehistoric Indian mounds located on a bluff overlooking Old River. Interpretive program and museum adds to visitor enjoyment. The facility is a National Historic Landmark.

6.26 Old Arsenal State Commemorative Area (P. O. Box 44121, Baton Rouge, LA 70804, 504-342-5097) is located on the new State Capitol grounds in Baton Rouge. This facility was built in the 1830's as an arsenal. The heavy masonry structure now houses artifacts pertaining to the theme "Louisiana Under Ten Flags." The site was part of very important battle during American Revolution, the only battle fought outside the 13 original colonies. The area is included on the National Register of Historic Places.

6.27 Plaquemine Locks State Commemorative Area (P. O. Box 107, Plaquemine, LA 70764, 504-687-8159) is located in downtown Plaquemine about 15 miles south of Baton Rouge. This five-acre site interprets the history of the Mississippi River and its traffic. Included on the site are the original lock structure, lock-house, huge viewing tower and a pavilion. The Plaquemine Locks, built in 1900, provided the only link to waterways west of the Mississippi River. The facility is included on the National Register of Historic Places.

6.28 Port Hudson State Commemorative Area (P. O. Box 453, Zachary, LA 70791, 504-654-3775) is located on U. S. Highway 61, 14 miles north of Baton Rouge. The 650-acre site

encompasses a high battlefield, site of the longest siege in American military history. It features three huge viewing towers, Civil War gun, trenches and seven miles of hiking trails. Interpretive program tells the story of how 6,800 Confederates held off Union force of 30,000 to 40,000 between May 23 and July 9, 1865. Fort Desperate, one of the primary Confederate positions, is accessible by a wooden boardwalk. This facility is a National Historic Landmark.

6.29 Poverty Point State Commemorative Area (P. O. Box 248, Epps, LA 71237, 318-926-5492) is located on LA 577, north of Epps. Poverty Point is the site of the earliest culture yet discovered in the Mississippi Valley. Dated between 700 and 1700 B.C., this 400-acre site is said to be among the most significant archaeological finds in the country. Interpretive museum and guided tours are park's highlights. The facility is a National Historic Landmark.

6.30 Rebel State Commemorative Area (P. O. Box 127, Marthaville, LA 71450, 318-472-6255) is located in Natchitoches Parish, three miles north of Marthaville off LA 1221. This 11½ acre park is the site of the grave of an unknown Confederate soldier and the state's only facility dedicated to the explanation and enjoyment of country and bluegrass music. A stage, dressing room and amphitheater are used throughout the year for performances.

6.31 St. Bernard State Park (P. O. Box 534, Violet, LA 70092, 504-682-2101) is located 18 miles southeast of New Orleans on LA 39 in St. Bernard Parish. This 350-acre park on the Mississippi River affords the visitor viewing points of the River. Man-made lagoons feature canoeing and fishing. The park is also a convenient stop off point for Chalmette National Historic Park and the City of New Orleans. Camping and picnic facilities are available.

6.32 Sam Houston Jones State Park (Route 4, Box 294, Lake Charles, LA 70601, 318-855-2665, Reservations 318-855-7371) is located 12 miles north of Lake Charles on LA 378 in Calcasieu Parish. The 1068-acre tract features camping areas, 12 vacation cabins, boating, fishing, picnic areas and nature trails. The densely wooded park was named for the Alamo hero who, according to legend, often stayed in the area. Nature interpretive program during the summer.

6.33 Winter Quarters State Commemorative Area (Route 1, Box 91, Newellton, LA 71357, 318-467-5439) is located three miles southeast of Newellton on LA 608 in Tensas Parish. This 19 room plantation mansion situated on a seven acre site, was for a time, used as headquarters by General Grant during the siege of Vicksburg. Built in three stages during three generations, the house demonstrates three different types of architecture. The facility is included on the National Register of Historic Places.

These operating procedures and fees for the use of State Park Areas and facilities are hereby approved pursuant to LA Revised Statutes 56:1681 - 56:1699.

Mrs. Lawrence H. Fox
Secretary

RULES

Board of Elementary and Secondary Education

Rule 1.00.30a(1)

The Board approved the composition of the Teacher Certification Appeals Council to include two deans and either one teacher or one administrator.

Rule 4.00.72.d

The Board adopted Regulations for Operation of the Food Preservation Program.

Rule 3.01.70V(38)

The Board adopted an amendment to Board Policy 3.01.70V(38) regarding Criteria for the Establishment and Operation of a Paraprofessional Training Unit.

James V. Soileau
Executive Director

RULE

Office of the Governor Division of Administration Implementation of Act 160

Act 160 of 1982 requires Undersecretaries to submit to the Departmental Secretary and under his direction to the Governor, Commissioner of Administration, Senate, House of Representatives, and any interested person an annual report by March First of each year summarizing the activities of his office relating to management and program analysis. This report is to be contained on a form prepared by the Division of Administration. The report must contain the following items as required by Act 160:

1. A description of significant problems, deficiencies, and abuses relating to the administration and management of programs and operations within the department.
2. Corrective measures recommended by the office for those problems identified pursuant to Paragraph 1.
3. An identification of significant recommendations in previous reports on which no action has been taken.
4. A summary of reports made to the Secretary pursuant to this Section.
5. A list and brief summary of program evaluations made by the office.

The following forms have been adopted by the Division of Administration to adhere to the requirements of Act 160 for annual reports due March 1, 1983.

1. Significant Problem, Deficiency, or Abuse Relating to the Administration or Management of Programs and Operations Within the Department. (Complete one sheet per problem.)

A. Problem Description.

1. What is the nature of the problem?
2. What organizational unit in the department is experiencing the problem?
3. Who else is affected by the problem?
4. How long has the problem existed?
5. What are the causes of the problem?
6. What are the costs and consequences of failure to correct the problem?

B. Corrective Measures.

1. What corrective measures are recommended to alleviate the problem?
2. What are the criteria for improvement?
3. What is the expected time frame for corrective measures to be implemented?
4. What is the expected time frame for improvements to occur?
5. What are the costs of implementing the corrective measures?
6. Will additional personnel or funds be required to implement the recommended measures? If so, specify.

Form 160-2.

Department _____
Reporting Period _____

Reports to the Secretary

Reports completed between March 1, 1982, and March 1, 1983. List titles below and complete a summary sheet for each. (Use Form 160-4)

Form 160-3.

Department _____
Reporting Period _____

List of Program Evaluations

Evaluations completed between March 1, 1982, and March 1, 1983. List titles below and complete a summary sheet for each. (Use Form 160-4)

SUMMARY OF EVALUATION OR REPORT

Title:

Entity Evaluated/Reported:

Why was Evaluation/Report initiated?

Questions/Objectives of the Evaluation/report:

Major Findings and Conclusions:

Major Recommendations:

What action was taken in response to the Evaluation/Report?

Contact person for more information:

Name _____

Agency _____

Phone # _____

Address _____

RULE
Department of Health and Human Resources
Office of Family Security

The Department of Health and Human Resources, Office of Family Security, shall round down to the next lower dollar the budgetary deficit to determine the payment amount for AFDC and Refugee Resettlement recipients. The budgetary deficit is the amount remaining after subtracting applicable income from the total assistance needs (Flat Grant Amount). The Department of Health and Human Resources, Office of Family Security also shall prorate the initial assistance payment for AFDC and Refugee Resettlement recipients when the case is certified effective the same month as application. Payment will not be made for any

period prior to the date of application. These changes are mandated by Public Law 97-248 and federal regulations as published in the *Federal Register* of Friday, September 17, 1982, Volume 47, Number 181, pages 41108-41116, which were effective October 1, 1982.

Roger P. Guissinger
Secretary

RULE
Department of Health and Human Resources
Office of Family Security

The Department of Health and Human Resources, Office of Family Security, shall effect a 6.7 percent increase in the Aid to Families with Dependent Children (AFDC) and General Assistance (GA) Need Standards.

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

The current need standards are shown below. Using a 6.7 percent increase standard, the new AFDC and GA Need Standards are as follows:

Size of Household	Non-Urban			
	Current Need Standard	Increased Need Standard	150% Need Standard (Current)	150% Need Standard (Increased)
1	\$ 175.00	\$ 186.00	\$ 262.50	\$ 279.00
2	325.00	346.00	487.50	519.00
3	460.00	490.00	690.00	735.00
4	573.00	611.00	859.50	916.00
5	682.00	727.00	1,023.00	1,090.00
6	782.00	834.00	1,173.00	1,251.00
7	884.00	943.00	1,326.00	1,414.00
8	983.00	1,048.00	1,474.50	1,572.00
9	1,075.00	1,147.00	1,612.50	1,720.00
10	1,172.00	1,250.00	1,758.00	1,875.00
11	1,274.00	1,359.00	1,911.00	2,038.00
12	1,379.00	1,471.00	2,068.50	2,206.00
13	1,491.00	1,590.00	2,236.50	2,385.00
14	1,599.00	1,706.00	2,398.50	2,559.00
15	1,710.00	1,824.00	2,565.00	2,736.00
16	1,819.00	1,940.00	2,728.50	2,910.00
17	1,929.00	2,058.00	2,893.50	3,087.00
18	2,039.00	2,175.00	3,058.50	3,262.00

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

Urban-Orleans, Jefferson, East Baton Rouge and St. Bernard

Size of Household	Current Need Standard	Increased Need Standard	150% Need Standard (Current)	150% Need Standard (Increased)
1	\$ 190.00	\$ 202.00	\$ 285.00	\$ 303.00
2	363.00	387.00	544.50	580.00
3	505.00	538.00	757.50	807.00
4	620.00	661.00	930.00	991.00
5	732.00	781.00	1,098.00	1,171.00
6	834.00	889.00	1,251.00	1,333.00
7	932.00	994.00	1,398.00	1,491.00
8	1,031.00	1,100.00	1,546.50	1,650.00
9	1,125.00	1,200.00	1,687.50	1,800.00
10	1,221.00	1,302.00	1,831.50	1,953.00
11	1,324.00	1,412.00	1,986.00	2,118.00
12	1,430.00	1,525.00	2,145.00	2,287.00
13	1,532.00	1,634.00	2,298.00	2,451.00
14	1,640.00	1,749.00	2,460.00	2,623.00
15	1,751.00	1,868.00	2,626.50	2,802.00
16	1,869.00	1,994.00	2,803.50	2,991.00
17	1,960.00	2,091.00	2,940.00	3,136.00
18	2,084.00	2,223.00	3,126.00	3,334.00

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

GA Need Standard

Size of Household	Current	Increased
1	\$288.00	\$307.00
2	363.00	387.00

Roger P. Guissinger
Secretary

RULE

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

Effective January 1, 1983, the Department of Health and Human Resources, Office of Family Security amends its Rule of August 1, 1982, entitled "Implementation of Monthly Reporting and Retrospective Budgeting in the Food Stamp Program", which was published in the *Louisiana Register*, Vol. 8, No. 7, dated July 20, 1982. This amendment repeals phases two and three of the adopted implementation schedule.

Upon receipt of approved or disapproved waiver requests, the Office of Family Security will publish a Retrospective Budgeting/Monthly Reporting implementation process which will replace the repealed portions of the schedule of implementation, in accordance with the Omnibus Reconciliation Act of 1981, P.L. 97-35, Sec. 101-117.

This Rule will affect Food Stamp and C and E category recipients who were included in phase two and three of the enacted implementation schedule.

Except for the provisions repealed by this Rule, all other portions of the Rule published in *Louisiana Register*, Vol. 8, No. 7, dated July 20, 1982, will remain in effect.

Roger P. Guissinger
Secretary

RULE

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

The Department of Health and Human Resources, Office of Family Security, has revised the maximum limit of the reimbursement rate for certain Home and Community Based Services provided through the Medical Assistance Program. Payment to providers of Adult Day Health, Homemaker and Habilitation services by the Department of Health and Human Resources on behalf of eligible recipients shall be determined individually on the basis of cost associated with providing the services. However, in no instance will the reimbursement to these providers exceed 80 percent of the total monthly Medicaid rate that normally would be paid to a Long Term Care Facility for a comparable level of care for such a person in a Long Term Care Facility.

Implementation of this Rule is necessary for the Louisiana Medical Assistance Program to comply with Act 715 (House Bill No. 1072) of the 1982 regular legislative session.

This policy was implemented July 20, 1982, and was published as an Emergency Rule in the *Louisiana Register* on September 20, 1982.

Roger P. Guissinger
Secretary

12-20-82 La. Register

RULE

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

The Department of Health and Human Resources, Office of Family Security, implements a Rule in the Medical Assistance Program effective January 1, 1983, to require prior authorization for Title XIX reimbursement for specific elective surgical procedures. Those specific elective surgical procedures requiring prior authorization include the following:

CPT-IV CODE	DESCRIPTION
44000	Enterolysis, freeing of intestinal adhesion
49000	Exploratory laparotomy
56800	Plastic repair of introitus
57200	Colporrhapy (nonobstetrical)
57210	Colpoperineorrhapy (nonobstetrical)
57220	Plastic operation on urethral sphincter
57230	Plastic repair of urethrocele
57240	Anterior colporrhaphy
57250	Posterior colporrhaphy
57260	Combined anteroposterior colporraphy
57265	With repair of enterocele
57270	Repair of enterocele
57400	Dilation of vagina under anesthesia
57450	Culdoscopy, diagnostic
57451	With biopsy, lysis of adhesions
57800	Dilation of cervical canal
57820	Dilation and curettage of cervical stump
58120	Dilation and curettage, diagnostic and/or therapeutic
58150	Total hysterectomy, abdominal
58180	Supracervical hysterectomy
58260	Vaginal hysterectomy
58265	with plastic repair of vagina, anterior and/or posterior colporrhapy
58267	with colpo-urethrocystopexy
58270	with repair of enterocele
58275	Vaginal hysterectomy, with total or partial colpectomy
58280	Vaginal hysterectomy with total or partial colpectomy, with repair of enterocele
58285	Vaginal hysterectomy, radical
58400	Uterine suspension
58410	with presacral sympathectomy
58500	Hysterosalpingostomy
58540	Hysteroplasty
58920	Wedge resection or bisection of ovary
58980	Laparoscopy for visualization of pelvic viscera
58984	Laparoscopy with fulguration of ovarian or peritoneal lesions
58986	Laparoscopy with biopsy

Roger P. Guissing
Secretary

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 Rule in the Medical Assistance Program effective January 1, 1983 to reduce by 2

percent the reimbursement rates to extended care facilities except for Intermediate Care Facilities for the Handicapped (ICF-H). The new rates are:

I. Private LTC Facilities

Level of Care	Daily Rate	Monthly Rate
Skilled Nursing Facility (SNF)	\$34.10	\$1,037.33
Intermediate Care Facility I (ICF I)	29.16	887.10
Intermediate Care Facility II (ICF II)	23.39	711.53

II. New Orleans Home & Rehabilitation Center

Level of Care	Daily Rate	Monthly Rate
Skilled Nursing Facility	\$44.83	\$1,363.44
Intermediate Care Facility I	39.76	1,209.32
Intermediate Care Facility II	33.99	1,033.76

III. Villa Feliciana

Level of Care	Daily Rate	Monthly Rate
Skilled Nursing Facility	\$58.64	\$1,783.73
Intermediate Care Facility I	54.18	1,647.80
Intermediate Care Facility II	41.75	1,269.84

Roger P. Guissing
Secretary

RULE

**Department of Health and Human Resources
Office of Licensing and Regulation**

In accordance with Public Law 93-641, as amended by Public Law 96-79, the Department of Health and Human Resources, Office of Licensing and Regulation, State Health Planning and Development Agency is adopting the 1982-87 State Health Plan. The Plan was approved by the Statewide Health Coordinating Council on November 12, 1982, and by the Governor on November 30, 1982.

Copies of the State Health Plan are available at the Division of Health Planning and Development, 333 Laurel Street, Second Floor, Baton Rouge, LA 70801. Persons requesting further information may contact Murray Forman at (504) 342-2001.

Roger P. Guissing
Secretary

RULE

**Department of Natural Resources
Office of Conservation
Pipeline Division**

**Regulation 16 - Governing Compilation and
Publication of Information
Pursuant to Sections 546 A.(5) and 550 of the Act**

a. This regulation shall apply to the gathering, analysis, maintenance and publication of information on intrastate natural

gas pipelines, transporters, distributors, and users of natural gas, pursuant to Sections 546 A.(5) and 550 of the Act.

b. All information required by this regulation shall be filed on forms provided by the Office of Conservation. Each natural gas transporter, gas distributor, power plant and industrial user shall annually, on or before April 1, file the information requested on the appropriate Office of Conservation questionnaire required for transporters, distribution companies, power plants and industrial users. Persons receiving and filing these questionnaires in the past will be provided same before February 1. Other persons required by law and this regulation to file a questionnaire should submit their name, mailing address and type of business to the Louisiana Office of Conservation, Box 44275, Baton Rouge, LA 70804-4275, in order to facilitate timely distribution of the questionnaires.

c. This regulation shall not apply to any industrial user which consumes less than 10 million British Thermal Units (BTU's) of natural gas per day and which employs less than 10 permanent employees. Energy consumption shall be based on the daily average of the month of highest consumption.

d. All data, records, writings, accounts, letters, letter books, photographs or copies thereof gathered under this regulation and in the custody and control of this office which pertain to the business of the person responding to questionnaires or other inquiries are subject to the Public Records Law, La. R.S. 44:1 et seq., including its provisions pertaining to confidentiality. Any information submitted to this office pursuant to this regulation which is in its nature confidential and which the person submitting wishes to remain confidential should be indicated specifically to be confidential at the time of submission.

Patrick H. Martin
Commissioner

RULE

**Department of Natural Resources
Office of Forestry
and
Department of Revenue and Taxation
Tax Commission**

The Louisiana Forestry Commission and Tax Commission, as required by L.R.S. 56:1543 and pursuant to Notice of Intent published October 20, 1982, has adopted the following timber stumpage values based on current average stumpage market values to be used for severance tax computations for 1983:

- | | | |
|----|--|--------------------|
| 1. | Pine Sawtimber | \$164 per M bd.ft. |
| 2. | All Hardwoods and
Cypress Sawtimber | 60 per M bd.ft. |
| 3. | Pine Pulpwood | 15 per cord |
| 4. | Hardwood Pulpwood | 4 per cord |

D. L. McFatter, State Forester
Office of Forestry

J. Reginald Coco, Jr., Chairman
Tax Commission

RULE

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

The Louisiana Wildlife and Fisheries Commission at its regular meeting held in New Orleans, Louisiana, November 23,

1982, adopted the following Rule:

WHEREAS, Bundick Lake is a relatively small impoundment of approximately 1,700 acres, with an average depth of about five feet making gamefish populations extremely vulnerable to netting, and

WHEREAS, commercial fish populations are very low except for a moderate catfish population which is harvested primarily and adequately with slat traps and trotlines.

THEREFORE BE IT RESOLVED, the Louisiana Wildlife and Fisheries Commission hereby prohibits the use of netting in Bundick Lake, Beauregard Parish, Louisiana.

Jesse J. Guidry
Secretary

Notices of Intent

NOTICE OF INTENT

**Department of Commerce
Office of Financial Institutions**

Under authority granted by R.S. 6:902B, the Commissioner of Financial Institutions intends to adopt the following Rule for the purpose of providing a means by which state chartered savings and loan associations may have authority consistent with that granted federal associations by Federal Home Loan Bank Board Rules and Regulation 545.24-3, which was published on page 36610, Volume 47, Number 163, of the *Federal Register* dated August 23, 1982.

PROPOSED RULE

Notwithstanding limitations imposed by Chapter 9, Title 6, Louisiana Revised Statutes, state chartered savings and loan associations, subject to regulation of the U.S. Treasury Department, are hereby authorized to serve as depositories for Federal taxes, as Treasury tax and loan depositories, as depositories of public money and fiscal agents of the Government, or any other instrumentality thereof when designated for that purpose by such instrumentality and satisfy any requirement in connection therewith, including maintaining the following accounts:

a. Tax and Loan Account. An account, the balance of which is subject to the right of immediate withdrawal, established for receipt of payments of Federal taxes and certain United States obligations; such accounts are not savings accounts or savings deposits.

b. Note Account. A note, subject to the right of immediate call, evidencing funds held by depositories electing the note option under applicable U.S. Treasury Department regulations. Note accounts are not savings accounts or savings deposits.

c. United States Treasury General Account. An account maintained in the name of the United States Treasury the balance of which is subject to the right of immediate withdrawal, except in the case of the closure of the association, and in which a zero

balance may be maintained. Such accounts are not savings accounts or savings deposits.

d. United States Treasury Time Deposit-Open Account. A non-interest-bearing account maintained in the name of the United States Treasury which may not be withdrawn prior to the expiration of 30 days' written notice from the United States Treasury, or such other period of notice as the Treasury may require. Such accounts are not savings accounts or savings deposits.

Interested persons may submit written comments on the proposed Rule through 4:30 p.m., January 5, 1983, to the following address: Hunter O. Wagner, Jr., Commissioner, Office of Financial Institutions, Box 44095, Capitol Station, Baton Rouge, LA 70804.

He is the person responsible for responding to inquiries about the proposed Rule.

Hunter O. Wagner, Jr.
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Federal Depository and Fiscal Agent

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

There will be no implementation costs or savings to this department; however, continued growth of the associations will increase the need for examining and staff personnel for the Department of Financial Institutions.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The dual chartering system as well as asset growth of state chartered savings and loan associations should be enhanced by these new powers. This will result in increased semiannual assessments being paid into the General Fund.

The amount of semi-annual fees for each association is \$25 to \$800 on institutions with resources ranging from \$1,000,000 to \$19,999,999. Associations with gross assets of \$20,000,000 or more pay \$830 plus an additional fee of \$30 for each million or fraction thereof of assets in excess of \$20,000,000.

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

Costs to affected groups will be limited to a small expansion of existing services and equipment. Benefits will be additional source of low cost funds for state chartered savings and loan associations.

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

State chartered savings and loan associations will have powers consistent with federally chartered associations. Additional services and asset growth of the association will create a need for additional employees.

Hunter O. Wagner, Jr.
Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Commerce Office of Financial Institutions

The Commissioner of Financial Institutions, in exercise of his power specifically enumerated in R.S. 6:902 B, intends to

adopt the following Rule for the purpose of providing a means by which state chartered savings and loan associations may have authority consistent with that granted federally chartered associations by Federal Savings and Loan Insurance Corporation Regulations 563.17-3, 563.17-4 and 563.17-5.

PROPOSED RULE

An association may engage in forward commitments, futures transactions and financial option transactions pursuant to the following provisions:

I. FORWARD COMMITMENTS

A. Definitions

1. Forward Commitment. An oral or written contract to buy securities 30 or more days after the contract date; such a commitment is a standby commitment if delivery is optional with the seller and a firm commitment if both buyer and seller are obligated to perform on the agreed date.

2. Securities. Assets in which the association is authorized to invest (except financial futures or financial options contracts entered into pursuant to the provisions of Section II and III of this Rule.)

3. Commitment Fee. Any consideration received directly or indirectly by an association for a forward commitment.

B. Authorized Personnel

The minutes of the board of directors of the association shall set out the names, duties, responsibilities, and current limits of authority, of the association's personnel authorized to engage in forward commitment transactions for the association; the brokerage firms through which authorized personnel may conduct forwards activity; and the dollar limit on transactions with each such firm.

C. Limitations

1. General - An association may make forward commitments to purchase securities, subject to the limits in C.2 below, if that activity is conducted in a safe and sound manner. An example of an unsafe and unsound practice which may preclude further investment under this section is an inability to fund commitments when due. No association may sell a forward commitment or security under agreement to purchase another forward commitment or security at a price other than actual market value.

2. Percent of assets - An association's outstanding forward commitments to purchase securities plus short put options entered into may not exceed an amount equal to 5 percent of its assets if net worth is 3 percent or less of assets, 10 percent of its assets if net worth is over 3 percent but less than 5 percent of assets, or 15 percent of its assets if net worth is 5 percent or more of assets.

D. Disposal before Settlement

All profit or loss related to disposal or modification of a forward commitment before settlement shall be recognized on the association's books at the time of disposal or modification.

E. Recordkeeping Requirements

An association engaging in forward commitments shall establish and maintain the following:

1. A current register of all outstanding forward commitments, including the type (firm or standby), commitment date, amount, rate, price to be paid at settlement, market price at date of commitment, settlement date, commitment fees received, date and manner of disposal, sales price and market value at disposal if disposition is made on or prior to settlement date other than through funding, and seller's identity and confirmation; and

2. Documentation of the association's ability to fund all outstanding forward commitments when due.

F. Commitment fees Received

A fee received for a forward commitment shall be recorded according to generally accepted accounting principles for loan commitment fees. If the commitment period is 30 days or less, a fee shall be deferred over at least ten years.

II. FUTURE TRANSACTIONS

A. Definition

As used in this section, the following definitions apply unless the context otherwise requires:

1. Financial futures contract. A transferable agreement to make or take delivery of a standardized amount of a financial instrument, of standardized minimum quality grade, during a month specified in the agreement, under terms and conditions established by an exchange designated and regulated by the Commodity Futures Trading Commission.

2. Financial futures transaction. Purchase or sale of a financial futures contract.

3. Long position. The holding of a financial futures contract to take delivery of a financial instrument.

4. Mortgage-related securities. Securities based on and backed by mortgages, including mortgage-backed securities guaranteed by the Government National Mortgage Association ("GNMAs"), Mortgage Participation Certificated of the Federal Home Loan Mortgage Corporation, and similar obligations issued by the association or in which the institution is authorized to invest.

5. Offset. To cancel an obligation to make or take delivery of securities under a financial futures contract. A futures contract to purchase a financial instrument is offset by a futures contract to sell a financial instrument of the same type for the same type for the same delivery month. A futures contract to sell a financial instrument is offset by a futures contract to purchase a financial instrument of the same type for the same delivery month.

6. Short position. The holding of a financial futures contract to make delivery of securities.

B. Permitted Transactions

To the extent that it has legal power to do so, an association may engage in financial futures transactions to reduce its net interest-rate risk exposure as provided in this paragraph B. For purposes of this section, net interest-rate risk exposure is the volatility in an institution's earnings that can arise from the mismatching of the effective maturities of assets and liabilities. An association may enter into short positions that are appropriate for reducing its net interest-rate risk exposure. An association may enter into long positions, other than those that offset short positions, only under the following conditions:

1. The futures position must be matched against a firm forward commitment to sell mortgages not yet originated or to issue mortgage-related securities to be based on mortgages not yet originated. For purposes of this paragraph B, a firm forward commitment is a written commitment obligating the seller to make delivery, and the buyer to take delivery, of mortgage loans not yet originated or mortgage-related securities to be based on mortgages not yet originated, at a price and on or before a date specified in the commitment; and

2. The futures position may be entered into and maintained only to the extent that the institution's firm forward commitments exceed 10 percent of long-term assets with fixed interest rates. For purposes of this section, long-term assets are those having remaining terms to maturity in excess of five years.

C. Authorized Contracts

An association may engage in financial futures transaction using any financial futures contracts designated by the Commodity Futures Trading Commission and based upon a financial instrument that the institution has authority to invest in or to issue.

D. Board of Director's Authorization.

Prior to engaging in financial futures transactions, as asso-

ciation's board of directors must authorize such activity. In authorizing futures trading, the board of directors shall consider any plan to engage in financial futures transactions, shall endorse specific written policies, and shall require the establishment of internal control procedures. Policy objectives must be specific enough to outline permissible contract strategies, taking into account price and yield correlations between assets or liabilities and the financial futures contracts with which they are matched; the relationship of the strategies to the institution's operations; and how such strategies reduce the institution's net interest-rate risk exposure. Internal control procedures shall include, at a minimum, periodic reports to management, segregation of duties and internal review procedures. In addition, the minutes of the meeting of the board of directors shall set forth limits applicable to futures transactions, identify personnel authorized to engage in futures transactions, and set forth the duties, responsibilities and limits of authority of such personnel. The board of directors shall review the position limit, all outstanding contract positions, and the unrealized gains or losses on those positions at each regular meeting of the board.

E. Notification.

An Association engaging in financial futures transactions shall report its gross outstanding long and short financial futures positions on the Federal Home Loan Bank Monthly Report.

F. Recordkeeping Requirements.

An association engaging in financial futures transactions shall maintain records of such transactions sufficient to document how the transactions reduce the net interest-rate risk exposure of the institution in accordance with the following requirements:

1. Contract register. The association shall maintain a contract register adequate to identify and control all financial futures contracts and including, at a minimum, the type and amount of each contract, the maturity date of each contract, the cost of each contract, the dollar amount and description of the asset or liability with which the futures contract is matched, and the date and manner in which a contract is closed out. Such register shall be prepared in a manner sufficient to indicate at any time the institution's total outstanding long and short financial futures positions.

2. Other documentation. The association shall maintain, as part of the documentation of its futures strategy, a schedule of the assets and liabilities for which net interest-rate risk exposure is being reduced and the purpose of each contract entered into.

3. Maintenance of records. The records designated in this paragraph F. shall be maintained for all futures transactions closed-out during the preceding two years.

G. Accounting.

1. Purchase or sale. Upon the initial purchase or sale of a financial futures contract, a memorandum entry of the information specified in subparagraph F.1 of this section shall be made and appropriate margin accounts shall be established.

2. Gains and losses. Gains and losses on futures contracts shall be accounted for as follows:

(a) Gains and losses on futures contracts that are matched with assets or liabilities to be carried at cost shall be deferred and included in measurement of the dollar basis of the asset acquired or the liability incurred and amortized over the estimated life of the asset or liability as an adjustment to interest income or interest expense.

(b) Gains and losses on futures contracts that are matched with existing assets or liabilities carried at cost shall be deferred and included in measurement of the dollar basis of the asset or liability and amortized over the estimated remaining life of the asset or liability as an adjustment to interest income or interest expense. If the asset or liability is sold or otherwise disposed of, the unamortized gain or loss shall be recognized in income.

(c) Gains and losses on futures contracts that are matched with existing asset positions carried at the lower of cost or market

shall be deferred and recognized in determining the lower of cost or market adjustment of the corresponding asset at the end of each reporting period, or upon sale or disposition of the corresponding asset.

III. FINANCIAL OPTION TRANSACTIONS

A. Definitions.

As used in this section, the following definitions apply unless the context otherwise requires:

1. Call. An option which gives the holder the right to purchase a financial instrument at a price and on or before the expiration date specified in the option contract.

2. Deliverable instrument. A financial instrument whose terms satisfy the requirements for fulfilling delivery obligations of an option.

3. Effective exercise price. The yield equivalent price of an instrument whose coupon rate differs from the standard instrument specified in the option.

4. Financial options contract. An agreement to make or take delivery of a standardized financial instrument upon demand by the holder of the contract at any time prior to the expiration date specified in the agreement, under terms and conditions established by an exchange designated or regulated by the Commodity Futures Trading Commission or the Securities Exchange Commission.

5. Financial options transactions. Purchase or sale of a financial options contract.

6. Immediate exercise value. The market value gained by exercising an option with the lowest cost deliverable instrument at its effective exercise price compared to purchasing (or selling) an identical instrument with the same coupon rate in the cash market.

7. Long position. The holding of a financial options contract with the option to make or take delivery of a financial instrument.

8. Option commitment fee. The option premium minus the immediate exercise value of the option.

9. Option premium. The price paid or received for establishing an option position.

10. Put. An option which gives the holder the right to sell an financial instrument at a price and on or before the expiration date specified in the financial options contract.

11. Short position. A commitment through a financial options contract to stand ready during the term of the contract to make or take delivery of a financial instrument.

B. Permitted Transactions.

To the extent that it has legal power to do so, an association may engage in financial option transactions as provided in this paragraph B.

1. Long positions. An insured institution may enter into long positions without numerical limit.

2. Short positions. An insured institution may enter into short call positions without numerical limit. An institution may enter into short put options to the extent that the aggregate amount of its short put options and forward commitments to purchase securities does not exceed an amount equal to 5 percent of its assets if net worth is 3 percent or less of assets, 10 percent of assets if net worth is over 3 percent but less than 5 percent of assets, or 15 percent of its assets if net worth is 5 percent or more of assets.

C. Authorized Contracts.

An insured institution may engage in financial options transactions using any financial options contracts designated by the Commodity Futures Trading Commission or approved by the Securities and Exchange Commission and based upon a financial instrument that the institution has authority to invest in or to issue, or based upon a financial futures contract.

D. Board of director's authorization.

Prior to engaging in financial options transactions, an in-

stitution's board of directors must authorize such activity. In authorizing options, the board of directors shall consider any plan to engage in writing or purchasing financial options contracts, shall endorse specific written policies, and shall require the establishment of internal control procedures. For options positions that will be matched with cash or forward market positions, policy objectives must be specific enough to outline permissible options contract strategies, taking into account price and yield correlations between assets or liabilities and the financial options contracts; the relationship of the strategies to the institution's operations; the rationale for the ratio of the value of options positions to the value of the matched cash market positions; and how the options strategy reduces the institution's interest-rate risk exposure. For unmatched option positions, policy objectives must specify the relationship of the strategy to the institution's operations. Prudent business judgment shall be exercised by participating institutions engaging in financial options transactions in order to maintain a safe and sound financial position. Internal control procedures shall include, at a minimum, periodic reports to management, segregation of duties and internal review procedures. In addition, the minutes of the meeting of the board of directors shall set forth limits applicable to financial options transactions, identify personnel authorized to engage in financial options transactions, and set forth the duties, responsibilities and limits of authority of such personnel. The board of directors shall review the position limit, all outstanding options contract positions, and the unrealized gains or losses on those positions at each regular meeting of the board.

E. Notification and reporting.

The association shall report its outstanding positions together with the total unrealized gain or loss from such positions on the Federal Home Loan Bank Board Monthly Report.

F. Recordkeeping requirements.

An association engaging in financial options transactions shall maintain records of such transactions in accordance with the following requirements:

1. Contract register. The association shall maintain a contract register adequate to identify and control all financial options contracts and sufficient to indicate at any time the amounts of financial options contracts required to be reported on its monthly report. At a minimum, the register shall list the type, amount, expiration date and the cost of or income from each contract.

2. Other documentation. The association shall maintain as part of documentation of its financial options strategy a schedule of any cash market or forward commitment position with which the option is matched and the purpose of each contract.

3. Maintenance of records. The records designated in this paragraph F. shall be maintained for all financial options closed out during the preceding two years.

G. Accounting

(1) Purchase or sale. Upon initial purchase or sale of a financial options contract, a memorandum entry of the information specified in subparagraph 1. of paragraph F. of this section shall be made and appropriate margin accounts shall be established.

(2) Option commitment fee. The option commitment fee paid or received shall be amortized to income or expense over the term of the option, except as provided in subparagraph 3 of this paragraph G of this section.

(3) Option contracts.

a. Gains or losses on options contracts that are matched with assets or liabilities carried at the lower of cost or market value or carried at market value shall be considered in determining the market value of the asset or liability.

b. Options positions that are matched with assets or liabilities carried at cost or to be carried at cost shall be accounted for as follows:

(i) If a commitment fee will be or has been received with respect to the matched asset, the option commitment fee shall be treated as an adjustment of such fee. The adjusted commitment fee shall then be treated as a fee paid or received in connection with the matched asset;

(ii) If a commitment fee has not been received with respect to a matched asset the option commitment fee shall be amortized to income or expense over the commitment period by the straight-line method;

(iii) Any resulting gain or loss from an option position shall be treated as a discount or premium on the matched asset or liability;

(iv) In the event that the cash market or forward commitment position with which an option is matched is sold or will not occur, the option shall be market-to-market.

c. The immediate exercise value of short puts and other unmatched option positions shall be carried at their current market value.

Interested persons may submit written comments on the proposed Rule until 4:30 p.m., January 5, 1983, at the following address: Hunter O. Wagner, Jr., Commissioner, Office of Financial Institutions, Box 44095, Capitol Station, Baton Rouge, LA 70804.

He is the person responsible for responding to inquiries concerning the proposed Rule.

Hunter O. Wagner, Jr.
Commissioner

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

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

There will be no implementation costs or savings to this department; however, continued growth of the associations will increase the need for examining and staff personnel for the Department of Financial Institutions.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The dual chartering system as well as asset growth of State-Chartered Savings and Loan Associations should be enhanced by these new powers. This will result in increased semiannual assessments being paid into the General Fund.

The amount of semi-annual fees for each association in \$25 to \$800 on institutions with resources ranging from \$1,000,000 to \$19,999,999. Associations with gross assets of \$20,000,000 or more pay \$830 plus an additional fee of \$30 for each million or fraction thereof of assets in excess of \$20,000,000.

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

Cost to affected groups will be limited to the training of or employing qualified personnel. Benefits will be the ability to lock-in rates and make additional loans.

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

State Chartered Savings and Loan Associations will have powers consistent with Federally Chartered Associa-

tions. Additional services and asset growth of the association will create a need for additional employees.

Hunter O. Wagner, Jr.
Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Office of Financial Institutions**

The Commissioner of Financial Institutions, in exercise of his powers specifically enumerated in LRS 6:237(B), hereby gives notice of his intention to rescind the following Rule:

PROPOSED RULE

This Rule rescinds the Rule published in Volume 7, Number 6, June 20, 1981, and its amendments published in Volume 8, Number 9, September 20, 1982, in the *Louisiana Register*, pertaining to Adjustable Rate Mortgage Loan Instruments.

Interested persons may submit written comments on the proposed Rule until 4:30 p.m., January 5, 1983, at the following address: Hunter O. Wagner, Jr., Commissioner, Office of Financial Institutions, Box 44095 - Capitol Station, Baton Rouge, LA 70804.

He is the person responsible for responding to inquiries concerning the proposed Rule.

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

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

Rule Title: Recision — Adjustable Rate Mortgages

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

There will be no implementation costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenue collections.

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

There will be no estimated costs to affected groups. Affected parties will enjoy the same privileges through the provisions of the Federal Alternative Mortgage Transaction Parity Act, a Rule previously published in the May 20, 1982 *Louisiana Register*, and Act 424 of the 1982 Regular Session.

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

There will be no effect on competition and employment.

Hunter O. Wagner, Jr.
Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Commerce Office of Financial Institutions

The Commissioner of Financial Institutions, in exercise of his powers specifically enumerated in R.S. 6:902 B, hereby gives notice of his intention to rescind the following Rule:

PROPOSED RULE

This Rule rescinds Rule published in the *Louisiana Register* in Volume 7, Number 7, July 20, 1981, pertaining to Adjustable Mortgage Loan Instruments.

Interested persons may submit written comments on the proposed rescission until 4:30 p.m., January 5, 1983, to the following address: Office of Financial Institutions, Box 44095, Capitol Station, Baton Rouge, LA 70804.

Hunter O. Wagner, Jr.
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Recission - Adjustable Rate Mortgages

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

There will be no implementation costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenue collections.

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

There will be no estimated costs to affected groups. Affected parties will enjoy the same privileges through the provisions of the Federal Alternative Mortgage Transaction Parity Act, a Rule previously published in the May 20, 1982, *Louisiana Register*, and Act 424 of the 1982 Regular Session.

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

There will be no effect on competition and employment.

Hunter O. Wagner, Jr.
Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Commerce Office of Financial Institutions

Under authority granted by LRS 6:237(B), the Commissioner of Financial Institutions intends to adopt the following Rule for the purpose of providing a means by which State-chartered banks may share electronic financial terminals and participate with others in the use of electronic financial terminals.

PROPOSED RULE

Shared EFT

1. Definitions

A. "Commissioner" means the Commissioner of Financial Institutions, State of Louisiana.

B. "Electronic financial terminal" (EFT) means an electronic information processing device, other than a telephone, which is established to do either or both of the following:

i. Capture the data necessary to initiate financial transactions; or

ii. Through its attendant support system, store or initiate the transmission of the information necessary to consummate a financial transaction.

The term includes, without limitation, point of sale terminals, merchant-operated terminals, cash-dispensing machines, and automated teller machines. An EFT shared by a bank domiciled in a parish other than that of the EFT's location is not a branch of the sharing bank so long as the restrictions imposed by this Rule are complied with.

C. "Financial institution" means a national banking association, federal savings and loan association, or federal credit union, or a bank, savings and loan association, or credit union established and operating under the laws of the State of Louisiana.

D. "State-chartered bank" means a bank chartered under the laws of the State of Louisiana.

2. EFT Sharing Permitted

A State-chartered bank may share an EFT established and operated by another financial institution. A State-chartered bank may share an EFT controlled by a non-financial institution only if such institution has agreed, in writing, that the EFT is subject to such examination by the Commissioner as he deems necessary.

3. Authorized Functions for a Shared EFT

Financial transactions which may be performed by an EFT shall be limited to the disbursement of funds under a preauthorized credit agreement, the withdrawal of funds from a customer's account, the receiving of cash or checks, check verification and/or guarantee, the disbursement of cash, the payment of loan payments, the transfer of funds to or from one or more accounts in one or more financial institutions, and responding to account balance inquiries. A shared EFT may be used to accept deposits of customers of State-chartered banks domiciled in the parish in which the EFT is located, if such function is approved by the Commissioner.

No shared EFT may be used to accept deposits from a customer of a State-chartered bank, which is domiciled in a parish other than that of the location of the EFT.

4. EFT Security

Every institution sharing an EFT shall adopt and maintain safeguards to insure the safety of funds, items, and other information, which safeguards shall include security devices consistent with the appropriate requirements specified under the federal bank protection Act of 1968, 12 USCA s 1881 et seq. or any alternative security precautions as are approved by the Commissioner.

5. Service Charges

A State-chartered bank may impose service charges for shared EFT services.

6. Application to National Banks

The provisions of this Rule shall be apply to National banks to the extent permitted by Federal law.

Interested persons may submit written comments on the proposed Rule until 4:30 p.m., January 5, 1983, at the following address: Hunter O. Wagner, Jr., Commissioner, Office of Financial Institution, Box 44095 - Capitol Station, Baton Rouge, LA 70804.

He is the person responsible for responding to inquiries concerning the proposed Rule.

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

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

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

There are no estimated implementation costs (savings) to the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no estimated effect on revenue collections.

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

This Rule will benefit most financial institutions as they will be able to share EFT's, which would cut down on their costs of having to purchase these machines. Individual persons would benefit from this as they would be able to make cash withdrawals wherever these machines are located.

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

This will allow our financial institutions to compete fairly with each other. This Rule would not have an effect on employment.

Hunter O. Wagner, Jr.
Commissioner

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Department of Commerce
Office of Financial Institutions**

Under authority granted by R.S. 6:902 B and R.S. 902.1, the Commissioner of Financial Institutions intends to adopt the following Rule for the purpose of providing a means by which state chartered savings and loan associations may have authority consistent with that granted federal associations by Federal Home Loan Bank Board Temporary Final Rule, published in Bulletin Number 82-730, dated November 4, 1982.

PROPOSED RULE

I. Implementation of Power

Notwithstanding the limitations imposed by Title 6 and Title 39, Louisiana Revised Statutes, and to implement certain new powers, state chartered savings and loan associations may now make or participate in demand deposits, governmental unit NOW accounts, commercial real estate loans, commercial loans, and consumer loans, pursuant to the following provisions:

A. DEMAND DEPOSITS. An association may accept non-interest-bearing demand deposits from (1) a commercial, corporate, business, or agricultural entity for the sole purpose of effectuating payments thereto by a nonbusiness customer, or (2) any person or organization having a business, corporate, commercial or agricultural loan relationship with the association. An association may extend secured or unsecured credit in the form of overdraft privileges specifically related to demand deposits, but such overdraft loans must be aggregated with other commercial loans for purposes of the five-percent-of-assets limitations. Overdraft loans made under authority of this implementation must be made pursuant to proper underwriting and with due regard for safety and soundness.

B. GOVERNMENTAL UNIT NOW ACCOUNTS. An association may offer NOW accounts as defined in Volume 6, Number 12, *Louisiana Register*, published December 20, 1980,

for the deposit of public funds by an officer, employee, or agent of the United States, any state, county, municipality, or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, any territory or possession of the United States, or any political subdivision thereof.

C. COMMERCIAL REAL ESTATE LOANS. An association may invest up to 40 percent of its assets in loans secured by commercial real estate, pursuant to subparagraphs 1 and 2. Commercial real estate loans are not required to be secured by first liens, but associations must continue to comply with the 90-percent loan-to-value ratio for commercial real estate loans.

(1) Commercial real estate loans (including construction loans) secured by first liens on other improved real estate shall not exceed 90 percent of the value of the security property and shall be repayable within 30 years, except that construction loans and nonamortized loans shall be repayable within five years. Interest shall be payable at least semi-annually except to the extent that the loan contract provides for deferral and capitalization of interest, as provided by paragraph C, Section 3504, Title 9, Louisiana Revised Statutes (Act 767, 1982 Legislature). Provided, that the ratio of the loan balance to the current appraised value of the security property may not at any time during the loan term exceed 90 percent as a result of deferral and capitalization of interest.

(2) Other improved real estate. Commercial real estate containing (1) a permanent structure(s) constituting at least 25 percent of its value, or (2) improvements which make it usable by a business or industrial enterprise.

D. COMMERCIAL LOANS. An association may invest up to five percent of its assets in secured or unsecured loans for commercial, corporate, business or agricultural purposes, provided that loans to any one borrower shall not exceed the limits of 6:822 B (1) and Rule published in Volume 8, Number 2, *Louisiana Register*, February 20, 1982.

E. CONSUMER LOANS. Effective immediately, state chartered savings and loan associations may make up to 30 percent of their assets in consumer loans as defined by the Louisiana Consumer Credit Law (LRS 9:3516 (13)). All provisions of the Louisiana Consumer Credit Law (LRS 9:3510, et seq) will apply to loans made under this authority.

II. Rescission

This Rule rescinds paragraph 1) of Rule published in Volume 6, Number 8, *Louisiana Register*, August 20, 1980.

Interested persons may submit written comments on the proposed Rule through 4:30 p.m., January 5, 1983, to the following address: Hunter O. Wagner, Jr., Commissioner, Office of Financial Institutions, Box 44095, Capitol Station, Baton Rouge, LA 70804.

He is the person responsible for responding to inquiries about this proposed Rule.

Hunter O. Wagner, Jr.
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Thrift Institution Restructuring**

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

New funds would not be required to implement this Rule. The Savings and Loan industry should experience some growth as a result of its implementation, requiring additional supervision. However, the cost of this additional

supervision should be offset by utilizing a divided examination program with FSLIC.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

If this Rule results in asset growth of State Chartered Savings and Loan Associations, then semi-annual assessments will increase. Its prompt adoption will encourage State Chartered Savings and Loan Associations to retain this charter and continue to pay assessments into the General Fund.

The amount of semi-annual fees for each association is \$25 to \$800 on institutions with resources ranging from \$1,000,000 to \$19,999,999. Associations with gross assets of \$20,000,000 or more pay \$830 plus an additional fee of \$30 for each million or fraction thereof of assets in excess of \$20,000,000.

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

This Rule will reduce the cost of funds to the Savings and Loan Industry, increase the yield of their loan portfolio, and make more funds available to the business community.

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

Adoptions of this Rule will enable State Chartered Savings and Loan Associations to compete on an equitable basis with Federally Chartered Savings and Loan Associations, stimulate competition among Financial Institutions, and create new jobs in the Savings and Loan Industry.

Hunter O. Wagner, Jr.
Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

1. The Board approved the *Minimum Standards and Procedures for Approval of Montessori Training Courses*.

2. The Board approved an amendment to Bulletin 1196, *Louisiana Food and Nutrition Programs, Policies of Operation, Revised*, to add calculators to the authorized list.

3. The Board approved an amendment to Bulletin 741 to allow Consumer Math to appear in both Math and Business Educations sections of the Bulletin.

4. The Board approved the revised Home Study Guidelines (see Emergency Rule this issue).

5. The Board approved the revised Minimum Standards for State Approval of Vocational Education Programs.

6. The Board approved the Department of Education's recommendation to establish a performance standard for the Third Grade Basic Skills Test to be 75 percent of the total items on each of the language arts and mathematics test.

Interested persons may comment on this proposed policy change and/or additions, in writing, until 4:30 p.m., January 3, 1983.

James V. Soileau
Executive Director

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

Rule Title: Montessori Standards

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

There will be additional implementation costs to the Department of Education, Bureau of Higher Education and Teacher Certification, of approximately \$2,000 which the agency will attempt to absorb in its existing operating budget.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no estimated effect on revenue collections.

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

This new process will enable other nonpublic Montessori Training programs to be granted approval rather than only the four specified by law.

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

These guidelines and approval procedures will allow graduates of other Montessori Training programs to hold a teaching credential in Louisiana's nonpublic Montessori schools.

George B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Bulletin 1196**

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

There is no estimated implementation costs (savings) to agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no estimated effect on revenue collections.

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

There is no estimated costs and benefits to affected groups.

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

There is no estimated effect on competition and employment.

George B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Amendment to Bulletin 741**

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

The estimated cost to implement would be about \$450 to \$500 for printing and postage, which will be absorbed in the existing operating budget of the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenue collections.

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

There will be no costs to affected groups. The only benefit will be to allow the course to be taught with presently employed personnel.

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

There will be no effect on competition and employment.

George B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

No additional costs are expected due to adoption and implementation of the *Minimum Standards for State Approval of Vocational Education Programs*. Benefits will be in increased understanding of program requirements in vocational education.

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

Adoption and implementation of the *Minimum Standards for State Approval of Vocational Education Programs* will have no effect on competition and employment.

George B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

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

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

The estimated cost of the program will depend upon the growth and expansion of the Home Study Program. At the present time estimated implementation costs is approximately \$2,000 which includes printing and postage costs. These costs will be absorbed in the existing operating budget of the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no effect on revenue collections.

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

Parents are to assume all financial obligations for the student in the Home Study Program. These amendments simplify the required reporting process and relax other requirements of the existing guidelines.

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

There is no estimated effect on competition and employment.

George B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Motion 8-E-7**

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

It is anticipated that \$5,123,800 will be needed to provide remediation to the eligible second and third grade students. This is based upon an estimate of 11 percent failure at the second grade and 15 percent at the third grade. It is estimated from the two grade levels that 14,368 will need remediation at the rate of \$350 per student per subject area for a total of \$5,028,800. An additional \$95,000 is needed for administrative cost including the required state evaluation and on-site monitoring of the 66 school systems. These funds will be requested by the Department for 1983-84 to cover the cost of the program in the 1983-84 school year. The 1981-82 appropriation of \$2.1 million and a 1982-83 appropriation of \$935,196 were used to provide a \$350/student allocation which covered the 1982 summer school and 1982-83 school term remediation programs associated with the second grade basic skills test.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no estimated effect on revenue collection.

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

The students who are identified as being eligible for remediation will benefit from the program by being assisted at an early age to overcome the educational deficits as identified on the state Basic Skills Test. Additional cost to the local school systems cannot be determined due to a variance in size, structure, and the eligible students. An allocation from the 1983-84 appropriation would not be available to local systems prior to the 1983 summer term; therefore, local funds would be required for summer programs until the state allocation was made.

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

Local school systems will have the option of employing additional personnel, either full time or part time to implement the program. Additional teachers will need to be employed in some systems.

George B. Benton, Jr.
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

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

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

Implementation of the *Minimum Standards for State Approval of Vocational Education Programs* has no expected costs (savings) to the Department of Education or to the Board of Elementary and Secondary Education.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Revenue collections will not be affected by adoption of the *Minimum Standards for State Approval of Vocational Education Programs*.

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

NOTICE OF INTENT
Office of the Governor
Division of Administration
Office of Data Processing

Notice is hereby given that the Office of Data Processing, under the authority granted by R.S. 39:1901 through 39:1903 and Act 855 of the 1982 Regular Session of the Legislature, and in accordance with applicable provisions of the Administrative Procedure Act, intends to adopt a new Rule.

Interested persons may direct inquiries to Thomas G.

Hagan, State Director of Data Processing, Office of Data Processing, 555 St. Tammany Street, Baton Rouge, LA 70806, telephone number (504) 925-3912. Written comments on the proposed adoption will be received through January 3, 1983, at the above address.

The following Rule is proposed for adoption:

**LAC 1-9:15 GUIDELINES FOR PROCURING
FISCAL INTERMEDIARY SERVICES**

I. INTRODUCTION

This document provides guidelines and procedures related to the procurement of contracts for fiscal intermediary services in processing claims of health care providers. Guidelines contained herein are based on Act 855 of the 1982 Regular Session.

II. CALENDAR OF MAJOR MILESTONES

DATE	MILESTONE
Start - 13 Months	Justification for contract submitted to ODP
Start - 12 Months	Issuance of Solicitations for Proposals
Start - 8 Months	Award of Contract
Start	Contract Effective Date

III. PROCUREMENT SUPPORT TEAM INVOLVEMENT

Act 855 stipulates that each procurement will involve a Procurement Support Team (PST). General information regarding a PST is given in LAC 1-9:8 (see Attachment A).

IV. STEP-BY-STEP PROCEDURES

STEP	RESPONSIBILITY	PROCEDURE
1	User Agency	<ul style="list-style-type: none"> a. Develops justification for procuring contract, to include identification and consideration of all factors, including costs, relevant to the Solicitation for Proposals and the final contract. b. Develops functional requirements and draft of Solicitation for Proposals including description of method by which the contract shall be awarded as well as the criteria to be used and the weights assigned to each criteria. c. Sends request, including justification and Solicitation for Proposals, to the Office of Data Processing at least 13 months prior to the termination date of an existing contract.
2	ODP	Receives and logs user request, and forwards to ODP Procurement Coordinator
3	ODP Procurement Coordinator	<ul style="list-style-type: none"> a. Reviews justification and functional requirements b. Verifies funding c. Makes recommendation d. Forwards request to Director of Office of Data Processing
4	Director of ODP	<ul style="list-style-type: none"> a. Reviews justification and functional requirements b. Notifies user agency via letter of initial approval or reason for disapproval
5	User Agency	Requests and presents justification for issuing a Solicitation for Proposal in a public hearing before the House and Senate Committees on Health and Welfare or a Joint Subcommittee thereof
6	Legislative Committee(s)	Holds public hearings and makes recommendations regarding the request to issue a Solicitation for Proposals
7	PST/User Agency	Evaluates Legislative Committee(s) recommendations
8	PST	Reviews and makes recommendations on the final drafting of specifications and the Solicitation for Proposals

9	User Agency	<ul style="list-style-type: none"> a. Finalizes Solicitation for Proposals b. Presents Solicitation for Proposals for PST signoff c. Releases Solicitation for Proposals d. Advertises for proposals e. Receives proposals f. Reviews proposals for compliance with administrative requirements g. Evaluates proposals received and makes a selection h. Forwards proposals, evaluation and selection to ODP
10	ODP Procurement Coordinator	Schedules PST meeting to review proposals, evaluation and selection
11	PST	<ul style="list-style-type: none"> a. Reviews proposals b. Reviews agency evaluation and selection and provides recommendation to the head of the using agency
12	User Agency	Requests and presents the evaluation and selection in a public hearing before the House and Senate Committees on Health and Welfare or a Joint Subcommittee thereof
13	Legislative Committee(s)	Holds public hearings and make recommendations regarding the award
14	PST/User Agency	Evaluates Legislative Committee(s) recommendations
15	PST	Establishes date of meeting for contract negotiations
16	User Agency	Notifies most responsive and responsible offerer of selection for contract negotiations. In addition to other provisions as required by law or in the best interests of the state, such contract shall contain provisions setting forth, (a) the amount and requirements of the contractor's performance bond, (b) penalty and enforcement provisions for the failure of the contractor to perform in accordance with the contract documents, (c) conditions for optional renewal of the contract by the state in accordance with the provisions of 855, and (d) requirements for termination of the contract by the state at any time, or for cause, or upon the refusal of the state to exercise an option to renew such contract.
17	PST/User Agency	Negotiates final contract and forwards contract to the User Agency
18	User Agency	<ul style="list-style-type: none"> a. Obtains vendor signature on contract and signs contract b. Prepares purchase order c. Forwards purchase order and contract for ODP stamp of approval
19	Procurement Coordinator	<ul style="list-style-type: none"> a. Compares signed contract with contract furnished to insure it is the same b. Stamps purchase order and contract and forwards to User Agency for distribution.

RENEWAL OF CONTRACT

1	User Agency	Request and presents justification for exercising option to renew contract in a public hearing before the House and Senate Committees on Health and Welfare or a Joint Subcommittee thereof
2	Legislative Committee(s)	Holds public hearings and makes recommendations regarding the option to renew contract
3	User Agency	Reviews recommendations of Legislative Committee(s) and notifies the contractor of its decision

ATTACHMENT A
LAC 1-9:8 PROCEDURES FOR
PROCUREMENT SUPPORT TEAM OPERATIONS

8.1 **PROCUREMENT SUPPORT TEAM COMPOSITION.** A procurement support team shall be formed in accordance with the procedures defined herein for every contract in an amount greater than \$100,000 for the procurement of data processing hardware, software, and related services, as required by Act 628 of the Regular Session of 1981. Purchase release orders issued pursuant to a Direct Order Contract shall not constitute a contract for purposes of these procedures. The formation of a procurement support team shall be accomplished by the Office of Data Processing (ODP).

As stated in Act 628, at least two members of each procurement support team should have formal training in computer contract negotiations. The Office of Data Processing, the Legislative Fiscal Office, the Attorney General's Office, and the Purchasing Office shall each designate in writing to the ODP the names of a primary and an alternate team member, and should insure that at least one of these individuals has received formal training in computer contract negotiations. It shall thereafter be the responsibility of each named agency to keep the ODP advised of any changes in designated individuals.

Each agency in the State which uses data processing hardware, software, and related service shall designate in writing to the ODP at least one individual who will be available to participate in procurement support teams. Each such agency is requested to have at least one individual trained in computer contract negotiations available at all times.

As required by Act 628, at least five members, one from each office designated, must be present to constitute a quorum.

8.2 **PROCUREMENT SUPPORT TEAM INVOLVEMENT.** Procurement support team participation must include, as a minimum, assistance in final drafting of specifications, drafting of invitations for bids, evaluation of bids, and negotiation of contract terms. Procurements requiring this level of support will involve the active participation of all of the members of the procurement support team as a unit. There will be at least one joint meeting per phase during the process. The procurement support team will make written evaluations and recommendations as a group; these will not supplant written individual agency approvals as required by statute or regulations. The team leader will be designated by the Office of Data Processing.

8.3 **EMERGENCY PROCUREMENTS.** Notwithstanding the guidelines established above, procurements under emergency conditions (as defined by the ODP) will involve a procurement support team designated by the ODP, under the directions of a team leader designated by the ODP. Agencies and individual team members may be contacted by telephone, and make oral recommendations and comments. Such oral recommendations or comments shall be confirmed in writing as early as possible. A final written evaluation shall be presented to the ODP prior to ODP approval of any emergency procurement. Procurement support team members participating in emergency procurement shall participate in a follow-up meeting, at which time a written evaluation of the process will be prepared and forwarded to the ODP.

8.4 The procurement support team will be a purely advisory body. All decisions with respect to a procurement process will be made by the procuring agency. Such decisions will of course be subject to the review and approval of other agencies as required by statute or regulations. The approval or acceptance of a particular procedure by a procurement support team member is not to be construed as approval by the agency which that team member represents, in those cases where formal agency approval of the final agreements is required.

8.5 In situations where formal negotiations with prospective vendors, or a successful bidder, is appropriate, such negotiations will be conducted by a negotiations team appointed by the procurement support team leader. One member of the negotiating team will be designated as lead negotiator. The procuring agency will establish in writing the authority and constraints under which the negotiating team will operate, and within these constraints, the negotiation team shall have full authority to deal with the other party or parties. The results of such negotiations will, of course, be subject to all statutory required reviews. The lead negotiator and at least one other member of the negotiating team should have formal training in computer contract negotiations.

8.6 The individual agencies represented on procurement support teams will have the following primary responsibilities. These responsibilities may be enlarged or modified as appropriate to each given situation by the procurement support team leader, with the concurrence of the Office of Data Processing.

A. Office of Data Processing. The ODP shall have primary responsibility for providing advice and support in the area of data processing techniques, negotiations techniques, developing the structure and content of invitations to bid (ITB), and drafting of technical specifications.

B. Legislative Fiscal Office. The Legislative Fiscal Office shall have primary responsibility for the financial analysis of ITB's and bids, and review of funding procedures.

C. Attorney General's Office. The Attorney General's Office shall have primary responsibility for developing the legal terms and conditions of draft contracts, evaluating the legal impact of substantive terms and conditions, review to insure compliance with statutes and regulations, and legal negotiations.

D. Purchasing Office. The Purchasing Office shall have primary responsibility for insuring compliance with procurement procedures and regulations, the drafting of invitations to bid, and the evaluation of bids.

E. The Procuring Agency. The procuring agency shall have primary responsibility for the determination of the compliance of bids with these functional requirements, and for all management decisions at each phase of the procurement process.

8.7 **PROCEDURES.** Each procurement activity covered by Act 628 shall be conducted in accordance with the following procedures:

8.7.1 Each agency contemplating a procurement covered by the provisions of Act 628 shall, upon definition of the preliminary functional requirements and prior to the drafting of specifications, notify the ODP in writing of the intended procurement. The ODP shall then make a determination as to the best available method of satisfying the agency's requirements (e.g., by transferring equipment from another agency, or by issuance of invitations to bid.) If the ODP determines that bidding procedure is most appropriate, it shall authorize the procuring agency to proceed.

8.7.2 The ODP staff, pursuant to the guidelines established herein, shall identify the level of support required, notify the appropriate agencies, and obtain from those agencies the names of the individual designated to participate on this particular procurement support team. The ODP staff will then designate a team leader, insure that at least two members of the procurement support team have received formal training in computer contract negotiations, and forward to the team leader the names of the other team members, along with any information received from the procuring agency.

8.7.3 The team leader will establish a schedule for the procurement activity, define the role and task of each team member, and establish a project file. The procuring agency and all team members are responsible for insuring that the team leader receives a copy of all correspondence and documentation.

8.7.4 The team leader will maintain a file containing all

documentation and correspondence relating to the procurement. At the end of the process one copy will be provided to the procuring agency and one copy will be retained on file by the ODP. The team leader will make written status reports at the end of each phase to the ODP. Such status reports shall be presented to the ODP at each regular meeting.

8.7.5 Each member of the procurement support team must review as a minimum the final specifications, the invitation to bid, the bids, any formal bid evaluation, and the final contract. As a minimum, this review must be indicated by the signature of each team member. Where team evaluations are made, each team member must sign the evaluation, or his designating or qualifying reports.

8.7.6 In the event that a team member indicates acceptance or concurrence of any activity, and that team member's agency subsequently refuses to approve the process pursuant to its statutorially required review, the reviewing agency and the individual team member must submit to the team leader written reasons for their actions. The team leader shall file these documents in the final activity file.

8.7.7 After a procurement process has been completed, team members and the procuring agency are encouraged to submit written evaluations and comments of the process, and suggestions for future improvements. Such evaluations, comments, and suggestions shall be sent to the ODP.

Thomas G. Hagan
State Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Guidelines For Procuring Fiscal
Intermediary Services**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no estimated implementation costs or savings to agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no estimated effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
There will be no estimated costs and benefits to affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
This Rule will have no effect on competition or employment.

Thomas G. Hagan
Director

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Office of the Governor
State Planning Office**

The Office of the Governor, Louisiana State Planning Office, intends to adopt Rules for the administration of a Planning

and Development District Assistance Program. Funds in the amount of \$320,000 were appropriated to State Planning (SPO) by Act No. 13 of the 1982 Louisiana Legislature, which the office is distributing among the state's regional planning and development districts, or regional planning commissions. These Rules are intended to insure that these funds will be expended in accordance with SPO's legislative mandates to support regional planning and development activities for the effective promotion of the economic and social welfare of the people within the various regions of the state.

The Louisiana State Planning Office was created by Act NO. 288 of the 1968 Legislature. The revised statutes citation for this legislation is R.S. 49:1051 et seq. To carry out its primary responsibility to the Governor for a coordinated program of comprehensive statewide planning, SPO is charged with these specific responsibilities in the area of regional planning:
"Section 1054. Louisiana State Planning Office; powers; duties; and functions

The office shall have the authority and where appropriate to the context shall be required to:

. . . (3) Review current programming and future planning of all municipal and regional commissions. All municipal and regional planning commissions shall file certified copies of all plans or amended plans with the State Planning Office.

(4) Publish a program of expected planning standards on the state level and suggested planning standards at the regional levels and encourage the development of planning programs within and by state departments and local governmental agencies.

. . . (15) Cooperate and assist in the development, current programming and future planning of metropolitan and regional planning commissions within the State of Louisiana."

These Rules are proposed to insure that state funds will be spent in accordance with the above mandates. State Planning, in consultation with the districts, has determined that the following goals and objectives should be met by the districts:

- A. Activities to promote the economic development of the region, or;
- B. Planning and project development activities to accomplish any of the following goals:
 - 1. Greater employment opportunities
 - 2. Provision of adequate infrastructure to meet community needs
 - 3. Better living environment including more decent and affordable housing
 - 4. Improved transportation services
 - 5. Improved social services, or;
- C. Any combination of the above.

The proposed Rules cover the various program requirements for meeting the program objectives, including submission of documents, payment policies and procedures, the covered periods of work, a final report, audits, and applicability of funds. Finally, the Rules detail the eligible recipients, and the total amounts they are eligible to receive, upon compliance with the program requirements.

Any questions relative to the proposed Rules should be submitted to the Executive Director, Louisiana State Planning Office, by January 4, 1983.

**PLANNING AND DEVELOPMENT DISTRICT
ASSISTANCE PROGRAM PROPOSED RULES**

GOALS AND OBJECTIVES:

The State of Louisiana supports regional planning and development activities for the effective promotion of the economic and social welfare of the people within the various regions of the State. To that end, the Louisiana State Planning Office (SPO) will disburse funds to the State's Regional Planning and Development

Districts (District or Districts), or Regional Planning Commissions, to meet the following program objectives:

- A. Activities to promote the economic development of the region, or;
- B. Planning and project development activities to accomplish any of the following goals:
 - 1. Greater employment opportunities
 - 2. Provision of adequate infrastructure to meet community needs
 - 3. Better living environment including more decent and affordable housing
 - 4. Improved transportation services
 - 5. Improved social services, or;
- C. Any combination of the above.

PROGRAM REQUIREMENTS FOR MEETING PROGRAM OBJECTIVES.

A. Document Submission. No later than July 1 of each year, (except FY 1983, which may be submitted upon approval of these Rules) the regional agency shall submit a budget and program narrative outlining expected expenditures in the same detail as found in the agency's normal budgeting procedure and giving a reasonably detailed narrative of the expected program for the following 12 months. The budget and program narrative shall be approved by the agency's governing body. Upon receipt of such budget and program narrative, SPO shall make comments on them and shall then forward such comments, along with the budget and program narrative to the Governor, the Senate Finance Committee, and the House Appropriations Committee. Where quantitative results are applicable, the program narrative shall contain an estimate of accomplishments expected during the 12 month period.

B. Payments. Payments will be made within six weeks after the quarterly dates of July 1, October 1, January 1, April 1, provided that the July 1 payment will not be disbursed prior to receipt by SPO of the budget and program narrative required above with documentation of approval by the District Agency's governing authority. Quarterly payments thereafter shall not be made until receipt of quarterly progress reports outlining activities in relation to the work program. Quarterly progress reports shall contain the following:

- 1. A statement of activities accomplished during the quarter, accompanied by any appropriate documentation (i.e. studies, plans, maps, industrial development reports, etc.) showing that these activities were carried out.
- 2. A projection of activities expected to be conducted during the next following quarter.
- 3. Amended copies of any changes in the budget or program narrative as approved by the agency's governing body.

SPO shall have the same right of comment on these quarterly progress reports as in B., and shall also send such comments, along with the quarterly progress reports, to the Governor, the Senate Finance Committee, and the House Appropriations Committee.

C. Period of Work. Work will be accomplished and/or obligated during the fiscal year (i.e., July 1 - June 30) in which the Legislative appropriation is made.

D. Final Report. By June 30 of each year, each agency shall submit a final report of activities summarizing work accomplished for the year and all materials produced by the agency. Copies of all materials produced by the agency shall be submitted to SPO by June 30 or in a timely fashion thereafter. By September 1 of each year, the State Planning Office shall submit a report to the Governor and the Legislature on the accomplishments of the program, with an evaluation of the program's merit, during the previous fiscal year.

E. Audits. It is understood that all subject regional agencies are required to submit annual audits to the State Legislative Au-

ditor's office. It is understood that it is the SPO's prerogative to request that such audits be filed in a timely fashion with SPO, for submission to the Legislative Auditor's Office.

F. Application. The above Rules and Regulations apply only to those funds disbursed under the Planning and Development District Assistance Program.

FUND RECIPIENTS

Recipients of these funds, appropriated by Act No. 13 of the 1982 Louisiana Legislature and the total amounts they are eligible to receive, upon compliance with the aforementioned requirements, are as follows:

Name	Amount
Regional Planning Commission for Jefferson, Orleans, St. Bernard, and St. Tammany Parishes (New Orleans, La.)	\$40,000
Capitol Economic Development District (Baton Rouge, La.)	\$40,000
South Central Planning and Development Commission (Thibodaux, La.)	\$40,000
Evangeline Economic and Planning District (Lafayette, La.)	\$40,000
Imperial Calcasieu Regional Planning Commission (Lake Charles, La.)	\$40,000
Kisatchie-Delta Regional Planning & Development District, Inc. (Alexandria, La.)	\$40,000
Coordinating & Development Corporation (Shreveport, La.)	\$40,000
North Delta Planning & Development District, Inc. (Monroe, La.)	\$40,000
Total	\$320,000

Interested persons may comment on the proposed regulations, in writing through January 4, 1983, at the following address: Wallace Walker, Executive Director, Louisiana State Planning Office, Office of the Governor, Box 44426, Baton Rouge, LA 70804. Wallace Walker is the person responsible for responding to inquiries about the proposed Rules.

Wallace L. Walker
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Planning and Development Assistance Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
 - There will be no savings or additional costs to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
 - There will be no effect on revenue collections as a result of these regulations.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
 - The planning districts previously were required to adhere to Federal regulations when they received Federal funds for these same functions, now funded with state dollars. However, last year there were no Rules or Regulations associated with their appropriation. The proposed regulations will

require the districts to meet specific requirements; however, the marginal costs associated with meeting these requirements should be minimal.

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

No impact on competition is anticipated, since the districts are already by law charged to coordinate all regional planning activities within their respective regions in the state. Effective economic development activities will yield greater employment within the various regions of the state.

Wallace L. Walker
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The State Board of Examiners for NHA's proposes the following changes in its Rules and Regulations:

1. Each preceptor shall participate in an orientation and training session conducted by the Executive Secretary and/or a Board member serving on the Continuing Education Committee before he begins to supervise an Administrator-in-Training.

Interested persons may comment in writing on the proposed changes through January 4, 1983, at the following address: State Board of Examiners for Nursing Home Administrators, 3535 Government St., Suite D, Baton Rouge, LA 70806.

Winborn E. Davis
Executive Secretary

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

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

There will be no added costs or savings.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on revenue collections.

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

The regulation will cost preceptors travel expenses for one trip to Baton Rouge. They will be more effective preceptors and A.I.T.'s will be better trained.

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

There will be no effect on competition and employment.

Winborn E. Davis
Executive Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources proposes to amend the approved waiver document for the provision of Home and Community based services to suspend homemaker and adult day care services effective February 1, 1983.

Implementation of this proposed Rule is based on a requested amendment to the approved waiver document (section 2176 of Public Law 97-35) which implemented home and community based services effective April 1, 1982 and is conditional upon approval of the proposed amendment by the Health Care Financing Administration.

Interested persons may submit written comments through January 4, 1983 at the following address: R. K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding this proposed Rule.

A public hearing on the proposed Rule will be held Thursday, January 6, 1983 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 10:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Roger P. Guissinger
Secretary

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

**Rule Title: Suspension of Title XIX Reimbursement
for Homemaker and Adult Day Care Services**

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

It is estimated that implementation of the proposed Rule will result in an over-all savings due to the reduced expenditures for vendor payments for adult day care services. The estimated savings for FY 82-83 is \$115,065; and \$276,156 each for FY 83-84 and FY 84-85. The breakdown of federal and state funds for the above amounts is as follows: 1982-83, \$41,032 (state) and \$74,033 (federal); 1983-84, \$104,387 (state) and \$171,769 (federal); and 1984-85, \$106,182 (state) and \$169,974 (federal).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

It is estimated that the proposed Rule will result in a decrease in revenues from federal funds due to the decrease in expenditures. The reductions are as follows: \$74,033 in FY 82-83, \$171,769 for FY 83-84 and \$169,974 for FY 84-85.

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

The proposed Rule will result in the discontinuance of adult day care services for 117 recipients. Six providers of adult day care services will no longer receive Title XIX reimbursement for these services to the above mentioned recipients. The total loss is estimated to be \$115,065 in FY 82-83; \$276,156 in FY 83-84 and FY 84-85.

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

No effect on competition and employment is anticipated as a result of the proposed Rule.

R. K. Banks
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, proposes to implement a flat grant amount in the General Assistance and the Refugee Resettlement Programs. Benefits for recipients in these programs will be based on a flat grant rather than the budgetary deficit amount up to a maximum of \$91 for one-person households. The maximum flat grant will be \$72 in the urban areas and \$66 in the non-urban areas for one-person households. Incremental increases for households containing more than one recipient will parallel the AFDC Program payment standards.

The Office of Family Security also proposes to implement the following changes in the General Assistance Program:

(1) Eliminate special care in own home or home of another.

(2) Eliminate regular and special medical exams. All applicants will be referred to The Social Security Administration to apply for all available benefits.

(3) Require a one year residency in Louisiana as a condition of eligibility.

(4) Delay payment of grants for applicants 90 days from the date of application.

(5) Prorate the first month's assistance payment.

(6) Round down to the next lower dollar the budgetary deficit to determine the grant amount.

A public hearing has been scheduled for January 7, 1983, at 10 a.m. in the Louisiana State Library Auditorium at 760 Riverside, Baton Rouge, Louisiana.

Interested persons may submit written comments on these proposed changes through January 5, 1983, at the following address: R.K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding this proposed Rule.

Roger P. Guissinger
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: General Assistance and Refugee Resettlement Program

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

The savings to the agency in all state dollars are \$658,787.40 (FY 82-83); \$2,022,929.08 (FY 83-84) and \$2,028,903.84 (FY 84-85). The savings in all federal dollars are \$44,095 (FY 82-83) and \$105,828 (FY 83-84, 84-85) and are from the Refugee Resettlement Program.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The proposed Rule would result in a loss of federal revenues in the Refugee Resettlement Program as follows: \$44,095 (1982-83), and \$105,828 (1983-84 and 1984-85).

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

Almost all General Assistance recipients and Refugee Resettlement Recipient one-person households will either have their grants reduced or closed. New GA applicants, if eligible, will not receive payment for 90 days from the date of

application. These changes will streamline the GA program and reduce administrative costs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY- MENT - (Summary)

There is no effect on competition and employment.

R.K. Banks
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security proposes to implement a Rule in the Medical Assistance Program to amend Medicaid eligibility policy effective February 1, 1983, to provide payment to long term care facilities effective only with the first full month of institutionalization for an individual eligible under the special income level. Such an individual is defined as an individual in an institution having an income greater than the maximum SSI benefit amount payable to an individual in his own home, but less than the CAP rate (300% of the SSI Standard Payment Amount).

The first full month of institutionalization is defined as the month in which the patient has been in the institution for the entire calendar month.

This proposed action is being taken to bring the Louisiana Medical Assistance program into compliance with Federal Regulation 42 CFR 435.722(c).

Interested persons may submit written comments through January 4, 1983, at the following address: R. K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding the proposed Rule.

A public hearing on the proposed Rule will be held Wednesday, January 5, 1983, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 3 p.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Roger P. Guissinger
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Limit on Medicaid Eligibility for LTC to First Full Month of Institutionalization

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

Implementation of the proposed Rule would result in an estimated savings to the agency of \$770,980 for FY 82-83 and \$1,849,921 in FY 83-84 and 84-85. These savings result from the reduction in expenditures for facility payments for the incomplete first month of institutionalization and for the costs for other medical services for which the recipients would no longer be eligible until the first full month of institutionalization. The breakdown of federal and state funds for the above savings is as follows: FY 82-83, \$274,931 (State) and \$496,049 (Federal); FY 83-84, \$699,270 (State) and \$1,150,651 (Federal); and FY 84-85, \$711,295 (State) and \$1,138,626 (Federal).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Revenues from federal funds will be decreased as a result of the proposed Rules. Reductions are as follows: \$496,049 for FY 82-83; \$1,150,651 for FY 83-84 and \$1,138,626 for FY 84-85.

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

Patients in Long Term Care facilities who meet the specified income requirements would be eligible for Title XIX only with the first full month of institutionalization and not for a partial initial month of institutionalization. This measure will affect an estimated 1,437 long-term care patients during 1982-83 and 3,448 patients per year during 1983-84 and 1984-85.

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

No effect on competition and employment is anticipated as a result of the proposed Rule.

R. K. Banks
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to adopt a Rule effective February 1, 1983 to implement a state program of maximum allowable costs (MAC) for multiple-source drugs. This proposed Rule establishes maximums for the costs of certain drugs which shall be reimbursed under Title XIX. The state established MAC for these drugs shall be applicable unless a lower Federal MAC for the respective products is established. The proposed MAC limits shall be applicable for the specified drugs unless the prescriber has certified, in his own handwriting, that a specified brand is medically necessary for the recipient. In no case may a recipient be required to provide payment for any difference in a prescription price that may occur with implementation of the MAC limit, nor may OFS use a cost which exceeds the established maximums except as specified below.

This program shall track federal Health and Human Services regulations regarding exceptions to their MAC limitations. The specific guidelines regarding procedures for such exceptions provide that:

- a) the certification must be in the physician's handwriting;
- b) the certification may be written directly on the prescription or on a separate sheet which is attached to the prescription;
- c) a standard phrase written on the prescription, such as "brand necessary" will be acceptable;
- d) a printed box on the prescription blank that could be checked by the physician to indicate brand necessity is unacceptable;
- e) a handwritten statement transferred to a rubber stamp and then stamped on the prescription blank is unacceptable.

Maximum Allowable Costs (MAC's) for reimbursement under Title XIX are proposed as follows on those multiple-source drugs specified:

DRUG	PROPOSED STATE MAC
Amitriptyline Tablets	
10 mg.	\$0.0350
25 mg.	0.0550
50 mg.	0.0750
75 mg.	0.01000
100 mg.	0.1350
150 mg.	0.1850
Chlorothiazide Tablets	
250 mg.	0.0400
500 mg.	0.0650
Diphenhydramine Capsules	
25 mg.	0.0160
50 mg.	0.0175
Diphenhydramine Elixir	
cc	0.0100
Furosemide Tablets	
20 mg.	0.0600
40 mg.	0.0825
Potassium Chloride, Oral,	
liq. 20%	
cc	0.0060
Dicyclomine Capsules	
10 mg.	0.0220
Dicyclomine Tablets	
20 mg.	0.0220
Chlorthalidone Tablets	
25 mg.	0.0850
50 mg.	0.1050
Dipyridamole Tablets	
25 mg.	0.0700
Ferrous Gluconate Tablets	
5 mg.	0.0110
Imipramine HCl Tablets	
10 mg.	0.0350
25 mg.	0.0500
50 mg.	0.0750
Nitroglycerin TD Capsules	
2.5 mg.	0.0600
6.5 mg.	0.0800
Papaverine HCl TR Capsules	
150 mg.	0.0550
Spiroinolactone Tablets	0.1250
Spiroinolactone Hydrochlorothiazide Tablets	0.1600
Meclizine Tablets	
12.5 mg.	0.0250
25 mg.	0.0350
Ibuprofen Tablets	
400 mg.	0.1600
Propoxyphene HCl 65 mg.	
Acetaminophen 650 mg.	
Capsules & Tablets	0.0700
Reserpine 0.1 mg.	
Hydrochlorothiazide 15 mg.	
Hydralazine HCl 25 mg. Tablets	0.1000
Belladonna Alkaloids with PB Tablets or Capsules	0.0050

Potassium Gluconate Elixir USP	0.0120
Butalbital w/APC Tablets or Capsules	0.0400
Chloral Hydrate Capsules 500 mg.	.0400
Chlorpromazine HCl Tablets	
10 mg.	0.0200
25 mg.	0.0300
50 mg.	0.0350
100 mg.	0.0500
200 mg.	0.0700

Interested persons may submit written comments through January 4, 1983 at the following address: R. K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding this proposed Rule.

A public hearing on the proposed Rule will be held Tuesday, January 5, 1983 at 10:30 a.m. in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Roger P. Guissinger
Secretary

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

**Rule Title: Implementation of State Maximum
Allowable Costs for Multiple Source Drugs**

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

It is anticipated that the proposed Rule will result in a savings to the Medical Assistance Program of \$1,581,126.86 in FY 82-83 and \$3,661,615.37 each for FY 83-84 and 84-85. The breakdown of federal and state funds for these amounts is as follows:

	STATE	FEDERAL
FY 82-83	\$ 563,829.84	\$1,017,297.02
FY 83-84	\$1,384,090.61	\$2,277,524.76
FY 84-85	\$1,407,891.11	\$2,253,724.26

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

Revenues from Federal funds will be decreased as a result of reduced costs for those drugs with a State MAC limit. The reductions are as follows: \$1,017,297.02 for FY 82-83; \$2,277,524.76 for FY 83-84; and \$2,253,724.26 for FY 84-85.

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

The proposed Rule will result in some providers of those drugs with a maximum allowable cost incurring decreased reimbursement for those specified drugs whose costs exceed the MAC limit when prescriptions are filled and certification of medical necessity of the specific brand was not included. Costs to individual providers cannot be predicted as this is dependent on the numbers of such prescriptions dispensed.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY-
MENT - (Summary)**

No effect on competition and employment is anticipated as a result of the proposed Rule.

R. K. Banks
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to exclude the coverage of voice evaluations or voice therapy from the Title XIX Medical Assistance Program. This includes instructions in use and hygiene of the voice as treatment for vocal cord nodules or hoarseness, and related conditions, unless it is serious enough to interfere with normal speech.

Coverage of these particular services was the issue of a request for a Fair Hearing. This proposed exclusion will clarify the policy concerning voice evaluations or voice therapy. These services have never been covered and there are presently insufficient funds to allow the Medical Assistance Program to offer coverage of these services.

Interested persons may submit written comments through January 4, 1983 at the following address: R. K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding this proposed Rule.

Roger P. Guissinger
Secretary

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

**Rule Title: MAP - Exclusion of Coverage
of Voice Evaluations and Voice Therapy**

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

There is no fiscal impact because these services have never been covered previously.

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

There will be no effect on revenue collections.

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

There are no costs or benefits to providers or recipients.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY-
MENT - (Summary)**

There is no effect on competition and employment.

R. K. Banks
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security proposes to provide Medicaid to any child for whom the state makes adoption assistance or foster care maintenance payments under Title IV-E of the Social Security Act.

This proposed Rule had been placed in effect on an emergency basis and was published in the October 20, 1982, issue of the *Louisiana Register* (Volume 8, No. 10, page 509).

This action is necessary to ensure that Medicaid coverage continues for children previously certified for Medicaid as a child for whom the state makes foster care payments under IV-A, whose IV-A eligibility was transferred to Title IV-E effective October 1, 1982. It also provides Medicaid coverage for those children for whom the state makes adoption assistance payments under Title IV-E to ensure that these children receive medical care necessary to maintenance of their health and well-being.

This action is mandated by Public Law 96-272 and is being taken in response to final Federal Regulations published in the July 1, 1982 issue of the *Federal Register* (Volume 47, No. 127, pages 28652-28658).

Interested persons may submit written comments through January 4, 1983 at the following address: R. K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding this proposed Rule.

Roger P. Guissinger
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Medicaid Security Coverage of Title IV-E Children

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

Estimated implementation costs include the cost of additional Medicaid payments for 36 IV-E children (adoption assistance) in FY 82-83 and an additional 23 such children in FY 83-84 for a total of 59 children. Total implementation costs are \$85,550 for FY 82-83; \$168,249 for FY 83-84 and FY 84-85. The breakdown of federal and state funds for the above costs is as follows: FY 82-83, \$30,507 (state and \$55,043 (federal); FY 83-84 and FY 84-85, \$63,598 (state) and \$104,651 (federal).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Revenue from federal funds will be increased as a result of the proposed Rule as follows: FY 82-83, \$55,043 and FY 83-84 and FY 84-85, \$105,651.

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

Children receiving Title IV-E adoption assistance payments from the state will be eligible for Title XIX Medical Assistance. This will allow an estimated 36 additional children to receive benefits in 1982-83 and 59 additional children each year for 1983-84 and 1984-85.

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

No effect on competition and employment is anticipated as a result of the proposed Rule.

R. K. Banks
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security proposes to adopt a Rule in the Medical Assistance Program to amend the requirement that Title XIX recipients in Intermediate Care facilities (ICF I and II) be visited by a physician at least every 60 days following admission unless the physician decides that this frequency is unnecessary and records the reasons for that decision. Current policy requires physician visits every 60 days regardless of medical necessity.

This change does not affect separate requirements for recertification by a physician regarding continued need for care and/or review or revision of the plan of care for the recipient.

Interested persons may submit written comments through January 4, 1983 at the following address: R. K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding the proposed Rule.

Roger P. Guissinger
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Physician Visits in ICF's I and II

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

The only implementation cost for the proposed Rule is \$44 for printing of revised policy. It is estimated that the proposed Rule will result in a savings to the agency as it is anticipated that the number of physician visits to Title XIX recipients certified for services in Intermediate Care Facilities I and II will decrease. However, the amount of the resultant savings in vendor payments for physician services cannot be calculated as the actual number of physician visits that will not be made because they were not deemed necessary cannot be predicted. This is at the discretion of the individual physician and is dependent on the recipient's health status.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Any savings in Medicaid expenditures under this proposed Rule would result in loss to the state of the federal share of those expenditures. This amount cannot be estimated at this time.

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

Physicians treating Title XIX recipients in ICF's I and II will benefit from the proposed Rule as they will not be required to make visits every 60 days if this frequency is deemed medically unnecessary.

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

No effect on competition and employment is anticipated as a result of the proposed Rule.

R. K. Banks
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to reduce the personal care needs allowance for long term care recipients from \$50 to \$40 per month effective February 1, 1983. The maximum Optional State Supplement payment shall also be reduced from \$25 to \$15 per month effective February 1, 1983.

Interested persons may submit written comments through January 4, 1983 at the following address: R. K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding this proposed Rule.

A public hearing on the proposed Rule will be held Wednesday, January 5, 1983, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA beginning at 1 p.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Roger P. Guissinger
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Reduction of Personal Care
Needs Allowance for LTC Recipients**

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

It is estimated that implementation of the proposed Rule will result in savings to the agency due to decreased vendor payments for long term care recipients whose patient liability increased as a result of the reduction in the personal care needs allowance and decreased Optional State Supplement payments. Estimated savings for FY 82-83 total \$1,243,600 and estimated savings for FY 83-84 and 84-85 total \$2,984,640 for each fiscal year. The breakdown of federal and state funds for the above amount is as follows: 1982-83, \$696,742 (state) and \$546,858 (federal); 1983-84, \$1,715,835 (state) and \$1,268,805 (federal); and 1984-85, \$1,729,094 (state) and \$1,255,546 (federal).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Revenues from federal funds will be decreased as a result of the proposed Rule. The reductions are as follows: \$546,858 FY 82-83; \$1,268,805 FY 83-84 and \$1,255,546 in FY 84-85.

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

The proposed Rule will result in a decrease from \$1 to \$10 in Optional State Supplementation payments to 7,873 OSS recipients. Approximately 6 percent (472) of these will no longer receive an OSS payment. Additionally, 16,999 Title XIX LTC recipients will have their patient liability income increased \$10 as a result of the decrease in personal care needs allowance which will result in decreased vendor payments to the LTC facility.

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

No effect on competition and employment is anticipated as a result of the proposed Rule.

R. K. Banks
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to adopt a Rule in the Medical Assistance Program to revise the methodology for determining hospital reimbursement rates.

This policy is being implemented effective January 1, 1983, with the publication of an Emergency Rule in this issue of the *Louisiana Register* (page 632). It shall remain in effect until June 30, 1984, unless renewed or replaced prior to that date.

Interested persons may submit written comments on the proposed policy through January 5, 1983 at the following address: R.K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding the proposed Rule.

Roger P. Guissinger, Secretary
Department of Health and Human Resources

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Changes in Reimbursement Methodology
for Hospital Services**

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

It is anticipated that implementation of the proposed reimbursement methodology will result in a savings to the agency in vendor payments for hospital services. The estimated savings for hospital inpatient services are as follows:

	STATE	FEDERAL	TOTAL
FY 82-83	\$ 2,638,840	\$ 4,761,160	\$ 7,400,000
FY 83-84	\$22,680,000	\$37,320,000	\$60,000,000
FY 84-85	\$37,732,000	\$45,343,380	\$73,669,179

The above estimates do not include savings resulting from implementation of this Rule for inpatient services, new hospitals or emergency access hospitals.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The effect on revenue collections is anticipated to be a loss of Federal financial participation totalling \$4,761,160 in FY 82-83; \$37,320,000 in FY 83-84; and \$45,343,380 in FY 84-85.

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

The proposed Rule change will affect hospitals providing services under Title XIX. The amount of impact on each hospital cannot be predicted on an individual basis as this is dependent on the number and cost of services provided by each hospital. However, the total decrease in vendor payments to all hospitals is the same as the savings projected in I. above.

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

No effect on competition and employment is anticipated as a result of the proposed Rule.

R.K. Banks
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to suspend the Maximum Allowable Cost (MAC) limit for the drug, Erythromycin Stearate 500 mg. Tablets. The original MAC limit for this drug was published as a final Rule in the March 20, 1979 *Louisiana Register*, (Volume 5, Number 3, page 64).

This action is required as a result of a telegram received from the chairman of the Pharmaceutical Reimbursement Board of the Health Care Financing Administration (HCFA). The federal government is suspending this drug from the MAC list because of the potential lack of product availability in the marketplace at the current MAC limit.

Interested persons may submit written comments through January 4, 1983, to R. K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries about this proposed Rule.

Roger P. Guissinger
Secretary

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

Rule Title: Suspension of Drug from MAC List

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

Estimated implementation costs include the increased cost of vendor payments for this drug due to the suspension of the MAC limit. Total estimated cost for FY 82-83 is \$3,471 with estimated costs for FY 83-84 and 84-85 of \$9,147 each. State and Federal costs are as follows:

	FY 82-83	FY 83-84	FY 84-85
state	\$1,238	\$3,458	\$3,517
federal	\$2,233	\$5,689	\$5,630

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Revenues from federal funds will increase as a result of increased cost for vendor payments for this drug. Estimated increases are as follows: \$2,233 for FY 82-83; \$5,689 for FY 83-84 and \$5,630 for FY 84-85.

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

Title XIX recipients who have this drug prescribed for treatment will be able to have the cost reimbursed under Title XIX as a result of the proposed Rule.

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

No effect on competition and employment is anticipated as a result of the proposed Rule.

R. K. Banks
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to amend the policy regarding the

number of therapeutic leave days which are reimbursable under Title XIX effective February 1, 1983 from the current limit of 25 days per recipient per year to an allotted number of leave days per facility based on the number of certified recipients enrolled in the facility as of January 1, 1982. Each facility's number of leave days will be recomputed annually based on the formula of 25 days per recipient multiplied by the number of certified recipients enrolled as of January 1 of each year.

A maximum limit of 50 therapeutic leave days per year for each individual recipient will be eligible for reimbursement under Title XIX where permitted by the facility's use of their allotted number of leave days.

Leave days for the following purposes shall be excluded from the annual fifty day limitation per recipient:

- 1) Special Olympics
- 2) Roadrunner sponsored events
- 3) Summer camp
- 4) Louisiana planned conferences
- 5) Trial discharge leaves
- 6) Elopement days

The above exclusions shall be applicable to all Title XIX ICF-H recipients effective February 1, 1983.

Interested persons may submit written comments through January 3, 1983, at the following address: R. K. Banks, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding the proposed Rule.

A public hearing on the proposed Rule will be held Thursday, January 6, 1983 at 1 p.m. in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Roger P. Guissinger
Secretary

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

**Rule Title: Change in 25 Day Therapeutic Leave
Limitation for Title XIX Recipients in ICF-H's**

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

It is anticipated that the proposed Rule will result in increased costs to the agency due to an increase in reimbursable therapeutic leave days for Title XIX recipients whose leave days exceed the current 25 therapeutic leave days per recipient per year. However, actual costs cannot be predicted as no data is available for predicting the number of additional leave days a facility may allow a recipient.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

It is anticipated that revenues from federal funds will increase as a result of the proposed Rule, but actual amounts cannot be predicted as noted in I. above.

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

Title XIX recipients in ICF-H's whose number of therapeutic days exceed the current 25 day limit could be eligible for Title XIX reimbursement up to the new maximum limit of 50 days per recipient per year. ICF-H facilities will also have greater flexibility in awarding leave days according to the recipient's treatment plan.

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

No effect on competition and employment is anticipated as a result of the proposed Rule.

R. K. Banks
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

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

There will be no effect on competition and employment.

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

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Effective March 20, 1983, the Department of Health and Human Resources, Office of Health Services and Environmental Quality, Vital Records Section proposes to implement Rules governing the issuance of copies of vital records to public bodies. The Rules are promulgated pursuant to provisions contained in R.S. 40:40(13) and R.S. 40:41(C) as amended and reenacted by Act No. 776 of 1979. The proposed Rules provide that:

1. Components of the Office of Health Services and Environmental Quality may have access to vital records information without charge.

2. Other Offices of the Department of Health and Human Resources may be provided certified copies of vital records without charge upon presentation of proof of custody or a release form signed by the interested party.

3. Federal, state and local law enforcement agencies may be provided vital records information without charge.

4. Other federal, state and local agencies not specifically addressed in these Rules shall be required to submit the prescribed fees.

Interested persons may submit written comments on the proposed Rules within 15 days of the date of publication at the following address: Sarah M. Braud, M.D., State Health Officer, Office of Health Services and Environmental Quality, Department of Health and Human Resources, Box 60630, New Orleans, LA 70160.

Roger P. Guissinger
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Vital Records Services
to Public Bodies**

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

There will be no implementation costs (savings) to the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The action will result in a revenue decrease of approximately \$2,000 for the remainder of FY 82/83 and approximately \$4,000/year thereafter.

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

The action will result in an expenditure savings of approximately \$4,000/year for the Office of Human Development.

NOTICE OF INTENT

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

In accordance with Louisiana Revised Statutes 49:951 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 January 20, 1983. The fee will be in the amount of \$100 per state mineral lease and \$100 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 44396, Capitol Station, Baton Rouge, LA 70804, Telephone (504) 342-4600, and should be received by January 10, 1983.

Edward M. Wagner, Jr.
Administrator

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

**Rule Title: Fishermen's Gear Compensation Fund
Fee Assessment**

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

There will be no implementation costs to this Department over and above those currently required to administer the program.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

This assessment will generate approximately \$280,000.

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

There will be a 60 percent reduction in the fees assessed against lease holders and right-of-way grantees. This assessment will provide operational funds for approximately one year, at which time the graduated fee schedule will be in operation.

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

There will be no effect on competition and employment.

Fred C. Jones
Deputy Director of State Lands

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Public Safety
Office of the Secretary

Notice is hereby given that the Louisiana Department of Public Safety, pursuant to R.S. 49:952, proposes to revise and consolidate two previously promulgated chapters of Rules governing the conduct of administrative hearings into one set of Rules.

Department of Public Safety
Administrative Hearing Rules

The following is to amend and replace the Louisiana Department of Public Safety Administrative Rules, Chapter I entitled "Administrative Hearings," and Chapter II entitled, "Administrative Rules for License Control and Driver Improvement Division."

Proposed Rules

The following Rules apply to all the Department of Public Safety, which is composed of the following offices: the Office of Secretary, the Office of Management and Finance, the Office of State Police, the Office of Motor Vehicles, the Office of State Fire Protection, the Office of Alcoholic Beverage Control, the Office of Emergency Preparedness, the Office of State Property Security, and such other offices as shall be created by law. It is the policy of the Department to keep the public informed by allowing public inspection of all Rules and other written statements of policy.

Rule 1. The Department of Public Safety will provide administrative hearings in conformance with the following procedures, except as otherwise provided by these Rules or by law.

Rule 2. All hearings shall be public and shall be conducted in accordance with the provisions of the Louisiana Administrative Procedure Act.

Rule 3. All hearings, except those under the Office of Alcoholic Beverage Control, will be supervised and scheduled by a Public Safety Adjudication Officer or by the Chief Public Safety Adjudication Officer. These officers are assigned work responsibilities in the Department's Legal Section under the Office of Secretary.

Rule 4. The Secretary of Public Safety, or his representative, shall give notice of the time and place of hearings not less than ten (10) days in advance of the hearing date. He shall give such notice to all persons whose pecuniary interests are to be directly and immediately affected by such hearing.

Rule 5. The notice of hearing must be served on the party complained of by certified mail to the last known address or by personal or domiciliary service.

Rule 6. A docket shall be maintained upon which each action shall be docketed in the order filed, be numbered consecutively or alphabetically, and be given an appropriate title.

Rule 7. Summary Disposition.

a. At any time after the docketing, a written request may be filed by any interested party for summary disposition thereof on any of the following grounds:

(1) That the adjudication officer lacks jurisdiction over the subject matter, or over the person against whom relief is sought.

(2) That the notice has not been made in the required manner or within the prescribed period of delay.

(3) That the action has become moot.

(4) That a party has failed to appear at the time fixed for hearing, without having been granted a continuance.

(5) That the written notice expressing the cause of action does not constitute a ground for revocation or suspension.

b. Any requests or summary disposition when made prior to the date fixed for hearing may be supported by admissions of fact and written argument or brief.

c. If the officer conducting the hearing denies the request or refers it to the merits, he may reconsider same at any time prior

to final disposition of the action.

d. The officer conducting the hearing may, on his own motion at any time, summarily dispose of an appeal, or action, on any of the grounds listed in Sub-section (a) hereof.

Rule 8. The hearings shall be heard in a convenient place accessible to the public, selected by the Secretary. With the consent of the Secretary, his representative, the Chief Adjudication Officer or Adjudication Officer, the parties may agree to any place of public accessibility within the State for any hearing.

Rule 9. Continuance.

a. A hearing may be continued without prejudice to either party:

(1) By the Secretary, his representative, or Chief Adjudication Officer upon submission of justification deemed adequate by them, or

(2) By the officer conducting the hearing for cause deemed sufficient by or for him; or

(3) If time does not permit completion of the hearing on the scheduled date.

b. With the approval of the officer conducting the hearing, an action fixed for hearing may be continued by consent of all interested parties.

c. No continuance shall be granted except for compelling cause or to serve the ends of justice.

Rule 10. Parties shall have the right, but shall not be required, to be represented by counsel. Any such counsel must be duly licensed to practice law in the State of Louisiana. When any party is represented by more than one attorney in any hearing, only one attorney for any party shall be permitted to examine the same witness.

Rule 11. The burden of proof as to the facts shall be on the State in every action.

Rule 12. Admissibility of evidence is governed by the Louisiana Administrative Procedures Act. Departmental records, papers, documents and other written exhibits may be offered in evidence at the hearing either by a representative of the agency involved or by documentary submission at the hearing by the agency involved. All such evidence shall be made available for inspection by all parties. All testimony will be recorded under oath.

Rule 13. Affidavits and other ex parte statements shall be received in evidence; however, all parties shall be given an opportunity to inspect such statements before their admission into the record.

Rule 14. The parties may be required to stipulate to all undisputed facts.

Rule 15. The presentation of corroborative evidence may be limited by the officer conducting the hearing.

Rule 16. The officer conducting the hearing, on the request of any party, or on its or his own motion, may order that the witnesses in any hearing be separated so as to preclude any witness, other than the parties and their attorneys, from hearing the testimony of any other witness.

Rule 17. The officer conducting the hearing may fix the total time to be allowed for oral argument, according to the circumstances of each case, to one or more issues. Except with special leave, only one attorney shall be permitted to present oral argument for any party. Any member or members of the Louisiana State Bar Association may be allowed to present oral or written argument on any question of law, provided such oral argument is presented at a hearing when all parties are present or represented, or that a copy of all written arguments be served on all parties or their counsel, if any. Service of such written argument shall be certified by the writer.

Rule 18. Subpoena of Witnesses; Production of Documents.

a. The Adjudication Officer, Chief Adjudication Officer,

the Secretary, or his representative shall have the power to order the appearance of witnesses and compel the production of books and papers pertinent to the issues involved in any appeal, provided such witnesses and such books and papers are within the State.

b. Any party desiring the issuance of a subpoena for any witness at any hearing must apply for it in writing at least five days before the date fixed for the hearing and must give the name and address of the witness to whom the subpoena is to be directed, together with a brief statement of what he intends to prove by such witness.

c. Any party desiring the production of books, papers, photographs, or other items at any hearing must apply for an appropriate order in writing at least five days before the date fixed for the hearing. Such application must describe the items to be produced in sufficient detail for identification, must give the full name and address of the person required to make such production, and must state briefly what is intended to be proved by such books, papers, photographs, or other items; and the materiality of their production to the issues must be sworn to by the complainant or his counsel.

d. No subpoena for the appearance of any witness or order for the production of books, papers, photographs, or other items shall be issued unless the authorized person to whom the application is presented is satisfied that the testimony of the witness or the production of the books, papers, photographs, or other item is necessary to decide the issues.

e. Authentic copies of books, papers, photographs, or other items in the custody of any department, board, or agency of the State or any subdivision thereof which have been subpoenaed may be admitted in evidence with the same effect as the originals.

f. The Adjudication Officer, Chief Adjudication Officer, the Secretary or his representative for cause deemed sufficient may issue an appropriate order at any time recalling any subpoena, subpoena duces tecum, or request issued under the provisions of this Rule.

g. No subpoena shall be issued until the party who wishes to subpoena the witness first deposits with the Department a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671.

Rule 19. Dismissal for Non-appearance at Hearing.

a. If the complainant fails to appear at the place and time fixed for any hearing, his hearing may be dismissed or the officer conducting the hearing may in his discretion continue the case or proceed with the hearing and render his decision upon such evidence as may be adduced at the hearing.

b. If the person against whom the complaint has been filed is absent and unrepresented at the time and place fixed for the hearing, without having been granted a continuance, the officer conducting the hearing may proceed with the hearing and render his decision upon such evidence as may be adduced at the hearing.

Rule 20. When an appeal is taken from any final decision, the Secretary shall require the party appealing to reimburse the Department of Public Safety for the cost of preparing copies of tape recordings of the hearing.

Rule 21. Adjudication Officer Action on Appeal.

a. After a hearing, the Adjudication Officer shall make a written decision containing findings of facts and conclusions, which shall be filed with the Secretary. The decision of the Adjudication Officer shall be final on the day that it is filed with the Secretary.

b. The Secretary shall furnish all interested parties a copy of the decision.

Rule 22. Interlocutory Rulings.

a. Formal exceptions to the interlocutory rulings or orders are unnecessary. At the time the ruling is made or the order is

communicated, a party shall make known his objection thereto and the grounds therefor, and same shall be noted in the record.

b. The officer conducting the hearing may at any time prior to a final decision, recall, reverse, or revise any interlocutory ruling or order.

Rule 23. Rehearings.

a. A decision shall be subject to rehearing, reopening, or reconsideration by the Department of Public Safety within ten days from the date of its entry. The grounds for such action shall be either that:

(1) The decision is clearly contrary to the law and the evidence;

(2) The party has discovered since the hearing evidence important to the issues which he could not have with due diligence obtained before or during the hearing;

(3) There is a showing that issues not previously considered ought to be examined in order to properly dispose of the matter; or

(4) There is other good ground for further consideration of the issues and the evidence in the public interest.

b. A rehearing may be granted only by the officer conducting the hearing, the Chief Adjudication Officer, the Secretary, or his representative.

c. The petition of a party for rehearing, reconsideration, or review shall set forth the grounds which justify such action. Nothing in this section shall prevent rehearing, reopening or reconsideration of a matter by the department in accordance with other statutory provisions applicable or, at any time, on the ground of fraud practiced by the prevailing party or of procurement of the order by perjured testimony or fictitious evidence. The hearing shall be confined to those grounds upon which the reconsideration, reopening, or rehearing was ordered. If an application for rehearing shall be timely filed, the period within which judicial review, under the applicable statute, must be sought, shall run from the final disposition of such application.

from any adjudicative proceeding in which he cannot accord a fair impartial hearing or consideration. Any party may request the disqualification of such officer, on the ground of his inability to give a fair and impartial hearing, by filing an affidavit promptly upon discovery of the alleged disqualification, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. The issue shall be determined promptly by the Chief Adjudication Officer or the Secretary.

Howard P. Elliott
General Counsel

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Administrative Hearing Rules

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

It is estimated that implementation of this regulation will not cause additional costs or savings to the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

It is estimated that implementation of this regulation will have no effect on revenue collections.

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

It is estimated that implementation of this regulation will produce no additional costs or benefits for affected groups.

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

It is estimated that implementation of this regulation will have no effect on competition and employment.

Howard P. Elliott, Jr.
General Counsel

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Public Safety
Office of State Fire Marshal**

The Fire Marshal Mobile Home Board of Review at its meeting held on October 27, 1982 voted its intention to adopt the following Rules for appealing to the Board:

I. Any application to the Board of Review shall contain the following basic information set off in organized fashion with captions indicating that the paragraph in question contains the following basic information.

1. The name of the applicant.
2. A brief description of the facts.
3. A copy of the order of the Fire Marshal which is being appealed.
4. A reference to the section of the law or code being reviewed.
5. A brief description of why the applicant feels the requirements of the Fire Marshal is not within the Fire Marshal's authority, or brief description of why the interpretation of the Fire Marshal is incorrect, or what specific relief is required by the applicant.
6. A list of the individuals who will be appearing before the Board, and a brief description of the testimony or information they will be providing to the Board.
7. A list of all the documents which will be introduced or provided to the Board along with a brief description of the documents, and if possible, a copy of said documents.
8. A list of each exhibit except for documents, and a brief description of the exhibit.

II. Whenever possible, a notice of the meeting, date and place and the agenda will be recorded in the *Louisiana Register*, however, whenever that is not possible, a copy of the meeting notice including the date, time and place and agenda of the meeting of the Board will be published in the official notice of the official state journal; furthermore, a press release containing the same information will be mailed to the official journals of the cities of Shreveport, Monroe, Lafayette, Lake Charles, Alexandria, New Orleans, and Baton Rouge and any city or town in which the meeting of the Board is to be held if it is not one of the aforementioned major cities; and the same information shall be mailed to each individual who has notified the Fire Marshal of his desire to receive a notice of such appeal.

III. A copy of the determination of the Board as prepared by the Chairman will be mailed to each individual who requests a copy of that specific determination as well as to the applicant.

IV. The time delays for filing an appeal shall be those specified in R.S. 40:1577 and 40:1578.1 D.

Anyone having any questions with regard to this proposed ruling should contact Plauche F. Villere, Jr., Attorney for State Fire Marshal, 500 Dufossat Street, New Orleans, LA 70115 (504) 897-6600 or Jeffrey Gleason, Office of State Fire Marshal, 1033 No. Lobdell Boulevard, Baton Rouge, LA 70809 (504) 925-4911.

There will be a hearing on Wednesday, January 5, 1983 at noon in Plauche Villere's office.

Carrol L. Herring
State Fire Marshal

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

**Rule Title: Rules for Appealing to the
Fire Marshal Mobile Home Board of Review**

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

It is estimated that implementation of this regulation will not cause additional costs or savings to be incurred by the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

It is estimated that implementation of this regulation will have no effect on revenue collections.

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

It is estimated that implementation of this regulation will not increase costs to affected groups.

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

It is estimated that implementation of this regulation will have no effect on competition or employment.

Carrol L. Herring
State Fire Marshal

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Public Safety
Division of State Police**

The Louisiana Department of Public Safety intends to adopt a Rule adding to the approved list of protective helmets and goggles for use while operating motorcycles.

The proposed addition in its entirety may be examined at the Department of Public Safety, Bureau of Motor Vehicle Inspection, 265 South Foster Drive, Baton Rouge, LA, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

Comments on the proposed Rule may be submitted to the above section through January 3, 1983 at the above address.

Donald G. Bollinger
Secretary

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

Rule Title: Approved Motorcycle Helmets

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

It is estimated that implementation of this regulation will have no effect on agency costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

It is estimated that implementation of this regulation will have no effect on revenue collections.

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

It is estimated that implementation of this regulation will not cause additional costs to be incurred by affected groups.

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

There may be some effect on competition, however that effect cannot be determined at this time. The effect will depend upon the number of helmets and goggles presently being sold by distributors which are in compliance with current regulations as compared to those which will be sold in compliance with the new regulations. If all helmets and goggles purchased by motorcycle riders were in compliance with the prevailing regulations and if the new regulations will promote the purchase of additional brands of helmets and goggles, then competition will be stimulated. However no data has been recorded to indicate the brand of helmets and goggles which are sold. Therefore the effect on competition cannot be determined at this time.

Donald G. Bollinger
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Public Safety
Office of State Police**

Notice is hereby given that the Louisiana Department of Public Safety, pursuant to R.S. 32:387 (B) (3) as amended, proposes to adopt the following fee scale for the use of state police vehicles as escorts to vehicles moving over the highways of this state under special permits:

Distance travelled by escort vehicle	fee
0-49 miles	\$ 25
50-99 miles	\$ 50
100-199 miles	\$ 75
200-299 miles	\$100
300 and over miles	\$125

Interested persons may submit their written views and opinions until 4:30 p.m., January 6, 1983, to Lt. Bobby A. Achord, Louisiana State Police, Box 66614, Baton Rouge, LA 70896.

Grover W. Garrison, Colonel
Deputy Secretary, Public Safety
Head, Office of State Police

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

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

There will be no savings or additional cost to the agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

Revenue collections are anticipated to increase by \$195,675 in fiscal 82-83 over the previous fiscal year. There will be an additional anticipated increase of \$82,400 in the following fiscal year.

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

There will be direct fee increases to those persons holding special permits who use a state police vehicle as an escort. There will be no increase in required paperwork or workload adjustment.

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

No effect on competition and employment is anticipated as a result of the proposed Rule.

Grover W. Garrison
Deputy Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Revenue and Taxation
Tax Commission**

In accordance with the provisions of the Administrative Procedure Act, (R.S. 49:953), notice is hereby given that the Louisiana Tax Commission intends to hold a public hearing on Tuesday, January 25, 1983 at 2:30 p.m. in the Hearing Room of the Louisiana Tax Commission at 923 Executive Park Avenue, Baton Rouge, LA.

The purpose of the hearing is to adopt proposed Guidelines for Ascertaining the Fair Market Value of the following classes of Personal Property and the Guidelines Governing Use Value of Agricultural, Horticultural, Marsh and Timber Land.

The following changes will be made:

Amend the following pages of the current Guidelines of the Louisiana Tax Commission consisting of a minimum of 35 pages, all with respect to assisting the assessors and taxpayers in determining the Fair Market Value, as required by law, of the following classes of Personal Property and the Guidelines Governing Use Value of Agricultural, Horticultural, Marsh and Timber Land.

The following pages are amended:

Page No.	Title
DE-1	Definitions Pertaining to Real and Personal Property
RP-1	Real Property Rules and Regulations
LF-1	Guidelines for Ascertaining the Fair Market Value of Loan and Finance Company Personal Property
LF-2	Table 1.1 - Office Equipment
LF-3	Table 1.2 - Office Furniture and Fixtures
WC-2	Table 2.1 - Floating Equipment - Motor Vessels
WC-3	Table 2.2 - Floating Equipment - Barges
OG-1 - OG-4	Assessment of Oil and Gas Properties
OG-10	Table 3.1 - Subsurface Equipment of Oil, Gas, and Associated Wells
OG-11 - OG-21	Table 3.2 - Surface Equipment
OG-22 & 23	Table 3.3 - Service Stations, Marketing Personal Property

DR-2 - DR-3	Table 4.1 - Drilling Rigs and Related Equipment
PL-1	Guidelines for Ascertaining the Fair Market Value of Pipelines
PL-4	Table 5.1 - Pipeline Transportation
PL-5	Table 5.2 - Current costs for other Pipelines
AC-1	Guidelines for Ascertaining the Fair Market Value of Aircraft
AC-2	Table 6.1 - Aircraft (Including Helicopters)
GB-6	Table 11.1 - Continued-Suggested Guidelines for Ascertaining economic lives of business and industrial personal property
GB-7	Table 11.2 - Cost Indexes
GB-9	Table 11.4 - Composite Multipliers
UV-3, UV-5 thru UV-9, UV-11 and UV-12	Guidelines for Application, Classification and Assessment of land eligible to be assessed at Use Value Section.

The proposed changes to the Guidelines of the Louisiana Tax Commission are available in the office of the Tax Commission, 923 Executive Park, Baton Rouge, LA, between the hours of 8 a.m. and 4 p.m. Roy M. Sellers, Executive Secretary, is the person responsible for responding to inquiries concerning the intended action.

Those desiring to be heard will be given reasonable opportunity to make their presentations.

J. Reginald Coco, Jr.
Chairman

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
Implementation costs to the agency are the costs of reproduction and distribution of updated regulations. These costs are estimated at \$506 for the 1982-83 fiscal year.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
The revised base for assessments will raise personal property taxes by 7 percent. At existing millage rates this is estimated to produce an additional \$12.25 million in property taxes during 1983-84.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
The initial burden of these additional tax collections would fall on property owners affected by the revised assessment guidelines. The ultimate impact of the additional collections has not been determined.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Effects on competition and employment have not been identified or estimated.

J. Reginald Coco, Jr.
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Urban and Community Affairs intends to refine the Rules published in the April 20, 1982, issue of the *Louisiana Register*. These Rules govern the administration of the Louisiana Community Development Block Grant Program. The revisions listed are those now being proposed by the Department of Urban and Community Affairs.

The Revised Rules will govern the administration of the FY 1983 LCDBG Program. They will be published in the January 20, 1983 issue of the *Register* following a public hearing which will be held in Baton Rouge at the Hilton Hotel on January 5, 1983, from

10 a.m. to 12 noon, the receipt of written comments and a meeting of the Governor's Community Development Advisory Committee and the Interagency Review Panel Members.

Interested persons may comment on the proposed revisions, in writing, through January 5, 1983, at the following address: Ms. Gayle Joseph, Assistant Secretary, Office of Planning and Technical Assistance, Box 44455, Baton Rouge, LA 70804.

She is the person responsible for responding to inquiries about the Notice of Intent.

Proposed Revisions for FY'83 LCDBG Statement

Chg. #	Pg. #	ORIGINAL		REVISION
1	1	<p>I. <u>Program Objectives.</u> The Small Cities Program Therefore, eligible applicants selected for funding will be those communities having the greatest need as evidenced by poverty, unemployment and taxing capacity,</p>	<p>Delete 'unemployment'</p>	<p>I. <u>Program Objectives.</u> The Small Cities Program Therefore, eligible applicants selected for funding will be those communities having the greatest need as evidenced by poverty and taxing capacity,</p>
2	1		<p>Insert under II. <u>General</u></p>	<p>A. <u>Definitions.</u> For the purpose of the LCDBG program as used in the regulations, the term:</p> <p>a) "<u>Unit of general local government</u>" means any municipality or parish government of the State of Louisiana empowered to take or withhold any action required in connection with the establishment of the LCDBG program.</p> <p>b) "<u>Low-Moderate Income Persons</u>" means a household, consisting of a family or individual(s), earning up to 80% of the parish median income.</p> <p>c) "<u>General Distress</u>" means a combination of indices which reflect the overall fiscal and physical status of a locality. Factors included are: per capita taxes divided by per capita income; percentage (%) and number of poverty persons. (Data compiled from state and federal sources.)</p> <p>d) "<u>Auxiliary Activities</u>" means subordinate actions intended to support a major activity in any one program area (Housing, Public Facilities, or Economic Development).</p> <p><u>Note:</u> The state will make final determination of the validity (soundness) of</p>

Chg.#	Pg.#	ORIGINAL		REVISION
3	1	<p>A. <u>Eligible Applicants</u> Eligible applicants and Shreveport.</p>	<p>Insert after "Shreveport"</p>	<p>such actions in line with the program intent and funding levels. e) "<u>Slums and Blight</u>" means determinable signs of physical deterioration, decay and substandard conditions to a locality's infrastructure such as its housing and public facilities. f) "<u>Neighborhood Facility</u> is defined as a structure which will house two or more public services which will serve a specified geographic area smaller in extent than the political boundaries of the jurisdiction in which it is located. The city/parish must have firm commitments from the proposed service providers that includes rent which will cover the ongoing maintenance cost of the facility.</p> <p>B. <u>Eligible Applicants.</u> Eligible applicants and Shreveport. <u>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.</u></p>
4	1		<p>Insert after B. <u>Eligible Applicants</u></p>	<p>C. <u>Eligible Activities.</u> Eligible activities will be those as defined in Section 105 of Title I of the Housing and Community Development Act of 1974, as amended. Activities which are not specifically identified as eligible shall be ineligible.</p>

Chg. #	Pg. #	ORIGINAL		REVISION
5	2	<p>B. <u>Type of Grants.</u> Recognizing Economic Development. <u>Single purpose grants provide funds for one need, consisting of an activity which may be supported by auxillary activities. A Multi-Purpose grant has major expenditures in more than one activity in one or more of the three program areas- Housing, Public Facilities, or Economic Development.</u> When more</p>	<p>Deletion - "Single purpose Economic Development".</p>	<p>D. Recognizing that These grants will be used for three program areas: Housing, Public Facilities, or Economic Development. Where more than</p>
6	2	<p>B. <u>Type of Grants.</u> If more money is spent for housing <u>than either of the other areas, for example, it is a Multi-Purpose housing application, etc.</u></p>	<p>Deletion</p>	<p>D. <u>Type of Grants.</u> If more money is spent for housing for example, it is a Multi-Purpose housing application, etc.</p>
7	2-4	<p>C. <u>Distribution of Funds Between Grants.</u> Figure 1... Of the total CDBG funds allocated to the State of Louisiana, one percent will be used to administer the program. Commitment of \$13,213,000 have been made previously by HUD to cities for multi-year projects. The State will honor these commitments upon certification by HUD that they have met the required performance standards..... All other activities in the multi-purpose economic development applications should directly support the basic economic development portion of the application. If.....these monies will be transferred to the Housing and Public Facilities fund.</p>	<p>Revision</p>	<p>E. <u>Distribution of Funds Between Grants.</u> Figure 1... Of the total CDBG funds allocated to the State of Louisiana, <u>up to two percent may</u> be used to administer the program. Commitments of \$6,579,549 have been made previously by HUD to cities for multi-year projects. The State will honor these commitments upon <u>State determination that they have performed adequately</u> All activities in the multi-purpose economic development applications should directly support the basic economic development <u>projects</u> of the application. If.....these monies <u>may</u> be transferred to the Housing and Public Facilities fund.</p>

Chg.#	Pg.#	ORIGINAL		REVISION
8	4	These funds will be allocated in a 65/35 split between multi-purpose/single purpose projects. This 65/35 split may be altered by the State depending on the number and quality of applications for the funds.	Revision	These funds will be allocated in a 60/40 split between multi-purpose/single purpose projects. This 60/40 split may be altered by the State depending on the number and quality of applications for the funds.
9	5	D. <u>Size of Grants.</u> (2) Individual grant amounts..... In determining appropriate grant amounts for each applicant, the State may consider an applicant's <u>population</u> , need, proposed activities, ability to carry out the proposed program, and <u>previous funding levels.</u>	Deletion	F. <u>Size of Grants.</u> (2) Individual grant amounts.....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.
10	5	E. <u>Restrictions on Applying for Grants.</u> (1) Each eligible unit of general local government may apply for a Single Purpose or a Multi-Purpose Grant, in each fiscal year.	Revision/ Insert	G. <u>Restrictions on Applying for Grants.</u> (1) Each eligible unit of general local government may apply for <u>one</u> Single Purpose or <u>one</u> Multi-Purpose Grant, in each fiscal year. Those <u>applicants not funded during the primary funding cycle, may apply for Economic Development Grants or Planning grants during subsequent funding cycles, to be announced by the State, during the same fiscal year.</u>
11	6	E. <u>Restriction on Applying for Grants.</u> (2) a) i) All FY'80 grants must be 95-100% obligated and 75% expended. If the FY'80 grant was 100% drawdown as of		G. <u>Restrictions.....</u> (2) a) i) All FY'81 grants must be 95-100% obligated and 75% expended. If the FY'81 grant was 100% drawdown as of <u>October 15, 1982</u> , all close-out

Chg. #	Pg. #	ORIGINAL		REVISION
		December 15, 1981, all close-out documents including final audit must have been submitted to HUD as of the deadline for receipt of CDBG applications by the State.		documents including final audit must have been <u>received</u> by HUD as of the deadline for receipt of CDBG applications by the State.
12	6	E. <u>Restrictions</u> (2) a) ii) The progress on all FY'81	Delete	
13	6	E. <u>Restrictions</u> (2) b) Units of general local government.....by HUD prior to 1980 have not closed-out.....	Revision	G. <u>Restrictions</u> (2) b) Units of general local government.....by HUD prior to <u>1981</u> have not closed-out.....
14	7	III. <u>Method of Selecting Grantees.</u> A. <u>Data.</u>	Insert after "...Department of Treasury."	In order to determine the benefit to low/moderate income persons, the applicant must utilize either Census data or conduct a local survey. If Census data is used, Tables 46-49 of the 1970 Census, Fifth Court Summary Tape, will be used by the State for documentation verification. If 1980 Census data is available on income by enumeration district, then the corresponding tables for 1980 must be utilized. If the applicant chooses to conduct a local survey, the survey sheet in the application package must be used. The following percentages must be used as a guideline in meeting the required number of responses for a statistically balanced representative sampling:

Chg.#	Pg.#	ORIGINAL		REVISION																
				<table border="0"> <tr> <td data-bbox="1042 247 1205 340">Number of Occupied Households</td> <td data-bbox="1318 247 1464 340">% of Responses Required</td> </tr> <tr> <td data-bbox="1107 373 1140 403">25</td> <td data-bbox="1334 373 1416 403">96.0%</td> </tr> <tr> <td data-bbox="1107 407 1140 436">50</td> <td data-bbox="1334 407 1416 436">88.7%</td> </tr> <tr> <td data-bbox="1091 441 1156 470">100</td> <td data-bbox="1334 441 1416 470">80.0%</td> </tr> <tr> <td data-bbox="1091 474 1156 504">250</td> <td data-bbox="1334 474 1416 504">60.8%</td> </tr> <tr> <td data-bbox="1091 508 1156 537">500</td> <td data-bbox="1334 508 1416 537">43.4%</td> </tr> <tr> <td data-bbox="1058 541 1188 571">1,000</td> <td data-bbox="1334 541 1416 571">27.8%</td> </tr> <tr> <td data-bbox="1058 575 1188 604">5,000</td> <td data-bbox="1351 575 1416 604">7.1%</td> </tr> </table> <p data-bbox="1042 634 1481 982">The annual income limits for a determination of low/moderate persons will be established by the State for both Census data and local surveys. Only surveys which have been conducted within twelve months prior to the application submittal date will be accepted.</p>	Number of Occupied Households	% of Responses Required	25	96.0%	50	88.7%	100	80.0%	250	60.8%	500	43.4%	1,000	27.8%	5,000	7.1%
Number of Occupied Households	% of Responses Required																			
25	96.0%																			
50	88.7%																			
100	80.0%																			
250	60.8%																			
500	43.4%																			
1,000	27.8%																			
5,000	7.1%																			
15	8	<p data-bbox="337 1012 776 1558">III. C. <u>Single Purpose Grant</u> (1) <u>Definition</u>. A Single Purpose Grant provides funds, for one need, consisting of an activity which may be supported by auxiliary activities. Funds are available to address serious problems with housing and economic conditions or public facilities which affect the public health and safety and which principally affect persons of low and moderate-income.</p>	Revision	<p data-bbox="1042 1012 1474 1654">(1) A <u>Single Purpose Housing and Public Facilities Grant</u> provides funds for one need, consisting of an activity which may be supported by auxiliary activities. <u>Single Purpose Economic Development grants are one project, consisting of one or more activities.</u> 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 affect persons of low and moderate-income.</p>																

Chg. #	Pg. #	ORIGINAL		REVISION
16	10	<p>1) <u>Economic Development</u> i) <u>Program Impact</u> (Maximum Possible Pts. 75) (1) Number of permanent jobs created or retained x 2 (2) Private/Public ratio: Firm Private sector financial commitment/CDBG funds x 2 (3) Percent of funds recaptured by unit of local government x 1 1/2 (4) Tax revenue attributable to local project x 2</p>		<p>i) <u>Program Impact</u> (Maximum Possible Points - 75) (1) Number of permanent jobs created or retained - 20 pts. (2) Private/Public ratio: Firm Private sector financial commitment/CDBG funds - 20 pts. (3) Percent of funds recaptured by unit of local government - 15 pts. (4) <u>Percent tax revenue attributable to local project</u> - 20 pts.</p>
17	10	<p>1) <u>Economic Development</u> A firm financial commitmentupon submission of the application.</p>	Insert after "application"	<p><u>Any application lacking a firm financial commitment will not be considered for funding.</u></p>
18	10	<p>If a project creates or retains fewer than 10 permanent jobs, or has a private funds/public funds ratio of less than 2:1, 0 points will be awarded for Program Impact.</p>	Revision	<p>If a project creates funds ratio of less than 2:1, <u>the application will not be considered for funding.</u></p>
19	11	<p>ii. <u>Cost-Effectiveness.</u> This will be calculated.... No points will be awarded if costs per job created or retained exceeds \$10,000.</p>	Revision	<p>This will be calculated.... <u>If costs per job created or retained exceeds \$10,000, applications will not be considered for funding.</u></p>
20	12	<p><u>Minimal Impact.</u> The project would..... and is cost effective.</p>	Insert after "... cost effective."	<p><u>Minimal Impact.</u> The project would.....and is cost effective, or the threat to health and safety is inadequately documented.</p>
21	13	<p>The State has rated..... The applicant will have to document the threat by using independent and appropriate sources, when possible, (i.e., accidents</p>	Insert	<p>The State has rated..... The applicant will have to document the threat by using independent and appropriate sources, when possible, (i.e., accidents</p>

Chg.#	Pg.#	ORIGINAL	REVISION
22	13	<p>occurring on a blind street corner or bottle neck, evidence of well contamination or seepage from septic tanks, etc.)</p> <p>Projects which involve public improvements or facilities which do not pose threats to public health or safety would receive 30 points.</p>	Revision
23	14	<p>3) <u>Housing</u> i. <u>Program Impact</u> (Maximum Possible Points - 75) This will be determined by dividing the total number of proposed units to be rehabilitated or demolished, less 10 percent, by the total number of substandard units in the total area in which rehabilitation or demolition will be permitted, that is:</p> $\frac{\# \text{ of units to be rehabbed or demolished less } 10\%}{\# \text{ of owner-occupied substandard units in area in which rehab or demolition will be permitted.}}$	Revision
			<p>occurring on a blind street corner or bottle neck, evidence of well contamination or seepage from septic tanks, <u>letters from cognizant state or federal agencies, etc.)</u> <u>Documentation from the independent and appropriate sources must have been prepared within twelve (12) months prior to application submittal date.</u></p> <p>Projects which involve public improvements or facilities which do not pose threats to public health <u>and</u> safety would receive 30 points.</p> <p>3) <u>Housing</u> 1. <u>Program Impact</u> (Maximum Possible Points - 75) This will be determined by dividing the total number of proposed units to be rehabilitated <u>and vacant units to be demolished</u>, by the total number of <u>owner-occupied substandard units in need of rehab and vacant units in need of demolition</u> in the total area in which rehabilitation <u>and/or</u> demolition will be permitted, that is:</p> $\frac{\# \text{ of units to be rehabbed inside the target area} + \# \text{ of vacant units to be demolished}}{\# \text{ of owner-occupied substandard units in need of rehab} + \# \text{ of vacant units in need of demolition inside the target area.}}$

Chg. #	Pg. #	ORIGINAL		REVISION
24	15	If less than..... Only owner occupied units are eligible for rehabilitation.	Revision	If less than..... Only owner-occupied units are <u>fundable under the housing rehabilitation component.</u>
25	16	D. <u>Multi-Purpose Grant</u> (1) Definition. A multi-purpose grant provides funds for major expenditures in more than one activity in one or more of the three program areas (Housing, Public Facilities or Economic Development).	Revision	D. <u>Multi-Purpose Grant</u> (1) Definition. A multi-purpose <u>Housing and Public Facilities</u> grant provides funds for <u>two or more needs</u> and has major expenditures in more than one activity in one or more of the <u>two</u> program areas (<u>Housing and Public Facilities</u>) <u>Economic Development multi-purpose grants consist of two or more projects, and two or more activities.</u>
26	16	E. <u>Submission Requirements</u> (1) i. A brief description(housing, public facilities which affect the health or safety, or economic conditions) that.....	Revision	E. <u>Submission Requirements</u> (1) i. A brief description (housing, public facilities which affect the health <u>and</u> safety, or economic conditions) that.....
27	19	(2) Maps v. the median income	Delete	
28	20	(7) Certification of Citizen Participation. One in the Official Journal informing citizens of the public hearing.	Insert after "public hearing"	(7) Certification of Citizen Participation. One in the Official Journal informing citizens of the public hearing. <u>The public notice must appear seven (7) days prior to the public hearing.</u>
		(6) Criteria for disapproval i. Based on review of the application, it is determined that general administrative costs exceed	Revision	(6) Criteria for disapproval i. Based on review of the application, it is determined that general administrative costs exceed

Chg. #	Pg. #	ORIGINAL		REVISION
30	22	<p>6% of the total grant housing costs.</p> <p>V. <u>Planning Grants</u> A. <u>Subprogram Objectives.</u> Planning is simply a rational process set aside for planning has been established. It will consist of one (1) percent of the uncommitted Small Cities funds.</p>	<p>Insert after "v. The activities.. available to the applicant."</p> <p>Deletion and Insertion</p>	<p>8% of the total grant housing costs.</p> <p>vi. Any of the items identified under "E. <u>Submission Requirements</u>" are not included in the application.</p> <p>V. <u>Planning Grants</u> A. <u>Subprogram Objectives.</u> <u>The amount of funds set aside for planning grants will consist of one (1) percent of the uncommitted Small Cities funds.</u></p>
32	24	<p>C. <u>Eligible Applicants.</u> Eligible applicants are units of general local governments eligible for CDBG funding, except those localities which are funded for a CDBG, may not apply.. </p>		<p>C. <u>Eligible Applicants.</u> Eligible applicants are units of general local governments eligible for CDBG funding, except those localities which <u>have been</u> funded for a CDBG may not apply</p>

12/7/82 CDBG/1982
FY83/FINAL dlr

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Louisiana Community Development
Block Grant Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There will be no additional implementation costs or savings to the agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
These changes will not impact costs and benefits to affected groups except to enhance program operations.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no impact on competition and employment.

Gayle Joseph
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

Committee Reports

**COMMITTEE REPORT
House of Representatives
House of Natural Resources Subcommittee
on Oversight**

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on November 18, 1982, and reviewed certain changes in state regulations proposed by the Louisiana Department of Natural Resources for which Notice of Intent was published in the October 20, 1982, *Louisiana Register* with the following results:

1) Revision of stack height regulations to be used in determining emission limitations.

Approved by a vote of 7-0.

2) Revision of State Implementation Plan for the U.S. Clean Air Act to allow particulate emissions from Kaiser's Norco plant to exceed emission limitation of 40 lb./hr.

Rejected by a vote of 7-0.

Arthur W. Sour, Jr.
Chairman

Potpourri

**POTPOURRI
Department of Health and Human Resources
Board of Veterinary Medicine**

The National Veterinary Examination, and the Clinical Competency Test will be given on May 10, 1983 and May 11, 1983 at the Louisiana State University School of Veterinary Medicine, LSU campus, Baton Rouge, Louisiana.

The Louisiana State Veterinary Examination will be given on May 28, 1983 at the Louisiana State University School of Veterinary Medicine, LSU Campus, Baton Rouge, Louisiana.

Interested persons may obtain further information from Louisiana Board of Veterinary Medicine, Box 15191, Baton Rouge, LA 70895, (504) 925-9538.

Ray M. LaCour, D.V.M.
Secretary-Treasurer

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

The Department of Health and Human Resources, Office of Family Security, in the November 20, 1982 *Louisiana Register* (Volume 8, No. 10, page 617) had published proposed Rulemaking to implement a Rule in the Medical Assistance Program to impose a mandatory co-payment fee to be paid by recipients for specific Title XIX services unless exempt from the co-payment requirement. As a result of comments received in a public hearing on December 5, 1982, regarding the proposed Rulemaking, the Department of Health and Human Resources, Office of Family Security has determined that imposition of a co-payment fee is not feasible at this time due to questions as to the equity and cost-effectiveness of such a requirement. Therefore, the proposed Rulemaking will **NOT** be implemented effective January 1, 1982.

Roger P. Guissinger
Secretary

POTPOURRI

Department of Natural Resources Fishermen's Gear Compensation Fund Claims

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 *State Register* on August 20, 1980; and also the Rules of the Secretary of this Department, notice is hereby given that 29 completed claims were received during the month of November, 1982, amounting to \$35,398.99. Twenty claims amounting to \$16,008.84 were paid during the month of November, 1982.

Public meetings will be held with GRW Engineers to discuss the mapping projects in Cameron Parish, Barataria Bay and Eloi Bay. These meetings will be held as follows:

Monday, January 3, 1983 at 7 p.m., St. Bernard Police Jury Chamber, 8201 West Judge Perez Drive, Chalmette, LA.

Tuesday, January 4, 1983 at 1 p.m., Greater Lafourche Port Commission Building, Highway 308, Galliano, LA.

Wednesday, January 5, 1983 at 10 a.m., Lafitte Civic Center, Lafitte, LA.

Thursday, January 6, 1983 at 10 a.m., Louisiana Marine and Petroleum Center, Dickson Road, Houma, LA.

Friday, January 7, 1983 at 10 a.m., Buras Auditorium, Buras, LA.

Tuesday, January 11, 1983 at 7 p.m., Cameron Parish Courthouse Annex, Cameron, LA.

Wednesday, January 12, 1983 at 1 p.m., Shrimp Festival Building, Delcambre, LA.

Frank P. Simoneaux
Secretary

POTPOURRI

Department of Urban and Community Affairs Office of Community Services

The Department of Urban and Community Affairs, Office of Community Services, will hold a public hearing on the Weatherization Assistance for Low Income Persons Program at 10 a.m. Monday, January 10, 1983, to discuss and consider revisions to the Weatherization Program's State Plan for 1983.

The hearing will be held in the Conservation Hearing Room of the Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

A copy of the draft of the 1983 State Plan can be obtained by writing, visiting, or calling Robert L. Ambrose, Department of Urban and Community Affairs, Box 44455, 5790 Florida Boulevard, Baton Rouge, LA 70804, (504) 925-3725. Written comments on the State Plan should also be sent to the aforementioned address.

Robert L. Ford
Assistant Secretary

The following chart shows where in the *Louisiana Register* a particular page cited in the index falls:

1982

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223 - 263	May
269 - 319	June
323 - 387	July
393 - 459	August
463 - 505	Sept.
509 - 554	Oct.
559 - 625	Nov.
631 - 689	Dec.

**CUMULATIVE INDEX
(Volume 8, Number 12)**

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