

CONTENTS

I. EXECUTIVE ORDERS	
EWE 86-37—Reduces public, private and parochial lunchroom employee funds	817
II. EMERGENCY RULES	
Agriculture and Forestry Department:	
Office of Agro-Consumer Services—Commission of Weights and Measures (LAC 7:XXXV Chapter 175)	817
Office of Forestry—Timber stumpage values	819
Commerce Department:	
Office of Commerce and Industry—Minority business development authority	819
Small Business Loan Guaranty Program	822
Education Department:	
Board of Elementary and Secondary Education—Expenditure of tuition fees	823
Health and Human Resources Department:	
Office of Family Security—Food Stamp Program - Increased earned income deduction	824
MAP - Provider payment for home leave reduced	824
Revenue and Taxation Department:	
Tax Commission—Timber stumpage values	819
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Lake Bruin commercial fishing	825
Shrimp season	825
III. RULES	
Agriculture and Forestry Department:	
Office of Agricultural and Environmental Sciences— Seed Commission (LAC 7:XIII. Chapter 87)	825
Office of Agro-Consumer Services—Dairy Stabilization Board - Milk case deposits (LAC 7:XXXI.16110)	825
Market Commission - Fruits and vegetables (LAC 7:V.Chapter 17)	826
Office of Management and Finance—Central Registry (LAC 7:Chapter 181)	826
Office of Marketing—Marketing Commission - Farm Youth Loan Program (LAC 7:V. Chapter 31)	826
Commerce Department:	
Racing Commission—Defines Day (LAC I. 101)	827
Real Estate Commission—Disbursement of escrow deposits; Escrow accounts:	
Real estate schools (LAC 46:LXVII. Chapters 27, 28 and 65)	827
Culture, Recreation and Tourism Department:	
Office of State Parks—Facilities; Outdoor recreation administration; Procedures and fees; Rules and regulations (LAC 25:IV. Chapters 3, 5, 7, and 9)	828
Procedures and fees (LAC 25:IV. Chapter 5)	829
Education Department:	
Board of Elementary and Secondary Education—Number of vo-tech instructors to establish department head	830
Vo-tech school extension courses fee schedule	830
Environmental Quality Department:	
Office of Air Quality— Air Quality Division - Asbestos abatement entity certification	830
Governor's Office:	
Division of Administration—Office of Risk Management - Structured Settlement Services (LAC 37:I. Chapter 3)	832
Office of State Planning - LCDBG Final Statement, FY 1986	832
State Purchasing - Vendors (LAC 34:I. Chapter 33)	833
Health and Human Resources Department:	
Board of Examiners of Psychologists—Disciplinary Action (LAC 46:LXIII. Chapter 15)	833
Office of Family Security—MAP - Case management services	834
Office of Management and Finance— DPPE - Section 1122, Expedited review changes	835
Office of Preventive and Public Health Services—Birth certificate copies issued by clerks of court	836
Fluoridation Program	836
Sanitary Code - Grade A raw milk pasteurization	836
Office of the Secretary—Anatomical gifts	836
Equal delivery of services	839
Natural Resources Department:	
Office of Conservation—Louisiana Economic Acceleration Program (LEAP)	840
Public Safety and Corrections Department:	
Liquefied Petroleum Gas Commission—General requirements; LP-Gas as a motor fuel (LAC 55:IX. Chapters I and 11)	841
Revenue and Taxation Department:	
Sales Tax Section—Exclusions and exemptions; purchase of Mardi Gras items	841
Treasury Department:	
Board of Trustees of the State Employees Group Benefits Program—Dependent coverage termination date	841
Election procedures	842
Eligible expenses	843
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Anacoco Lake and Lake Vernon netting prohibition (LAC 76:VIII.103)	843
Cypremort Point State Park netting prohibition (LAC 76:III.306)	843
Freshwater fish specie designations (LAC 76:VII.121)	844
Oyster fisheries (LAC 76:VII.501)	844
Pompano and black drum harvesting permits (LAC 76:VII. Chapter 7)	846
Underutilized species harvesting permits (LAC 76:VII.701)	847

This public document was published at a total cost of \$6,930.25. 1,475 copies of this public document were published in this monthly printing at a cost of \$4,930.25. The total cost of all printings of this document including reprints is \$6,930.25. This document was published by Bourque Printing, Inc., 13112 South Choctaw Drive, Baton Rouge, LA 70815, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-970. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

IV. NOTICES OF INTENT

Agriculture and Forestry Department:	
Office of Agricultural and Environmental Sciences—Seed Commission - Seeds (LAC 7:XIII. Chapter 87)	848
Commerce Department:	
Office of Commerce and Industry—Small Business Loan Guaranty Program	850
Education Department:	
Board of Elementary and Secondary Education—Expenditure of tuition fees	851
State Plan for Nutrition Education and Training Program	851
Supervision of school psychologists' guidelines	851
Teacher aide/paraprofessional salary schedule	853
Vocational-technical schools—Administration of funds raised by students	853
Environmental Quality Department:	
Office of Solid and Hazardous Waste—Ground Water Protection Division - Underground storage tank regulations	854
Hazardous Waste Division—Clarifies hazardous waste regulations	855
Governor's Office:	
Department of Veterans Affairs—Collection and handling of fees (LAC 4:VII. Chapter 9)	855
Division of Administration—Office of Contractual Review - Contractual review process (LAC 34:V.121)	857
Office of State Planning - LCDBG Final Statement, FY 1987	858
Office of State Purchasing - Bidder lists (LAC 34:I.509)	859
Health and Human Resources Department:	
Board of Psychologists—Duration and practice of supervised practice (LAC 46: LXIII. 703)	859
Full-time graduate program (LAC 46: LXIII.303)	859
Office of Family Security—AFDC and RCA—Reduction in aid	861
Food Stamp Program—Categorical eligibility	861
Food Stamp Program—Provides for definitions and level of benefits for students	863
MAP—Elimination of categories O,F,V and I	863
MAP—Hemodialysis Clinic services elimination	864
MAP—Hospital extensions eliminated	865
MAP—Hospital interim per diem reduced	865
MAP—Hospital leave days for ICFs eliminated	866
MAP—ICF for the handicapped, leave days, reduction in payments	866
MAP—Inpatient hospital days reduction	867
MAP—Limitation of Medicaid crossover coverage	868
MAP—MAC override pharmacy program eliminated	868
MAP—Medically Needy Income Eligibility Standards reduction	869
MAP—Medically Needy Program eliminated	869
MAP—Optional Dental Program discontinued	870
MAP—Optional durable medical equipment services discontinued	871
MAP—Optional ICF I and H services discontinued	871
MAP—Optional ICF II services eliminated	872
MAP—Optional state supplementation-Adult day health care	872
MAP—Optional state supplementation-personal care needs allowance	873
MAP—Physical therapy in home health agencies discontinued	873
MAP—Physician/Osteopath/Optomtrist/Midwife payments reduced	874
MAP—Physician visits and extensions reduced	875
MAP—Provider payment for home leave reduced	875
MAP—Restricted drug formulary	876
Office of Human Development—Income exemption policy	877
Office of Management and Finance—Section 1122 capital expenditure reviews	877
State Health Plan revisions	878
Office of Preventive and Public Health Services—Mechanical sewerage treatment plants	880
Labor Department:	
Plumbing Board—Examination for license (LAC 46:LV. Chapter 3)	880
Public Safety and Corrections Department:	
Office of Motor Vehicles—Inspection stations	881
Revenue and Taxation Department:	
Sales Tax Section—Adopts, rescinds, and repromulates various rules	882
Tax exemption for purchases and importations outside the state	882
Severance Tax Section-First use tax (Article 47:11)	882
First use tax (Article 47:647-1 through 647-4)	883
First use tax (Article 47:1302-1305)	883
Tax credits to municipal operated manufacturing establishment or electric generating plant	883
Tax rates on oil and gas	885
Taxes on natural resources other than oil and gas	889
Transportation and Development Department:	
Office of Highways—Outdoor advertising permits	891
Treasury Department:	
Board of Trustees of the State Employees Group Benefits Program—Contract amendments	891
Defines covered person and family unit	892
Dependents of non-continuing employees	892
Ineligibility after obtaining coverage in another group plan	893
Member responsibility	893
Surviving dependents of continuing employees	894
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Defines excessive killing of fish	894
Defines herring-like species	895
Oyster season on public grounds	895

V. POTPOURRI

Natural Resources Department:	
Fishermen's Gear Compensation Fund—Claims	896

Executive Orders

EXECUTIVE ORDER EWE 86-37

WHEREAS, it has been the policy of the state commencing with Act 271 of the 1952 Regular Session of the Legislature of Louisiana to grant salary supplements to school lunch employees in public, private and parochial schools; and

WHEREAS, additional salary supplements when granted have been given equally to all school lunch employees; and

WHEREAS, Act 17 of the 1986 Regular Session provided funds for the continuation of this policy; and

WHEREAS, the allocation has been reduced as a result of my Executive Order 86-31 as amended by Executive Order 86-36;

NOW, THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, pursuant to the authority granted me by Section 8 of Act 17 of the 1986 Regular Session of the Legislature, do instruct the commissioner of administration, under the authority of R.S. 39:52, 53, and 55, to apply the 10 percent reduction to those funds allocated for the public school lunch employees and a like percent for the funds allocated for lunch-room employees in the private and parochial school system.

IN WITNESS WHEREOF, I have hereunto set my hand officially and cause to be affixed the great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 10th day of November, 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry Office of Agro-Consumer Services Commission of Weights and Measures

In accordance with the emergency provisions of the Administrative Procedure Act and R.S. 55:3, the Department of Agriculture and Forestry, Commission of Weights and Measures, is hereby adopting the emergency rules detailed below in order to implement the provisions of Act Number 938.

Adopt LAC 7:XXXV.17502.

§17502. Definitions

Accurate means a device that when its performance or value (that is, its indications, its deliveries, its recorded representations or its capacity or actual value, etc., as determined by test made with suitable standards) conforms to the standard within the applicable tolerances and other performance requirements. Equipment that fails to conform is inaccurate.

Commercial means the use: (1) in proving the size, quantity, extent, area or measurement of things for distribution or consumption, purchased or offered, or submitted for sale, hire or award; (2) in computing any charge for services rendered on the basis of weight or measure; or (3) in determining weight or measure when a charge is made for the determination.

Commission means the Commission of Weights and Measures established in R.S. 55:3.

Compound weighing device means a weighing device that in its operation utilizes either more than one load receiving element and/or more than one primary indicating element.

Correct means conformance to all applicable requirements for weighing and measuring devices. Any other device is incorrect.

Indicating element means an element incorporated in a weighing or measuring device by means or which its performance relative to quantity or money value is read from the device itself (i.e. an index-and-graduated-scale combinations, a weighbeam-and-poise combination, a digital indicator, etc.).

Load-receiving element means that component of a scale that is designed to receive the load to be weighed (i.e. platforms, decks, rails, hoppers, platters, plates, scoops, etc.).

Primary indicating element means those principal indicating elements (visual) and recording elements that are designed to, or may be used by the operator in the normal commercial use of a device. The term *primary* is applied to any element or elements that may be the determining factor in arriving at the sale representation when the device is used commercially. (Examples of primary elements are the visual indicators for meters or scales not equipped with ticket printers or other recording elements for meters or scales so equipped.) The term *primary* is not applied to such auxiliary elements (i.e. the totalizing register of predetermined-stop mechanism on a meter or the means for producing a running record of successive weighing operations) as these elements being supplementary to those that are the determining factors in sales representations of individual deliveries or weights.

Weights, measures, or weighing and measuring devices means all weights, scales, beams, measures of every kind, instruments and mechanical devices for weighing or measuring, and any appliances and accessories connected with any such instruments.

Amend LAC 7:XXXV.17521 as follows:

§17521. Weighmasters

A. A weighmaster license shall be required of each individual in charge of weighing commodities being bought from or sold to the public and each such individual weighing for the public when a charge is made for such weighing or when a certificate of weight is issued. There shall be at least one such individual on duty at all times that weighing is taking place. Individuals weighing at retail consumer outlets and individuals weighing pre-packaged commodities shall be exempt from this provision.

B. The director of the Louisiana Division of Weights and Measures may issue a weighmaster license after the applicant has passed the required test of his knowledge of weighing equipment.

C. This weighmaster license would be good for one calendar year, beginning January 1 through the month of December, or any part of the calendar year, but would have to be renewed at least 15 days before the beginning of each calendar year.

D. The director of the Division of Weights and Measures shall have the authority to revoke or cancel any weighmaster license if it is found that the weighmaster is improperly using any type of weighing device.

Adopt LAC 7:XXXV.17523:

§17523. Registration

A. Each commercial weighing and measuring device in use in Louisiana shall be registered annually with the commission insofar as is specified in this regulation.

B. Whenever there shall exist a weight or measure or weighing device in/or about any place in which or from which buying or selling is commonly carried on, there shall be a rebuttable presumption that such weight or measure or weighing or measuring device is regularly used for the business purposes of that place and shall be registered as a commercial device.

C. Scales shall be registered according to the following criteria:

1. make;
2. model;
3. serial number;
4. capacity; and
5. intended use.

D. An annual registration fee as specified in R.S. 55:20 shall be paid as follows:

1. scales with a capacity of 0 to 50 pounds (Category 1) - \$10
2. scales with a capacity of over 50 pounds to 1000 pounds (Category 2) - \$10
3. scales with a capacity of over 1,000 pounds to 10,000 pounds (Category 3) - \$50
4. scales with a capacity of over 10,000 pounds (Category 4) - \$75

E. A late fee of \$25 will be assessed for each device, the maximum penalty of \$100 per outlet, when the application is submitted after December 31.

F. A late fee of \$25 will be assessed for each new device not registered within 30 days from the date it is put into service.

G. A compound weighing device shall be considered one or more devices for the purpose of registration in accordance with the following:

1. A compound weighing device that consists of a single load receiving element and more than one indicating element shall be considered a single device when all indicating elements may be tested during the same test for the purpose of sealing the device as correct. Said device shall be considered separate devices for each separate test necessary for sealing.

2. A compound weighing device that consists of one indicating element and more than one load receiving element shall for the purpose of registration be considered a separate device for each load receiving element.

H. Applicants for registration may request application forms, verbally or in writing, from the Commission of Weights and Measures of the Department of Agriculture and Forestry.

I. Each application for annual registration shall be accompanied by payment of required fee and said registration shall be valid until December 31. To remain valid, each annual registration must be renewed on or before January 1.

J. Any registration obtained without complying with all of the requirements of these regulations may be voided by the commission.

K. Before a device may be sealed to certify the accuracy and correctness of a device, that device must be registered with the Commission of Weights and Measures of the Louisiana Department of Agriculture and Forestry.

L. In accordance with R.S.55:9, no one shall use, or have in possession for the purpose of current use, any weight, measure or weighing or measuring device which has not been sealed by the commission, its director, or its inspectors, at its direction, within the year prior thereto, unless written notice has

been given to the commission to the effect that the weight, measure or weighing or measuring device is available for examination or is due for re-examination.

M. Application for registration or renewal of registration shall fulfill the requirement of notification required in Subsection L of this Section.

N. Applications for annual renewal of registration shall be mailed by the Commission of Weights and Measures of the Department of Agriculture and Forestry to all registrants, at the last address provided by the registrant, on or before November 15 and must be returned on or before January 1.

O. The record of all registrations shall be maintained by the Commission of Weights and Measures and the director of the Division of Weights and Measures in its office in Baton Rouge.

P. Any registrant having a device registered under provisions of this regulation, and that is taken out of commercial use at the location shown on the application for registration, shall notify the commission's office in writing to remove said device from its records.

Adopt LAC 7:XXXV.17525.

§17525. Standards

A. For the purposes of registration of weighing and measuring devices, the criteria shall be in compliance with the applicable requirements of "NBS Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and measuring Devices." This publication is published annually by the United States Department of Commerce, National Bureau of Standards."

B. For any device being registered for the first time, it shall be determined that the above criteria has been met and that the device:

1. has been tested and approved in Louisiana prior to January 1, 1987, with no modifications to the device since such test and approval;

2. has been tested by the National Bureau of Standards and shown to comply with Handbook 44 criteria by the issuance of a Report of Test (Prior to 1985) or a Certificate of Conformance (1985, Forward); or

3. has been tested by the Commission of Weights and Measures of the Louisiana Department of Agriculture and Forestry or another state which uses Handbook 44 as its criteria and has been issued a certificate stating such test and compliance with said criteria.

C. For the purpose of registration of a weighing and measuring device, the stated intended use shall be a use that the manufacturer intended or a use that is proven suitable for that device.

Adopt LAC 7:XXXV.17527

§17527. Penalties

A. The commission, or its duly authorized representative, shall mark any device that is incorrect and warn its owner/user that the device is incorrect and should not be used until it is made correct. If a device that has been so marked as incorrect continues to be used commercially, the commission may seize the device in order to protect the public. The commission shall give a notice of intent to seize the incorrect device five calendar days before the actual seizure. However, a device which is not used at a fixed location may be seized immediately upon a determination that said device is incorrect.

B. Upon a showing by the owner/user that adequate steps have been taken to correct the seized device, the commission shall release the seized device.

C. The commission shall give the owner/user of the

seized device a hearing within 60 calendar days of a request for such a hearing. If the owner/user of the seized device fails to request a hearing on the seizure within 30 days of seizure, the right to a hearing shall be deemed waived.

D. If the owner/user waives his right to request a hearing and takes no action to retrieve the device within 60 days of seizure, the device shall be deemed abandoned property. The device may then be disposed of by the state with no obligation to the owner.

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

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

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

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

Bob Odom
Commissioner

Jamar W. Adcock, Chairman
Louisiana Tax Commission

DECLARATION OF EMERGENCY

Department of Commerce Office of Commerce and Industry

The Department of Commerce, Office of Commerce and Industry, is exercising the emergency provision of the Administrative Procedure Act, R.S. 49:953B, to amend the rules of the Louisiana Minority Business Development Authority effective December 1, 1986. These amendments will amend procedures for administering the Louisiana Minority Business Development Authority as authorized by Acts number 68, #480, #762-1984; #434-1985; #682, #683-1986 and the provisions of Acts #389 and #1018 of the 1986 Legislature.

The above described action is necessary as the Louisiana Minority Business Development Authority will begin processing loan applications January 1987.

Procedures for Administering the
Louisiana Minority Business Development Authority

SECTION I Loan Policies

A. Loan Policy Statement

This statement is an outline of lending policies for the guidance of the staff and lending officers, and the management of the Louisiana Minority Business Development Authority, herein referred to as the "Authority" and is adopted by the Board of Directors for this purpose. No part of this policy will be con-

strued as authority for any person to act contrary to Acts #768 - 1980; #328 - 1982; #68, #480, #762 - 1984; #434 - 1985 and the provisions of Acts #389, #682, #683, #1018 of the 1986 Legislature.

B. General Policy

The staff and lending officers of the authority will be guided by the following general principles in making loans.

The management of the Authority believes that sound minority loans are the most satisfactory means of using authority funds that are available for investment and will help the growth of Louisiana's minority business economy.

The authority desires to make sound loans as resources permit. The board of the authority recognizes that lending money carries certain risks, and the authority is willing to undertake reasonable exposure. Some losses are anticipated in any lending program, and adequate reserves will be maintained.

C. Loan Approval and Review

All loan requests will be presented to the loan committee of the authority at its monthly meetings. The screening committee meets on the third Wednesday of each month except during a moratorium and the board members meet on the last Thursday of each month. All loans will be presented on application forms authorized by the authority.

All completed loans received on or before the tenth of the month will be presented at the following month's screening and board meetings.

Financial assistance can be approved to:

- finance construction for new building and the purchase of real estate;
- provide for conversion of product line or expansion;
- finance purchase of new equipment, facilities, machinery, supplies or materials;
- provide working capital;
- Provide cash bonds.

Eligibility

In order to be eligible for a loan from the Authority, a minority business shall meet the following qualifications:

1. It must be owned or controlled by a socially or economically disadvantaged person, which is defined as person, regardless of sex or marital status who are members of groups whose disadvantage may arise from cultural, racial, chronic economic circumstances or background or other similar cause.

2. It must be certified as a minority business enterprise or minority-owned business, which is defined as a small business organized for profit performing a commercially useful function which is owned and controlled by one or more minority individuals or minority business enterprises certified by the Governor's Office of Minority Business Enterprise.

Owned and controlled means a business in which one or more minorities or minority business enterprises certified by the office owns at least 51 percent or in the case of corporation, at least 51 percent of the voting stock and control at least 51 percent of the management and daily business operation of the business.

Minority means a person who is a citizen or lawful permanent resident of the United States and who is:

- BLACK: having origins in any of the black racial groups of Africa.
- HISPANIC: of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin regardless of race.
- ASIAN AMERICAN: having origins in any of the original peoples of the Far East, Southeast Asia; the Indian Sub-Continent, or the Pacific Islands.
- AMERICAN INDIAN or ALASKAN NATIVE: having

origins in any of the original peoples of North America.

Businesses can be certified as minority owned and operated with the Governor's Office of Minority Business Enterprises, located at the State Capitol Annex Building, Room 206, in Baton Rouge, or you may contact the office at 504/342-6491.

3. The business enterprise must be a small business as defined by the Small Business Administration of the United States Government, which for purposes of size, eligibility or other factors, meets the applicable criteria set forth in 13 Code of Federal Regulations, Part 121, as amended.

4. The applicant shall be financially and legally responsible based upon his criminal, credit, and business history.

5. The applicant and any affiliate(s) shall have paid in full all taxes due and owing to the United States, the State of Louisiana or to any other level of government or shall present evidence noting a satisfactory arrangement to make sure payment which has been agreed to by all parties.

6. The applicant shall show through experience, training, or education, or a combination thereof, that he is capable of performing his responsibilities in connection with the ownership, management, or control of the enterprise.

7. The applicant, if he has received prior loans from the authority, shall be current with respect to all amounts due under said loans.

8. The applicant or principal stockholder must have Louisiana as his or her principal place of residence and the principal place of business must be domiciled in Louisiana.

9. It must provide reasonable security to assure repayment of the loan. Security may include, but not to be limited to, a mortgage on real estate to personal property, monies due on contracts, assignment of warehouse receipts and guarantees.

10. The applicant must meet a cash injection requirement, which will be determined by the authority.

11. Proper credit reports are required on each applicant. Credit information will be acquired from the proper credit reporting agency.

12. The applicant must exhibit proof that the desired credit is not otherwise available on reasonable terms.

13. The applicant must present evidence acceptable to the authority that the enterprise will succeed if the loan or loan guarantee is received.

D. Interest Rates

The authority shall fix the rate of interest to be charged on every loan, including participation loans. The rate shall be determined by averaging the rates charged by the Small Business Administration for the current quarter and the three immediately preceding quarters.

E. Lending Regulations

Pursuant to the authority hereby vested in the authority, consistent with all other provisions of this Section and Part, and as shall be provided for by regulations of the authority promulgated in accordance with law, the authority may:

1. Loan to any eligible minority business enterprise a sum not in excess of 90 percent of the value of the property offered as security pursuant to a first mortgage, or a sum not in excess of 50 percent of the value of the property offered as security pursuant to a second mortgage, but in any case not to exceed \$150,000. Any such loans shall be made pursuant to duly promulgated regulations of the authority, which at a minimum shall require the borrower to execute a note secured by a first or second mortgage payable to the authority within such time and on such terms together with such endorsements and additional security as the authority may require.

2. Participate in any loan made by any bank, financial institution, or federal agency to any eligible minority business enterprise. Participation on the part of the authority shall not

exceed 90 percent of the total amount required by the borrower for any purpose herein authorized, but in any case shall not exceed \$150,000. Participation shall be in accordance with duly promulgated regulations.

3. When the authority's participation is paid directly to the borrower, it shall be evidenced by a note properly executed by the borrower, payable to the authority within such time and on such terms together with such security as the authority may require, consistent with the requirements of the authority.

4. When the authority's participation is paid directly to the bank, financial institution, or federal agency through which the loan was negotiated, it shall be evidenced by the bank, financial institution, or federal agency, payable to the authority, setting forth the terms and conditions under which the authority agrees to participate, the amount of the participation, the security pledged for repayment, and the time within which the loan shall be liquidated. A participation certificate must be properly executed.

5. The authority shall maintain in the Minority Business Development Fund a reserve to be used to secure loan guarantees made by the authority. Such reserve shall be an amount not less than the sum of 20 percent of each outstanding guarantee.

6. The funds in the minority business development fund shall be invested by the state treasurer in accordance with its policies and in such a manner as to accrue the maximum benefit to the state and the fund. Any interest earning accruing from the investment of funds shall be deposited by the treasurer into the state treasury and shall be administered in the same manner as all other funds collected by the authority.

7. Underwrite the guarantee payment not in excess of 90 percent of any loan made by any bank, financial institution, or federal agency to any eligible minority business enterprise for the purposes specified. Such guarantee shall be for a loan in an amount not to exceed \$150,000. The authority shall promulgate regulations thereon which at a minimum shall require that when any portion of any loan is underwritten and guaranteed by the authority, an agreement shall be executed in the form of a commitment setting forth the terms and conditions under which the authority is obligated and the extent to which repayment of the loan is guaranteed and secured.

8. The authority may guarantee individual loans up to no more than a total of \$5 million from state or nationally chartered lending institutions. In no case may any individual loan be guaranteed for more than 90 percent.

9. The authority may take such steps it deems necessary to protect the interest of the state in property mortgaged to secure loans made by the authority.

10. The authority shall make no loan or participate in, or guarantee the repayment of any loan for a period of more than five years. However, the authority may review or extend loans when it deems it necessary, in the aggregate, not to exceed a total of 15 years. All balloon notes shall be renewed at the prevailing interest rate at the time of the renewal. The minimum lending amount is \$10,000 and the maximum amount is \$150,000.

F. Lending Officers' Responsibilities

1. It is the duty of the staff and each lending officer to support each loan request by a memorandum, which will be made a permanent part of the files of the authority records. Each memorandum will be sufficiently detailed so that any officer acting on the loan request in the officer's behalf or in the loan officer's absence will be in a position to handle the loan request within the terms and conditions agreed upon by the authority and the borrower.

2. The credit memorandum should include at least the following information:

- a. name and address of borrower;
- b. date of loan request;
- c. brief summary of the business;
- d. amount of loan request;
- e. rate requested by the borrower and rate agreed upon by the lending officer;
- f. terms of repayment. If the loan is to be amortized on a monthly basis, the number of monthly installments and dollar amount should be noted;
- g. purpose of the loan;
- h. security. Give a complete description of the collateral and state its current value. Where the loan is secured by real estate, this value should be established by an adequate appraisal.

3. All loans to minority business concerns will be supported by adequate financial statements; this includes balance sheets, profit and loss statements. All statements must be current within 90 days and must be signed by borrower and spouse.

4. The authority will review all loans at its monthly board meeting during which the board will take action on each request at the meeting.

5. If the application is denied, the authority shall provide written reason(s) within 30 days of the denial as to why such action was taken. If an application for a loan guarantee is approved, written notification will be given to the applicant and financial institution outlining the terms and conditions of the approval. The loan transaction may be completed, and the borrower shall execute a secured note to the authority to secure the guarantee of the authority.

6. If an application for a participation loan is approved, the financial institution shall be notified and the loan transaction may be completed. If an application for a direct loan is approved, the applicant shall be notified and the loan transaction completed. Any applicant whose application is denied may reapply within 90 days of such board action unless the board offers a waiver of this requirement.

SECTION II

Desirable Loans and Collateral

1. Equipment — Loans to business secured by chattel mortgage on equipment will be amortized over a period not to exceed five years. Excessive loans to value ratios on equipment can result in significant loss. Loans of over 75 percent of cost should be seriously discouraged.

2. Accounts receivable — The authority will accept loans secured by accounts receivable. It should be recognized by lending officers that this is a high risk loan area. Loans on receivables should not exceed 70 percent of the outstanding receivables that are not more than 60 days past due.

3. A blanket pledge of receivables is acceptable collateral. The specific assignment of a particular receivable is also valid collateral.

4. Assignment of contracts — Valid contracts are acceptable collateral.

5. Inventory — Inventory is acceptable collateral. Normal lending on inventory should be limited to 60 percent of cost. Inventory lending should always be short term with repayment planned from the liquidation of the product. It should be noted that long term borrowing on short term collateral creates cash flow problems.

6. Preferred marine mortgages — These types of loans are highly specialized and require great deal of attention in terms of proper documentation, particularly in those cases where the vessel is approved by and documented with the U.S. Coast Guard. Only an attorney knowledgeable of this kind of mortgage should be allowed to close this type of loan.

7. Listed securities: New York or American Stock Ex-

change - Loans should not exceed 75 percent of the stock's value.

8. Cash surrender value of life insurance.

9. Loans to new businesses for the following purposes:

- a. land, building and/or equipment to be used for all or part of the operation of the business;
- b. construction of building;
- c. purchase of inventory;
- d. purchase of supplies;
- e. operating capital.

10. When the items listed above are pledged as collateral, applicants will be required to provide a:

- a. list of the equipment, amount and model number;
- b. aging of accounts receivables;
- c. list of inventory, purchase amount;
- d. list of securities;
- e. copy of insurance policy.

A. Small Business Administration

It will be the policy of the authority to participate in loans for minority businesses with the Small Business Administration.

B. Farmers' Home Administration

It will be the policy of the authority to participate in loans for minority businesses with the Farmers' Home Administration.

C. Bonding

The authority will provide monies to be used as cash bonds which are needed by minority small businesses. These bonds cannot exceed \$150,000 and will be approved by the authority's standard approval procedure and will be placed on a 10-month pay back plan. The standard security procedures will be required by the borrower. A one percent commitment fee will be charged by the authority to the borrower which will be payable upon the issuance of the cash bond. Interest will be charged only on the amount of money used in the period of use and will be 10 percent.

SECTION III

Undesirable loans

Some types of loans considered undesirable by the authority are loans:

A. to applicants who cannot or refuse to furnish adequate financial information;

B. to applicants outside of the state of Louisiana;

C. where the integrity and honesty of the principal(s) are questionable;

D. to open bars and lounges, where the Authority's collateral is the fixtures of that business;

E. to build or purchase apartment complexes;

F. that after having been reviewed by the authority, do not show repayment ability;

G. to provide funding for the acquisition, renovation, or alteration of a building or property for the principal purpose of real estate speculation;

H. To provide funding for the principal purpose of refinancing existing debt:

I. To establish:

1. restaurants (except for regional or national franchises);

2. bars;

3. taverns;

4. any project established for the principal purpose of dispensing alcoholic beverages.

SECTION IV

Delinquency, Charge Off Method

A. Policy Statement

The staff is responsible for the overall collection program for the authority. A delinquency list will be presented at each

board meeting. Once an account becomes 30 days past due, it is necessary that the staff supply the board with a written or oral account of the progress of the loan and what action is being taken to correct the problem.

B. Delinquency and Charge Off

The board of the authority recognizes that the lending of money carries an inherent risk and that LAMBDA is willing to undertake reasonable risks. The staff is responsible for the overall collection program for the authority. When a loan becomes 11 days past due and depending on the staff's knowledge of the particular account and the circumstances, staff should contact the account either by phone or letter as to the problem causing the past due status.

Loans that fall into the 30-60 day past due category will be considered seriously delinquent and the Attorney General's representative will be asked to send a letter requesting payment within five days or legal action will begin.

Effective July 1, 1983, payments on approved LAMBDA direct loans will be considered late if not received within 10 calendar days of the payment due date. Beginning on the eleventh day following the scheduled due date, a late fee of 10 percent of the monthly payment will be assessed.

Charge-Off Loans

Loans will be considered as charge-offs on the recommendation from the attorney(s) in charge of the account(s) in question.

Effective January 1987 the staff shall prepare a memo on loans that are considered charge-off and each month thereafter. This memo will be presented to the board and approved by the body before the loan is charged off. At this board meeting the staff should be prepared to discuss the original credit judgment, collection attempts, reasons for the loan's failure and whether all avenues for collection have been exhausted. Loans approved for charge-off will be categorized on the loan summary report as such and the accounts will be maintained in a charge-off file.

C. Credit Information

1. Proper credit reports are required on each applicant.
2. The authority will not be obliged to give rating or confidential information regarding an applicant.
3. Credit information will be acquired from the proper credit reporting agency.

D. Collection Procedures

The authority will require that all loans be repaid on a monthly basis. The standard payment period will be the first or fifteenth of each month. In the case of Bonding, the collection will be at the end of the expiration date of the note. There will be no prepayment penalty, therefore, any loan can be paid before maturity. Loans may only be repaid by a cashier's check, certified check or money order. The Authority will not accept cash money, company checks or personal checks. All payments should be made payable to the Louisiana Minority Business Development Authority.

SECTION V

LAMBDA: Code of Conduct

Confidential information with regard to the authority and its accounts acquired in the course of duty is to be used solely for the authority.

SECTION VI

Board Member and Employee Loans

Loans from the authority will not be permitted to any staff member of the program, members of the Board of Directors, or their immediate families. There will be no exceptions to this policy.

SECTION VII

Contingency Fund

The authority shall establish a loan contingency fund of \$25,000 to be used for loan collection expenses including attorney fees, court costs, travel, and any other expenses incurred by the Authority in the collection of loans. The loan contingency fund shall be used to initiate the loan collection process and shall be reimbursed by the attorney or record at settlement.

SECTION VIII

Fee charges

In accordance with Acts No. 682 and No. 683 of the 1986 Legislature, a \$50 non-refundable application fee is required to be submitted with each application. This fee is acceptable only with the application and in the form of a cashier's check or money order. When a loan application is approved a non-refundable 1 percent origination fee must be submitted at the loan closing in the form of a cashier's check or money order.

Comments should be addressed to Patricia A. Robinson, Director, Louisiana Minority Business Development Authority, Box 94185, Baton Rouge, LA 70804-9185 or by calling 504/342-9137.

Patricia A. Robinson
Director

DECLARATION OF EMERGENCY

Department of Commerce Office of Commerce and Industry

SMALL BUSINESS LOAN GUARANTY PROGRAM

The Department of Commerce is exercising the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, to establish the Louisiana Small Business Loan Guaranty Program.

This declaration will implement R.S. 51:1120-1133 authorizing the secretary of the Department of Commerce to establish the Louisiana Small Business Loan Guaranty Program as established by Act 742 of the 1985 Regular Legislative Session.

1. Definitions

Small Business: For the purposes of this program small business size shall be less than 100 employees and less than \$7 million in sales.

Medium Business: For the purposes of this program medium business shall be less than 500 employees and less than \$25 million in sales.

The size requirements shall apply at the time of application.

Eligible applicant shall include any person, firm, corporation, joint stock company, partnership, association, or trust owned and operated within the state.

2. Security and Collateral

The Corporation will accept no less than second mortgage position.

Collateral will consist of:

1. fixed assets purchased with the proceeds of the loan and secured by conventional mortgage;
2. pledge of income, revenues, contracts or receipts of the applicant.

Each principal owning 10 percent or more of the applicant business shall submit a personal guarantee. The aggregate of the personal guarantees shall be sufficient to cover the exposure of this loan. The guarantors need to specifically state which of their assets will be used as collateral for their personal guarantee.

3. Guaranty Percentage

The corporation will guarantee up to 75 percent of a loan from outside funding sources up to a maximum of \$500,000. The amount of guaranty shall be negotiated among the applicant, the Corporation and the lending agency.

4. Credit Worthiness

Credit worthiness shall be determined by the corporation after an examination of the moral character and financial solvency of those principals owning 10 percent or more of the small business enterprise.

5. Rejection for Standard Financing

All applications must include a statement from one conventional commercial source or governmental lending agency stating the reasons for inability or unwillingness to provide standard financing for the project.

6. Interest Rate and Term

The interest rates for permanent financing shall be negotiated among the applicant, the corporation and the lending agency not to exceed 2.5 percent of New York prime as stated in the *Wall Street Journal* on the date of the loan closing. The corporation will participate in the interest earnings not to exceed one-half of one percent to be negotiated between the funding financial institution and the corporation.

7. Job Creation

The project will create at least:

- A. Manufacturing - one job per \$15,000 of investment.
- B. Non-manufacturing one job per \$25,000 of investment.

8. Fees

A. There shall be a non-refundable application fee of \$500 submitted with the application. The fee must be submitted with the application in cash, certified check, money order or other like instrument.

B. An origination fee of one percent of the guaranteed portion of the loan shall be due at the closing. The fee must be in cash, certified check, money order or other like instrument.

C. Fees for closing, appraisals and other fees for services necessary to conclude the negotiations shall be paid by the applicant.

9. Set Asides

The board of the corporation shall determine annually the amount of money dedicated to the small business guarantee loan program. Of this amount, 20 percent of the authorized and available funds shall be reserved for minority owned businesses and 10 percent of the authorized funds shall be reserved for women owned businesses.

In order to qualify as an applicant under the minority set aside, certification as a minority business shall be obtained from the Governor's Office of Minority Business Enterprise.

In order to qualify as an applicant under the women owned business set aside, certification as a woman owned business shall be obtained from the Louisiana Office of Women's Business Enterprise.

10. Loan Loss Reserve

The maximum of loan guarantees available for the program shall not exceed an amount equal to five times the total loan loss reserve account designated by the corporation on deposit in the Louisiana Small Business Development Fund Account.

In case of default, the guaranteed percentage shall apply to the outstanding balance in the participating ratio. At any time the financial institution accepts another guarantee for their portion of the exposure, the Corporation's guarantee becomes null and void.

11. Prohibited Uses

Loan guarantees will not be authorized for any of the

following purposes:

A. Refinancing of existing debt, except where such refinancing will improve the mortgage position of the state of Louisiana and the total amount refinanced does not exceed 20 percent of the total project.

B. Speculative development

C. Real estate development

D. Office buildings and other rental properties

E. Non-manufacturing media and entertainment facilities except motion picture production and allied services as enumerated in SIC Group 781.

12. Application Procedure

Applications shall be submitted by the financial institution seeking a guarantee.

13. Application

The application shall consist of, but not be limited to, the following documents:

1. Resumes of principals

2. Marketing plan

3. Profit and loss statements and balance sheets for the past three fiscal years if firm is three years old or older. For younger companies the documents must be submitted from the commencement of operations.

4. Three-year cash flow and profit and loss projections

5. Management assessment by the financial institution submitting the loan package for guarantee

6. Personal, financial statement specifying which assets are to be pledged to collateralize the applicant's portion the loan. The personal financial statement must be accompanied by a notarized statement that the assets to be collateralized are either free of lien or contain sufficient equity to be used as collateral.

7. Detailed narrative description of project for which funds are sought .

8. Use of funds schedule specifying utilization of loan proceeds.

9. A personal and corporate credit report obtained within 90 days of application submittal. A personal report shall be submitted for all principals owning 10 percent or more of the firm.

The corporation may request any other information deemed necessary for proper review of the application.

14. Interim Financing

Projects requiring interim financing will not be considered if interim financing has been provided prior to approval of the guarantee by the board of the corporation.

15. Default

In case of default, the corporation shall not forgive the debt and shall make every effort to collect from the applicant. If the applicant is insolvent, then the corporation shall implement proceedings to collect securities pledged by the principals.

Kay Jackson
Secretary

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Amendment to Board Policy 4.03.48

The State Board of Elementary and Secondary Education, at its meeting of November 20, 1986, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and adopted the following amendment to Board Policy 4.03.48, paragraph 11:

11. Any funds derived from tuition fees collected by a school may be expended by that school at the discretion of the

agency and as approved by the Board of Elementary and Secondary Education and legislative appropriations, all in compliance with state law.

This emergency adoption is necessary because the present board policy limits the expenditure of tuition fees collected by schools to the purchase of supplies and equipment. The change in the policy allows agency discretion in budgeting the tuition fees collected. Current budget crisis in the schools dictates the need for an immediate change.

Dr. James Meza, Jr.
Executive Director

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

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

Summary

Public Law 99-500 increased the dependent care deduction for elderly and disabled households from \$149 to \$160. It is necessary to adopt this as an Emergency Rule to avoid sanctions as Public Law 99-500 mandates a December 1, 1986 implementation date.

Emergency Rulemaking

The rule entitled "Increased Earned Income Deduction" published in the *Louisiana Register* Vol. 12, No. 7, July 20, 1986 page 423 - 424 is hereby amended.

Numbers 5 and 7 were revised. Number 6 was deleted and number 7 renumbered to be 6. The amendment is as follows:

5. The maximum dependent care deduction shall be \$160 for all households.

6. The maximum shelter deduction increases from \$139 to \$147 for households which do not include a member who is elderly or disabled. The amounts in Items 5 and 6 will be adjusted October 1, 1986, and each October 1 thereafter.

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

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

Summary

Currently, payment is provided by the Medical Assistance Program for the reservation of a bed during the absence of a recipient from a Long Term Care Facility (Skilled Nursing Facilities, and Intermediate Care Facilities 1) for home leave. Circumstances necessitated the review of all optional Medicaid coverage provided to recipients under Title XIX. As a result, a determination has been made that the Medical Assistance Program will no longer provide full payment for the reservation of a bed during the absence of a recipient from a long term care facility. This

change in policy is necessary to maintain adequate funds necessary to allow the agency to provide those services which are mandated by federal regulation throughout the fiscal year. Those services which are mandated by federal regulation must be provided by the agency in order to receive federal funding. This rule constitutes an emergency under the provisions of R.S. 49:953B because of the potential effect fund shortages will have on the health and welfare of approximately one half million recipients statewide who depend upon mandatory Title XIX services provided by the Medical Assistance Program.

Under this rule, Long Term Care facility payments for bed reservations during the absence of a recipient from the facility shall be reduced to one-half the provider's per diem reimbursement. Additionally, recipients shall continue to be allowed 18 leave days per calendar year. This change in reimbursement will reduce provider payments beginning December 1, 1986. Because payments for December are based on services rendered in November, the agency sent advance notice of this change to providers in October and has provided additional notice through provider letters in November.

The Medical Assistance Program's current policy allows providers to request an interim rate adjustment based on increased costs which occur during the fiscal year. Under these provisions any provider who experiences a significant increase in costs resulting from adoption of this rule may request an interim rate increase. As required by the agency's state plan agreement with the federal government, all interim rate requests will be acted upon in a timely manner.

This rule will not reduce recipient benefits provided by the Medical Assistance Program or result in any charges to recipients by providers.

Emergency Rulemaking

Effective December 1, 1986, payments made to Skilled Nursing Facility and Intermediate Care Facilities I and II shall be reduced to provide reimbursement of bed reservations, during the absence of a recipient from the facility, at one-half the provider's per diem rate. Reimbursement of recipient leave days from Skilled Nursing and Intermediate Facility I and II shall be limited to 18 leave days per calendar year.

Comments

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge LA70804-4065. Ms. Stewart is the person responsible for responding to inquiries regarding this proposed rule. A copy of this rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

Regulatory Exception

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

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Reduction of Provider Payment For Home Leave

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

Implementation of this proposed rule will result in a savings to the State of: \$51,926 in FY 86-87; \$88,050 in FY 87-88; and \$92,101 in FY 88-89.

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

Implementation of this proposed rule will reduce Federal matching funds by: \$99,770 in FY 86-87; \$183,962 in FY 87-88; and \$192,424 in FY 88-89.

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

Implementation of this proposed rule will result in reduced benefits to recipients of: \$151,696 in FY 86-87; \$272,012 in FY 87-88; and \$284,525 in FY 88-89.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Ms. Shirley Smith, GP
DHHR Budget Head

DECLARATION OF EMERGENCY

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

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, and under the authority of R.S. 56:22, the Louisiana Wildlife and Fisheries Commission hereby establishes a special 83-day commercial fishing season allowing the use of nets in Lake Bruin, Tensas Parish, Louisiana, for the period beginning at sunrise December 8, 1986 and to close at sunset February 28, 1987.

The use of nets in Lake Bruin will be limited to the following:

Freshwater gill nets and trammel nets greater than or having at least a minimum mesh of 3 1/2" bar and 7" stretched. Freshwater fish seines greater than or having at least a minimum mesh of 2" bar or 4" stretched.

Commercial fishermen will be required to obtain a special permit from the Louisiana Department of Wildlife and Fisheries to fish with nets in Lake Bruin during this special season and will also submit a monthly catch report to the department.

Net fishing will be permitted during daylight hours only, except that trammel and gill nets can remain set overnight but fish captured may be removed during daylight hours only.

A heavy population of buffalo fishes is presently available for commercial harvest. A resolution by the Tensas Parish Police Jury enacted on November 12, 1986, was submitted to the Louisiana Department of Wildlife and Fisheries requesting a special commercial fishing season to allow commercial fishermen to harvest the buffalo fishes along with other rough and commercial species taken while fishing buffalo. Emergency action is necessary to have this special season during the period December 8, 1986 - February 28, 1987 in order to minimize conflicts between the net fishermen and the recreational fishermen who utilize heavily this 3,000 acre oxbow lake during the spring and summer months.

J. Burton Angelle
Secretary

DECLARATION OF EMERGENCY

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

Act 494 passed during the 1986 C R & S regular session of the Louisiana Legislature provides that the Department of

Wildlife and Fisheries and the Wildlife and Fisheries Commission may employ the provisions of R. S. 49:953(B) in promulgating rules and regulations relative to shrimp seasons. This was brought about by the fact that the shrimp populations are dynamic and respond rapidly to changing weather conditions. As such only the most recent information on the conditions of shrimp stocks can be used to enact management measures.

Act 570 passed during the 1986 C R & S regular session of the Louisiana Legislature amended R. S. 56:497(2) (a) to read "The shrimping season in outside waters may be closed from January 15 to April 15, for such a period of time as deemed appropriate by the commission."

The Louisiana Wildlife and Fisheries Commission pursuant to the authority granted to it by the Louisiana Legislature in Act 1986, No. 570 hereby closes the shrimping season in that portion of Louisiana's outside waters (outside waters described in R. S. 56:495 A and B) from the inside-outside shrimp line seaward for a distance of three miles. The season closure will begin at 12:01 a.m. on Thursday, January 15, 1987 and continue until 12:00 p.m. (midnight) Wednesday, April 15, 1987.

J. Burton Angelle
Secretary

Rules

RULE

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

In accordance with the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:1433, the Department of Agriculture and Forestry, Seed Commission, has adopted rules and regulations for the administration of the Louisiana Seed Law. These rules can be obtained from the Department of Agriculture and Forestry, 12055 Airline Highway, Baton Rouge, LA.

Bob Odom
Commissioner

RULE

**Department of Agriculture and Forestry
Office of Agro-Consumer Services
Dairy Stabilization Board**

In accordance with the Administrative Procedure Act and R.S. 3:4108, the Department of Agriculture and Forestry, Dairy Stabilization Board, has adopted rules and regulations pertaining to milk case deposits. The approved rule and regulation is detailed below.

Title 7

Agriculture and Animals

Part XXXI. Milk, Milk Products and Substitutions

Chapter 161. Dairy Stabilization Board

§16110. Milk Case Deposits

A. Any licensed processor may adopt a milk case deposit program provided that those licensees who adopt a milk case

deposit program shall:

1. give written notice providing clear, express and written detail of the program to all persons or entities to whom the program applies;
2. provide the same information in writing to the board;
3. provide all said notices no less than 30 days before the implementation of said program;
4. apply any such program uniformly to all customers; and
5. such milk case deposits, if implemented, shall be refundable and shall be \$1 per milk case.

B. Any person or entity required to provide a deposit on milk cases under such a program shall not fail to do so and failing to do so, shall be deemed and is hereby declared to bear unfair trade practice.

Bob Odom
Commissioner

RULE

Department of Agriculture and Forestry Office of Agro-Consumer Services State Market Commission

Fruits and Vegetables Program

In accordance with the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:405, the Department of Agriculture and Forestry, State Market Commission, has adopted the amendments detailed below.

Amend LAC 7:V.1705 to read as follows:

§1705. Requirements for Certification of Fresh Fruits, Vegetables, Nuts and Other Special Products

A. The examination, acceptance, and certification of fresh fruits, vegetables, nuts, and other special products shall be in accordance with U.S. Department of Agriculture, Agricultural Marketing Service, Fruit and Vegetable Division grading and inspection requirements.

B. Each container shall be legibly labeled, stamped, or written on the side or end showing the name and address of the grower or the name and address of the packing house or company or contract number, showing the U.S. grade, inspection stamp or tag, and name of produce in container. In the instance of sacks, a tag shall be securely attached to the outside, giving the above information.

C. Required Certificates

1. For inspection of fruits and vegetables entering state institutions, federal Form FVQ 459 and/or state Form A1 1583 will be required.

2. For shipping point inspections of fruits and vegetables, federal Form FVQ 184 will be required.

3. For terminal market inspections of fruits and vegetables by collaborators, Form FVQ 303 will be required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405.

In Title 7, Subchapter B of Chapter 17 (Market Commission—Fruits and Vegetables) is hereby repealed in its entirety (Sections 1735 to 1745).

Bob Odom
Commissioner

RULE

Department of Agriculture and Forestry Office of Management and Finance

Central Registry

Pursuant to the Administrative Procedure Act (R.S. 49:950 et seq.), R.S. 3:3651 et seq. and Section 1324 of the Food Security Act of 1985 (P.L. 99-198, as amended), the commissioner of agriculture and forestry has adopted rules and regulations for the administration of a central registry for security devices that encumber agricultural commodities and the filing of financial statements that deal with farm products.

These rules may be obtained from the Department of Agriculture and Forestry, 12055 Airline Highway, Baton Rouge, LA.

Bob Odom
Commissioner

RULE

Department of Agriculture and Forestry Office of Marketing State Market Commission

Farm Youth Loan Program

In accordance with the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:543, the Department of Agriculture and Forestry, State Market Commission, has adopted the amendments detailed below.

Amend LAC 7:V.3103 to read as follows: §3103. Applicant Eligibility Requirements

A. The applicant must be a resident of Louisiana and between 10 and 20 years of age, i.e., already having had a tenth birthday but not yet having a twentieth birthday.

B. The applicant must be a member in good standing of any 4-H Club, Future Farmers of America, Future Homemakers of America organization, or any other farm youth organization functioning within the state school system.

C. The applicant must present a signed statement from the recommending supervisor of the project and/or the school principal, that the applicant's scholastic work is satisfactory.

D. The applicant must present a signed statement by the recommending supervisor of the project that in his opinion the applicant has a need for the loan.

E. The applicant must present a signed statement by the recommending supervisor that he is a member in good standing of a farm youth organization recognized by the commission and that (1) the project for which the loan will be used will be closely supervised by the recommending supervisor; (2) the applicant is eligible for the loan; and (3) the loan is recommended.

F. The applicant must present a signed statement by his parents or guardian that they approve of his participation in the Farm Youth Loan Program and will fully cooperate with the supervisor of the project and the Market Commission.

G. The applicant must clearly demonstrate to the commission that the project for which the loan will be used will generate adequate funds to pay back the loan according to the terms of the loan.

H. The applicant must establish a checking or savings account at a bank of his choice for the purpose of receiving and disbursing loan funds to be used for the purposes of the loan.

I. The checking or savings account must require joint signatures of the applicant and project supervisor for the withdrawal

of funds to be used to pay expenses incurred by the project.

Amend LAC 7:V.3109 to read as follows:

§3109. Conditions for Approval of Application for Farm Youth Loans and Loan Guarantees

A. The applicant must meet all criteria for eligibility set forth in LAC 7:V.3103.

B. The loan shall have a maximum term of five years.

C. The loan shall not exceed a maximum of \$3,000.

D. In the case of a guaranteed loan, the guarantee shall not exceed 75 percent of the sums, in principal and interest, due and payable under the mortgage or crop lien securing the loan.

E. The interest rate on any direct loan shall not exceed the interest rate charged by the Farmer's Home Administration on youth project loans.

F. The interest rate on any guaranteed loan shall not exceed the average prevailing rate of interest on farm loans made by banks, financial institutions or federal agencies in the community where the loan is made.

G. The cumulative amount which can be loaned to any family shall not exceed \$5,000.

Amend LAC 7:V.3115 to read as follows:

§3115. Conditions for Disbursement of Loan Proceeds to the Borrower

A. Prior to disbursement of loan funds all legal instruments must be examined and approved by the department attorney.

B. On the date of disbursement of loan proceeds, the borrower must execute a note secured by a chattel mortgage or crop lien payable to the Market Commission setting forth the terms and conditions under which the loan will be repaid. The parent/guardian will be required to cosign on the note.

C. On the date of disbursement of loan proceeds the borrower must execute a chattel mortgage or crop lien payable to the Market Commission, which instrument shall contain, but not be limited to, the following:

1. the amount loaned;
2. the rate of interest;
3. the repayment schedule;
4. description of items offered as security;
5. provision for executory process; and
6. provision for payment of all costs of foreclosure, including attorney's fees at 25 percent of the principal balance and interest accrued at foreclosure.

D. The commissioner of agriculture or his designee, as official representative of the State Market Commission, shall execute all necessary legal instruments at the time of the disbursement of loan proceeds.

E. The disbursement of loan proceeds shall be by check and shall be deposited into the bank account number on behalf of the borrower as designated on the loan application.

F. No loan for the purchase of livestock shall be funded until the following documents are forwarded to the department:

1. a health certificate issued by a licensed veterinarian certifying that the livestock to be purchased is sound, healthy, and free from all diseases; and
2. a copy of the invoice for the purchase of said livestock.

Bob Odom
Commissioner

RULE

**Department of Commerce
Racing Commission**

Chapter 1. Definitions

§101. Day

Any 24-hour period beginning at 12:01 a.m. and ending at midnight. "Racing day" is a day on which races are conducted. "Calendar days" are those consecutive days counted irrespective of number of racing days. Any delay for taking action pursuant to the rules of racing shall include the counting of holidays, Saturdays and Sundays as any other day of the week.

John P. Davis, DVM
Secretary

RULE

**Department of Commerce
Real Estate Commission**

In accordance with the notice of intent published in the October issue of the *Louisiana Register*, the Louisiana Real Estate Commission announces the adoption of the following rules, effective December 20, 1986.

Title 46

**Professional and Occupational Standards
Part LXVII. Real Estate**

Chapter 27. Escrow Accounts

§2711 Commingling (amended)

Monies received in trust on behalf of clients are not assets of the broker and shall not be commingled with personal or business funds of the broker; however, a broker may deposit and keep a sum not to exceed \$500 in each escrow account or rental account from his personal funds, such sum shall be specifically identified and deposited to cover bank service charges related to each account.

Chapter 28. Disbursement of Escrow Deposits

§2801. Escrow Disputes (adopted)

A. When a broker determines or has knowledge that a dispute exists as to the ownership or entitlement of a deposit or funds held in escrow, as a result of a real estate transaction, it shall be the obligation of the broker to immediately notify in writing all of the parties involved of the dispute, and within 30 days of the determination or knowledge that such a dispute exists, it shall be the obligation of the broker holding the funds to do one of the following:

1. release the deposit funds upon the written and mutual consent of all of the parties involved;
2. through a concursus proceeding, deposit the funds into the registry of the Nineteenth Judicial District Court;
3. deposit the funds with the Louisiana Real Estate Commission along with a request for an escrow disbursement order, which request shall include a detailed explanation of the circumstances and the various parties involved.

§2803. Escrow Disbursement Order

A. The Louisiana Real Estate Commission upon receipt of a request for an escrow disbursement order:

1. shall immediately cause the funds accompanying said request to be deposited in an interest bearing escrow account pending final disposition;

2. shall commence an investigation by its staff of the dispute;

3. may, upon completion of an investigation, consider the investigative findings and at a regular or special meeting issue an escrow disbursement order providing for the disposition and allocation of funds which are being held in escrow and are in dispute;

4. may call an adjudicatory hearing before issuing an escrow disbursement order, or

5. may deposit the disputed funds into a concursus proceeding in the Nineteenth Judicial District Court, if determination of ownership or entitlement cannot be made.

Chapter 65. Real Estate Schools

§652.9 Causes for suspension or revocation of Instructor Certification (adopted)

A. The commission may suspend or revoke an instructor's certificate if in the opinion of the commission, the instructor is guilty of any of the following acts:

1. failure to notify the commission's Education Division within 10 days of the effective date of a change of mailing address for the instructor;

2. having been convicted of a felony or entered a plea of guilty or nolo contendere to a felony charge;

3. refusing to appear or testify under oath at any hearing held by the commission;

4. falsely certifying hours of attendance for any student;

5. having his/her salesperson's, broker's or timeshare salesperson's license suspended or revoked by the commission;

6. Recruiting students or knowingly allowing others to use school classroom facilities to discuss sponsorship of potential licensees for any real estate brokerage firm;

7. violating any rule or regulation promulgated by the commission in the interest of the public and consistent with the provisions of this chapter.

B. In determining whether there has been a violation of these regulations, the commission shall follow the provisions of R.S. 37:1456 and Chapter 13 of Title 13 of Title 49 of the Louisiana Revised Statutes insofar as they are applicable.

Anna Kathryn Williams
Executive Director

RULE

Department of Culture, Recreation and Tourism Office of State Parks

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. and pursuant to the Notice of Intent published on October 20, 1986, the Office of State Parks made the following revisions of rules and regulations which have no economic impact or benefit. These revisions refer to rules previously published in L. R. 12:2 (February 20, 1986).

Title 25
Cultural Resources
Part IV. Office of State Parks

Chapter 3. Rules and regulations (Amended)

§307. Boating use

J. Commercial boats (defined as any craft capable of carrying five or more persons for hire, any craft having a water displacement of five tons or more, whatever the length, or any craft from which commercial activities are conducted involving shrimping, crabbing, fishing, etc.) and prohibited from using any

state park facility without the written consent of the assistant secretary. Loading or unloading of materials, boarding of persons, operating power equipment and non-emergency repair work are prohibited.

§311. Overnight use

C. Overnight camping, except during the period November 1 through February 28, and group camp, lodge and cabin use are 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.

I. In no case may campsite be reserved by payment or other means prior to actual physical occupancy by the permittee, except at those areas where campsite reservations are available.

V. No one occupying an overnight facility, except camping during the period November 1 through February 28, will be allowed to reregister for the use of that facility for a period of more than 14 days within a 30-day period.

§331. Refunds

F. Refunds of day use fees are not granted when a visitor, by his own choosing, leaves the park as a result of inclement weather.

Chapter 5. Procedures and Fees (Amended)

§503. General Admission Fees

A. State Parks General Admission Day-use Entrance Fees

3. During the winter season (October 1 through March 31) a self-service fee system may be used to collect user fees on areas normally served by an entrance control station. During these times all reservation guests or others requiring registration shall sign in at the office during normal business hours or with a ranger placed in the entrance station at hours when the office is not operated.

I. Assembly Rooms

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 \$10 per hour for day use during the period between 9:30 a.m. and 3:30 p.m. All use after 3:30 p.m. until normal closing hours of the park is charged at a rate of \$15 per hour. Kitchen facilities may be used if available.

2. All use after regular closing hours requires prior approval from the Park Manager and is available at a flat rate of \$50 plus \$25 per hour.

J. Exemptions

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 exemption from the entrance fees only at those sites which collect such fees through a vehicle permit. Where individual fees are charged only those properly recognized disabled U. S. veterans are exempt. Applications for 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.

§505. Overnight and Day Use

A. Camping Fee

1. Reservation for campsites are accepted only at Fontainebleau State Park and Lake Bistineau State Park. For further information regarding campsite reservation policies and procedures, contact the individual parks.

4. To stimulate visitor use during the off season the two-week restriction on stays at campsites is waived from November 1 through February 28. During the period overnight camping is allowed on consecutive days on an unlimited basis.

G. Reservation Policy

5. Overnight reservations

a. Overnight reservations may be made for cabins, lodges, group camps, rally campgrounds and camping (where available).

d. For cabins, lodges, group camps, rally campgrounds and camping (where available) the minimum reservation period for a weekend is from 4 p.m. Friday through 4 p.m. Sunday. Minimum camping reservations for a holiday weekend during the summer season must be made for a minimum three-day period.

f. Special Discount: Overnight facilities including cabins, lodges, group camps and rally campgrounds have reduced rates for the entire week during the period November 1 through February 28. The discount during this period is one night's free use of the facility for each overnight rate paid in full (two overnight uses for one overnight fee). The paid night(s) and free night(s) use of a facility must be taken consecutively.

6. Day-Use Reservations

d. An advance deposit equal to the appropriate day-use rate is required to reserve assembly rooms, group camps, group shelters or rally campgrounds. This deposit will be applied to the first day's use.

Chapter 7. Facilities (Amended)

§701. Office of State Parks Operating Units

A. Audubon State Commemorative Area (Box 546, St. Francisville, LA 70775, 504-635-3739) is located in West Feliciana Parish, near St. Francisville on LA 965. 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 gardens accent the exterior of the house. The house is included on the National Register of Historic Places.

Chapter 9. Division of Outdoor Recreation Administration (Amended)

§901. Land and Water Conservation Fund Program Summarized

H. Basis for Assistance. L&WCF assistance is provided on a 50/50 matching basis to individual projects which are submitted through the State Liaison Officer to the National Park Service for approval. Project costs shall be determined in accord with OMB Circular A-102 and A-87, the L&WCF Grants Manual and all claims shall be subject to verification by federal audit conducted in accordance with OMB Circular A-128.

§915. Application Preparation Documents to be Submitted

C. Evidence of Land Control

1. Projects for the development of facilities on leased land are not eligible except for land leased from the federal government for 25 years or more and except as noted as follows. Leases from one public agency to another that include provisions which adequately safeguard the perpetual use requirement contained in the statute may be eligible for fund assistance. Such safeguards may include joint sponsorship of the proposed project or other agreement whereby the lessor would assume compliance responsibility for the fund-assisted area in the event of default by the lessee or expiration of the lease.

2. A copy of sponsor's deed to the land must accompany each project application where the sponsor already owns the land, along with a copy of title opinion, where available, and a letter of Just Compensation if purchased after January 2, 1972.

D. Breakdown of estimated project costs. Note: (1) No contingency costs allowed. (2) Add \$200 for NPS permanent plaque; another \$150 for temporary sign if project is over \$500,000. (3) Bottom line is 6.6 percent of total costs to cover

state administrative charges. (4) At least 60 percent of the construction costs must be for construction of recreation elements, and no more than 40 percent may be expended on support facilities such as roads, parking, restrooms, to name a few.

E. Maps and Plans (seven copies of each)

6. Site or boundary map - for development projects must be dated and included in the application. It must clearly delineate that area to be included under the conversion provisions of Section 6(f) (3) of the Fund Act and Manual, Part 685, by showing a starting point located at intersection of nearest identified roads, and including the dimensions of each side of the site boundary. If site is not located at street intersection, measure from nearest intersection to nearest corner of site for point of beginning. It must identify known outstanding rights and interests held by others which exist within the project area.

§919. Legal Requirements

C. Use of Grant Funds

9.Z. Office of Management and Finance and Budget Circulars A-102 and A-128 (see Chapter 675). Provides uniform administrative requirements for grants-in-aid to state and local governments.

Noelle LeBlanc
Secretary

RULE

Department of Culture, Recreation and Tourism Office of State Parks

In accordance with the provisions of the Administrative Procedure Act, R. S. 49:950 et seq. and pursuant to the Notice of Intent published on October 20, 1986, the Office of State Parks amended the following rules and regulations which have an economic impact or benefit. These revisions refer to rules previously published in L. R. 12:2 (February 20, 1986).

Title 25

Cultural Resources

Part IV. Office of State Parks

Chapter 5. Procedures and Fees

§ 503. General Admission Fees

H. Group Rental Shelters

1. Group rental shelters are available at Chemin-A-Haut SP, Chicot SP, Cyremort Point SP, Fairview-Riverside SP, Fontainebleu SP and Lake Bistineau SP for a daily rental fee of \$30. Such shelters, when rented, are reserved exclusively for the use of the group or individual who is permitted for such use.

K. Annual Permits

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 \$30 per year. The permit, to be permanently affixed to the vehicle, may be obtained by application and payment to the Office of State Parks, Drawer 1111, Baton Rouge, LA 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.

§505. Overnight and day use

A. Camping Fee

1. Improved campsites rent for \$9 per night. Unimproved campsites rent for \$7 per night.

Noelle LeBlanc
Secretary

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published on September 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session, amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below:
Rule 6.03.45.a

The board amended Board Policy 6.03.45.a to increase by one, the number of instructors necessary in order to establish a department head in the vocational-technical schools.

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

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published on September 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session, amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below:
Rule 4.03.48.a

The board approved the recommendations from the Department of Education on the fee schedule for special courses and extension courses in the vocational-technical schools as follows:

Program Length	Fee
0 hours - 337.50 hours	\$ 25
337.51 - 675.00 hours	\$ 50
675.01 - 1012.50 hours	\$ 75
1012.51 - 1350.00 hours	\$100

Any program continuing into another fiscal year shall be prorated, using the above cost.

Extension is defined for this purpose as any program requiring submission of Form DE-1907 (Application for Authorization) to the Department of Education and the Board of Elementary and Secondary Education for approval.

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

RULE

Department of Environmental Quality Office of Air Quality

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and particularly Section 1061 D(1) and 1084B(1), and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary adopted the following rule to the Louisiana Air Quality Regulations.

Certification

Subpart N - Asbestos Abatement Entity Certification

89.1 - Applicability

The provisions of this Subpart are applicable to asbestos abatement entities and agents, as defined in Section 89.2, who are involved in abatement and/or maintenance involving friable

asbestos containing material in schools, and asbestos abatement entities and agents who elect to be certified by the Department of Environmental Quality.

89.2 - Definitions

A. *Agent* - Any individual or entity (i.e. architect, industrial hygienist, consultant, etc.) who plans, executes and/or monitors an asbestos project.

B. *Abatement* - The reduction of the present or future exposure risk to asbestos through encapsulation, enclosure, or removal of friable asbestos-containing materials.

C. *Asbestos* means the asbestiform varieties of: Chrysotile (serpentine); crocidolite (riebeckite); amosite (cummingtonite-grunerite); anthophyllite; tremolite; and actinolite.

D. *Asbestos Project* - Any activity involving the removal, encapsulation, enclosure, renovation, repair, demolition or other disturbance of friable asbestos containing materials.

E. *Asbestos Abatement Entity (A.A.E.)* - Any individual partnership, firm, association, corporation, sole proprietorship or other business concern as well as any governmental, religious or social organization or union with one or more employees or members involved in asbestos projects.

F. *Asbestos-containing material- (ACM)* - any material which contains more than one percent asbestos by weight.

G. *Friable asbestos material* means any material containing more than one percent asbestos by weight that hand pressure can crumble, pulverize, or reduce to powder when dry.

H. *Maintenance* - the work of keeping something in proper condition.

I. *School* - any public or private day or residential school that provides elementary, secondary, college, or post graduate education as determined under state law, or any school or agency of the United States.

J. *Responsible individual* - A trained supervisor who is designated by the A.A.E. to be accountable for the administration of its Certification Program.

K. *Trainee* - a newly employed individual that has not been trained but will be trained within 45 days of the commencement date of employment or job assignment.

L. *Trained* - an individual that has completed and has a passing score in asbestos abatement from a LDEQ-AQD recognized university or training organization.

89.3 Requirements

A. Except as provided in Section 89.3(c), all personnel who plan, execute, or inspect abatement and/or maintenance involving friable asbestos containing material shall have attended and received a passing score from a LDEQ-AQD recognized university giving instruction on supervision of asbestos abatement projects.

B. Except as provided in Section 89.3(c), workers who participate in hands-on abatement and/or maintenance involving friable asbestos containing material shall have attended and received a passing score from a LDEQ-AQD recognized training organization giving instruction specifically to asbestos abatement workers.

New employees shall be trained within 45 days of commencement of employment or job assignment. The ratio of workers that have passed the worker course to the number of trainee workers shall be no less than three (trained) to one (trainee) on any one project.

C. First line supervisors and workers who are engaged in maintenance that may disturb asbestos containing material but which does not involve its actual removal or encapsulation may receive their initial and refresher training from a trained supervisor who has also successfully completed a workers training

course and has been designated as the responsible individual for that A.A.E.

1. First line supervisors and workers who participate in projects referenced in 89.3(c) must work under the close direction of a trained supervisor during any asbestos abatement work they perform.

2. The training program shall have a minimum of eight hours of formal initial training including hands on training and four hours of formal annual refresher training. The training program shall include at a minimum the following subjects:

a. recognition of asbestos, including its physical characteristics and uses;

b. health hazards associated with asbestos exposure, including the relationships between asbestos exposure, smoking, and diseases;

c. health protection measures to be taken to minimize the emission of asbestos into the air, including safety equipment, air monitoring, and protective clothing and personal hygiene,

d. appropriate protective practices, including area preparation, proper removal techniques, decontamination, and waste disposal;

e. a detailed description of respirators and their use and care, including the degree of protection afforded, fitting and testing procedures, and maintenance and cleaning;

f. requirements, procedures, and standards established by Louisiana Air Quality regulations concerning asbestos;

g. provide each student with no less than 15 minutes of individual instruction consisting of individual respirator fit tests and an opportunity to use respirators.

3. A.A.E.s may elect to do their own refresher course training of first line supervisors and workers.

4. The following records shall be kept regarding worker training.

a. a complete course outline, including copies of material handouts, shall be kept on file by the A.A.E.;

b. maintain names of students trained, their addresses and social security numbers, and the dates on which training occurred, and make this information available to the department upon request;

c. provide an opportunity for students to complete written course evaluations;

d. issue to each student who completes the course and satisfactorily passes an examination on course content a certificate of attendance.

D. A.A.E.s conducting their own training or receiving training from an institution or organization other than those recognized by LDEQ-AQD must receive prior written approval to do so from the administrative authority.

E. Readily available proof of training for workers and supervisors shall be at the job site or within the facility's confines.

F. All supervisors and workers, except as provided in Section 89.3(C), shall attend and receive a passing score in an annual refresher course from an LDEQ-AQD recognized training organization giving instruction on the basics of asbestos abatement as well as state-of-the-art techniques in the industry and regulatory changes.

G. A responsible individual shall be, at a minimum, supervisory trained in asbestos abatement and accountable for the administration of asbestos abatement entity's certification program.

H. All personnel who plan, execute, or inspect abatement and/or maintenance involving friable asbestos containing material shall be thoroughly familiar with Subpart F, Part IV of the Louisiana Air Quality Regulations.

I. The state of Louisiana will certify out of state A.A.E.s and agents (contractors, IH's and architects) provided they meet

the requirements of this Section.

J. Certification shall be renewed annually.

K. Any A.A.E. or agent that is certified by the administrative authority shall follow the procedures of this Subpart on any and all asbestos abatement and/or maintenance projects in which they are engaged.

L. Should any certified A.A.E. or agent be found in violation of this Subpart on any asbestos abatement or maintenance project, the administrative authority may revoke its certification.

89.4 Certification Application

A. To apply for a certification, the asbestos abatement entity and/or agent shall submit by certified mail a true, accurate and complete statement of compliance on form AAC-1 testifying to the fact that they are in full compliance with this Subpart. Such statement shall include the following information:

1. The name, address and telephone number of the A.A.E. or agent.

2. The name and telephone number of the individual responsible for the administration of the certification program.

3. The name of the educational institution(s) which were attended.

4. The number of supervisors having passed the supervisor training course.

5. The number of workers having passed the worker training course.

6. A statement that only supervisors that have passed the supervisors training course will supervise abatement and maintenance work involving friable asbestos containing material.

7. A statement that a trained supervisor shall be responsible for every project involving friable asbestos containing material.

8. A statement that the ratio of trained workers to trainee workers shall be no less than three (trained) to one (trainee) on any one project.

B. To renew a certification, the asbestos abatement entity and/or agent shall submit an updated, true, accurate and complete statement of compliance on form AAC-1 in the month of January of each year testifying to the fact that they are in full compliance with this Subpart. Certification shall be valid from April 1 of the year issued to March 31 of the following year.

C. An A.A.E. and/or agent shall be considered certified,

1) upon written confirmation from the department or

2) sixty days after the receipt by certified mail of a true, accurate and complete statement of compliance on Form AAC-1 by the LDEQ-AQD.

D. The administrative authority may deny an application for certification. Such denial shall be made within 60 days of receipt of the application.

89.5 Recordkeeping

A. A training record shall be kept by the A.A.E. for each supervisor and worker involved in abatement and/or maintenance involving friable asbestos containing material. The records shall be kept for two years.

B. The training records shall be the property of the supervisor or worker to whom they apply.

C. The training records are transferable with the individual between A.A.E.s or agents.

89.6 Implementation

No A.A.E. or agent shall perform abatement and/or maintenance involving friable asbestos containing material in schools after April 1, 1987 unless certified to do so by the administrative authority.

Patricia L. Norton
Secretary

RULE

**Office of the Governor
Division of Administration
Office of Risk Management**

In accordance with R.S. 13:5114, the Division of Administration, Office of Risk Management, amended LAC 37:1, Chapter 3 relative to rules for the procurement of structured settlements.

**Title 37
Insurance**

Chapter 3. Structured Settlement Services

§301. Qualifying Criteria for Acceptable Structured Settlement Firms

- A...
- 1...
- 2...
- 3...
- 4...
- 5. It shall provide the following information:
 - a. A copy of Louisiana agents/brokers license.
 - b. Proof of coverage of \$1,000,000 for errors and omissions.
 - i. Name of carrier
 - ii. Dates of coverage
 - c. A copy of the firm's audited financial statement. (If the firm is a division of a larger corporation, a copy of the corporate financial statement will satisfy this requirement).

Firms shall be responsible for the immediate notification to the Office of Risk Management if the license referred to in 5.a. expires or is terminated and if the policy referred to in 5.b. expires or is terminated. Additionally, the firm shall notify the Office of Risk Management within 30 days of change of carrier for the policy referred to in 5.b.

6. It shall be otherwise qualified to do business in the state of Louisiana generally and shall have promptly paid all taxes due to the state of Louisiana as provided by law.

§307. Selection of Structured Settlement Firm for Structured Settlement Services

A. Because the Code of Professional Responsibility for lawyers requires that they represent their respective clients with full competence and shall exercise their independent judgment in such representation and because structured settlement services are primarily in the nature of consulting negotiation services, the attorney actually representing a using agency in a particular legal action or claim shall request from the Office of Risk Management the designation of a firm from among those firms currently on the list of qualified structured settlement firms maintained by the Office of Risk Management, a structured settlement firm to render structured settlement services in such particular legal action and claim, when the circumstances indicate that a structured payment plan may be an appropriate way of resolving the particular legal action or claim and the services of a structured settlement firm are necessary or highly desirable from the attorney's point-of-view to assist in such resolution of the action or claim. Copies of any contracts or agreements with the structured settlement firm shall be maintained on file in the Office of Risk Management.

B...

§309. Qualifying Plan Offerors and Providers

A...

B. All annuities to be used in structured payment plans shall be purchased from plan offerors or providers which are

insurance companies qualified to do business in Louisiana and which have, from the most recently issued best insurance reports, a rating of "A+" with a classification of "VI" or higher.

- C...
- D...
- E...
- F...

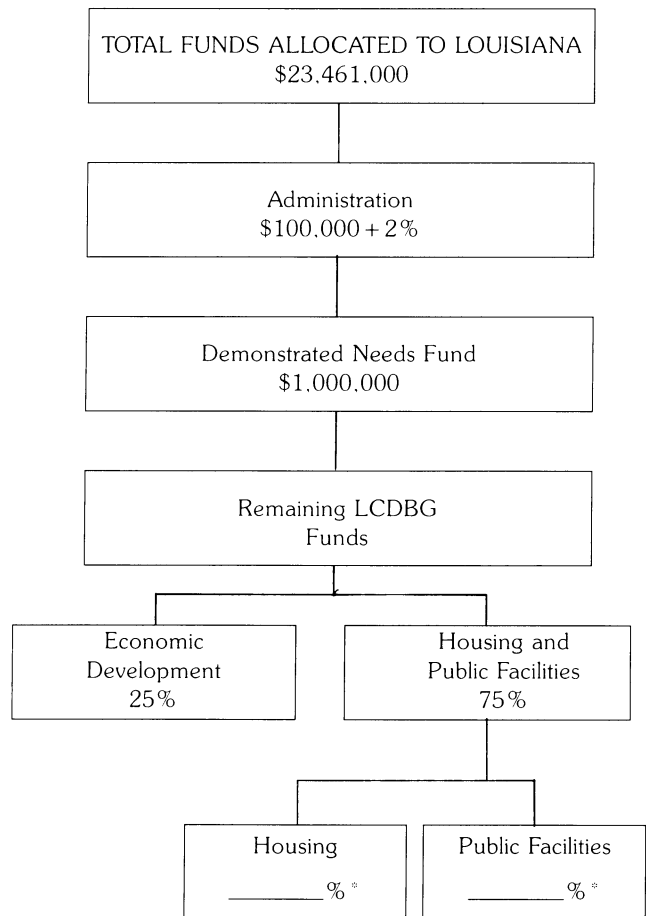
Stephanie L. Alexander
Commissioner of Administration

RULE

**Division of Administration
Office of State Planning**

The Division of Administration amended the FY 1986 LCDBG Final Statement. The purpose of the amendment is to reflect an increase of \$4,000,000 in the FY 1986 LCDBG Program allocation from \$19,461,000 to \$23,461,000. The increase in federal funds is a result of enactment of the Urgent Supplemental Appropriations Act of 1986. Figure 1 of Section II. E. is revised as follows:

FIGURE I



*The percentage distribution among the program categories will be based upon the number of applications received and amount requested in each category. Half of the funds will be distributed based on percentage of applications received in each category and half on the basis of amount of funds requested in each category. For rating purposes only, each activity will compete for points within one of the following population categories:

< 2,499, 2,500 - 9,999, and > 10,000. For ranking purposes, all applications will compete within the program categories.

Stephanie L. Alexander
Commissioner

RULE

Office of the Governor Division of Administration State Purchasing

The Division of Administration, State Purchasing is adopting the following rule which became effective October 20, 1986 as a result of emergency rulemaking promulgated in accordance with R.S. 49:953B and published in the *Louisiana Register* Volume 12, No. 10, page 654, dated October 20, 1986. A notice of intent was published in accordance with 49:950 et. seq. in the *Louisiana Register* Volume 12, No. 10, page 700, dated October 20, 1986.

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

Chapter 33. Vendors

§ 3301. Vendor Fees

A. Annual subscription of \$50/25 (\$25 for certified minority vendors) will be charged vendors to become eligible to be on the computerized state bid list. Failure to be on the computerized State Purchasing bid list will only remove your company from automatically receiving bids. State Purchasing will continue to advertise as required by law all bids over \$5,000. The fee covers the fiscal year period July through June and will not be prorated. Any fee paid where there is less than three months prior to the expiration of current fiscal year will be carried over and given full year credit.

B. This fee entitles the vendor to be on the bid list for one fiscal year, automatically receive all State Purchasing bid solicitations in selected commodity categories, receive a "How to do Business with the State of Louisiana" book and includes registration fees for vendor seminars.

Edgar Jordan
Assistant Commissioner

RULE

Department of Health and Human Resources Board of Examiners of Psychologists

Title 46 Professional and Occupational Standards Part LXIII. Psychologists

Chapter 15. Rules for Disciplinary Action

Subchapter A. Applicability; Processing Complaints

§1501. Applicability

A. These rules shall be applicable to any action of the Louisiana State Board of Examiners of Psychologists (board) to withhold, deny, revoke or suspend any psychologist's license on any of the grounds set forth in R.S. 37:2360 or under any other applicable law, regulation or rule.

B. These rules shall not be applicable to the licensure of psychologists pursuant to R.S. 37:2356, unless licensure is denied on one of the grounds set forth in R.S. 37:2360.

C. Unless otherwise provided by law, the board may delegate its authority and responsibility under these rules to a committee of one or more board members, to a hearing officer, or to other persons.

§1503. Complaints

A. A complaint is defined as the receipt of any information by the board indicating that there may be grounds for disciplinary action against a psychologist under the provisions of R.S. 37:2360 or other applicable law, regulation or rule.

B. Complaints may be initiated by the board, by any licensed psychologist or by any other person.

C. Upon receipt of information of a possible violation, the board may initiate and take such action as it deems appropriate.

D. Upon receipt of complaints from other persons, the board will forward its complaint form. Ordinarily, the board will not take additional action until the form is satisfactorily completed.

1. Except under unusual circumstances, the board will take no action on anonymous complaints.

2. If the information furnished in the written complaint form is not sufficient, the board may request additional information before further consideration of the complaint.

E. All complaints received shall be assigned a sequentially ordered complaint code which shall be utilized in all official references.

F. The board shall determine whether the complaint warrants further investigation.

§1505. Investigation

A. If the board determines that a complaint warrants further investigation, the board shall notify the licensee or applicant against whom the complaint has been made (hereinafter referred to as "respondent"). The notice to the respondent shall include the following:

1. notice that a complaint has been filed;

2. a short and plain statement of the nature of the complaint;

3. a reference to the particular sections of the statutes, rules or ethical standards which may be involved;

4. copies of the applicable laws, rules and regulations of the board, and

5. a request for cooperation in obtaining a full understanding of the circumstances.

B. The respondent shall provide the board, within 30 days, a written statement giving the respondent's view of the circumstances which are the subject of the complaint.

C. The board may conduct such other investigation as it deems appropriate.

D. During the investigation phase, the board may communicate with the complainant and with the respondent in an effort to seek a resolution of the complaint satisfactory to the board without the necessity of a formal hearing.

Subchapter B. Conduct of Formal Hearing

§1511. Formal Hearing

A. If, after completion of its investigation, the board determines that the circumstances may warrant the withholding, denial, revocation or suspension of a psychologist's license, the board shall initiate a formal hearing.

B. The formal hearing shall be conducted in accordance with the adjudication procedures set forth in the Louisiana Administrative Procedure Act (R.S. 49:950 et seq.).

C. Upon completion of the adjudication hearing procedures set forth in the Louisiana Administrative Procedure Act, the board shall take such action as it deems appropriate on the

record of the proceeding. Disciplinary action under R.S. 37:2350 requires the affirmative vote of at least four of the members of the board.

D. The form of the decision and order, application for rehearing and judicial review shall be governed by the provisions of the Louisiana Administrative Procedure Act.

E. The board shall have the authority at anytime to determine that a formal hearing should be initiated immediately on any complaint. The complaint and investigation procedures set forth above shall not create any due process rights for a respondent who shall be entitled only to the due process provided under the Louisiana Administrative Procedure Act.

§1513. Impaired Psychologist Procedure

A. At any time during the investigation and hearing process, the board, at its sole discretion, shall have the authority to offer the respondent the opportunity to participate in the impaired psychologist procedure.

B. If the board determines that a respondent should be offered the opportunity to participate in the impaired psychologist procedure, the board shall give written notice to the respondent of the following two options:

1. The respondent may acknowledge "impairment" in a form provided by the board, and submit to evaluation and treatment as set forth below, or

2. The respondent may reject the opportunity to participate in the impaired psychologist procedure, and the board will continue to process the complaint in accordance with the procedures set forth above.

C. If the respondent elects to participate in the impaired psychologist procedure, disciplinary action against the respondent shall be suspended so long as respondent cooperates fully in his/her evaluation and treatment as set forth below.

D. The impaired psychologist procedure shall include the following:

1. The respondent shall acknowledge his/her "impairment" on a form provided by the board, and the respondent shall agree to submit to an evaluation.

2. The respondent may be required to provide the board with proof that he/she has arranged appropriate referrals of patients or that he/she is receiving supervision from another psychologist who is aware of the impairment.

3. The respondent shall submit to an evaluation by an appropriate professional selected by the board. Unless waived by the board and the respondent, the evaluator shall not be either an associate of or a professional in direct competition with the respondent, and the evaluator will not treat the respondent if the evaluation yields positive findings. The respondent must agree to pay the evaluator for the evaluation.

4. The evaluator will be requested to render an opinion within 24 hours of the evaluation regarding whether the respondent appears to be impaired by some condition which may benefit from intervention. Such impairment is defined to include only the Axis I and/or Axis III diagnosis of the current Diagnostic and Statistical Manual of Mental Disorders. (Presently that manual is the Third Edition and will hereinafter be referred as DSM III). As subsequent Diagnostic and Statistical Manuals are anticipated, Axis I diagnoses are operationally defined as "Clinical Syndromes, Conditions Not Attributable to a Mental Disorder That Are a Focus of Attention or Treatment, and Additional Codes,"* and Axis III diagnoses are operationally defined as "Physical Disorders and Conditions"* (*American Psychiatric Association; Desk Reference to the Diagnostic Criteria from Diagnostic and Statistical Manual of Mental Disorders, Third Edition, Washington, D.C., APA, 1982, page 5).

5. If the above respondent is found not to be impaired as

defined above, the impaired psychologist procedure is terminated, and the board may renew disciplinary action.

6. If the respondent is found to be impaired as defined above the respondent shall have the option of undergoing treatment provided by a qualified professional. The treatment plan must be approved by the board, and may include the protections set forth in Subpart 2 above. The treatment plan and protections may be revised from time to time as permitted or required by the progress of the respondent. Treatment will be at the expense of the respondent.

7. If the respondent rejects the recommendation for treatment or fails to cooperate fully with a treatment plan and other protections approved by the board (including any revisions thereof), disciplinary action may be renewed.

8. Upon successful completion of the treatment plan, based upon such reasonable evaluation as the board may require and upon determination that the respondent has the status and ability to function professionally without supervision, the disciplinary action based upon the former complaint shall be terminated, and no further action shall be taken with respect to that complaint.

Norman J. Bregman, Ph.D.
Chair

RULE

Department of Health and Human Resources Office of Family Security

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

OPTIONAL TARGETED CASE MANAGEMENT SERVICES

Case Management is defined as individualized planning, and service coordination. Individualized planning shall include: case finding; intake; eligibility determination for case management services; interdisciplinary assessment process [which disciplines and services best address the recipient's needs]; integrating spoken and written information; managing and resolving conflict; developing placement resources; establishing rapport with the individual and family including personal contact; and supportive counseling. Service coordination shall include: translating clinical findings into services; determining which services and connections are needed; learning generic and specialized settings in the community; negotiating with service providers; observing and monitoring recipient progress and the services provided; communicating with providers and recipients including training ordered by the ID Team; linking recipients to services that meet their needs; and being aware of resources (Food Stamps, SSI, Medicaid, etc.).

This service will be reimbursed when provided to ventilator assisted individuals subject to the limitations specified below:

1. The following conditions must be met for services to be reimbursed:

A. A recipient of services must be age 21 or younger at the time that service is provided.

B. A recipient of services must be "ventilator assisted":

(1) Requires a mechanical medical aid for a period greater than three months because of chronic respiratory failure or insufficiency and

(2) Requires the use of a mechanical medical aid to augment respiratory function for all or part of each day.

C. A recipient may receive services on an inpatient or outpatient basis.

D. Providers of case management services under this provision will not be reimbursed for specific services provided to individuals in institutional settings when those services are included in the per diem rate for the institution.

E. The maximum number of units of service to be reimbursed by the state for each ventilator assisted individual in a calendar month is 292.

2. Standards for Participation

The provider of case management services must:

A. Enter into a contractual agreement with the Office of Family Security;

B. Be under the aegis of a major hospital;

C. Have two or more documented years providing case management services to ventilator assisted individuals.

3. Standards for Payment

In order to be reimbursed by the state, the provider of case management services must:

A. Insure that the services are provided by either a master's degreed Social Worker licensed to practice in the state or a Registered Nurse who is licensed to practice in the state;

B. Insure that services are provided according to an individualized plan of care;

C. Insure that only one individual who is an employee of the case management agency is assigned as the primary case manager for each client;

D. Insure that the one case manager for each client under this provision visits the client on site in his place of residence at least once per month for the first three months of service and in each alternate service setting at least once per month for the first three months of service; such visits shall occur at least quarterly thereafter;

E. Insure that the individual assigned as the case manager has at least weekly contact with the client or his/her legal representative and that these contacts are documented in progress notes;

F. Insure that the case manager assigned to serve the client as well as any other employee of the case management provider providing services keep sufficient records to document the services being provided under this provision;

G. Abide by the provisions of the Provider Agreement entered into with the state;

H. Insure that appropriate physician consultation is available to each case manager at all times;

I. Insure that the maximum case load for a case manager does not exceed 25 cases;

J. Insure that each recipient has freedom of choice with regard to providers of any service.

4. General Provisions

A. Providers of case management services will be reimbursed on a unit of service basis. A unit of service retrospective rate will be established for each provider which is based on the cost of providing case management services.

B. Reimbursement will be based on allowable cost not to exceed \$4.40 per unit of service.

C. Rates for these services will be set by the DHHR Audit Section in accordance with the guidelines prescribed by HIM-15, the rate setting guide for Louisiana, and the requirements of state licensure standards for case management providers.

D. A unit of service will be defined for each provider as 15 minutes.

E. Providers of case management services will be required by the state to maintain time sheets which are completed by their case managers to document the units of service they have provided. These time sheets, which must contain the dates and times of service provision, will be submitted to the state as an attachment to each claim for payment for the services encom-

passed by the time sheets.

F. The maximum number of units of service to be reimbursed by the state for each ventilator assisted individual in a calendar month is 292.

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

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

RULE

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

The Department of Health and Human Resources, Office of Management and Finance, Division of Policy, Planning and Evaluation has adopted the following changes to the policies and guidelines for Section 1122 capital expenditure reviews effective December 20, 1986. The changes have been made to the Rule published in Volume 11, Number 4 of the *Louisiana Register*, and to LAC 48:12503. They include:

A) two additional criteria in the "Criteria for Expedited Review" (p.8) which read as follows:

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

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

B) Within the section on "Expenditures and Changes Subject to Review," on page six, the second paragraph has been deleted and a new subsection added. Page six now reads as follows (the new subsection is indicated by * * at the beginning and end):

Page 6

A relocation of a previously approved and licensed facility within the same service area is subject to full review without a reevaluation of need. Other criteria will be reevaluated.

A lease of an approved, unconstructed facility is prohibited for Section 1122 purposes. Upon construction of the facility, the proposed lease shall be subject to review.

A capital expenditure for which the obligation is incurred by or on behalf of a health care facility after December 31, 1972 is subject to review under these provisions.

Public Law 98-369 provides that the valuation of an asset after a change of ownership shall be the lesser of the allowable acquisition cost of such asset to the first owner of record on or after June 1, 1984, or the acquisition cost of such asset to the new owner. This will affect the establishment of an appropriate allowance for depreciation and interest in capital indebtedness and (if applicable) a return on equity capital with respect to an asset of a health care facility which has undergone a change of ownership.

* * Sales, Transfers, and Other Transactions Which May Result in Changes in Ownership of Section 1122 Approvals, or Section 1122 Approved Facilities

A proposal to sell a Section 1122 approved facility is subject to review.

A proposal to sell or transfer less than 25 percent of the ownership of the legal entity owning a Section 1122 approval is not reviewable under Section 1122, but shall be reported

promptly to the Division of Policy, Planning and Evaluation.

A proposal to sell or transfer 25 percent to 50 percent of the stock in a corporation owning a Section 1122 approval is subject to review.

A proposal to sell or transfer 25 percent to 50 percent of the ownership interest in a partnership (or other legal entity) owning a Section 1122 approval is subject to review.

A proposal to sell or transfer a majority (over 50 percent) interest in a corporation whose only or major asset is a Section 1122 approval shall be considered a sale of the Section 1122 approval, which is prohibited and invalidates the Section 1122 approval. Such majority transfers are also precluded for other legal entities owning a Section 1122 approval (partnerships, * * individuals, etc.).

Alternatives to Full Review Process

Under the following circumstances, DPPE may elect not to conduct a full review.

Election Not to Review

The DPPE at its option, may elect not to review a proposed capital expenditure which has been determined subject to review under Section 1122 of the Social Security Act. The option of election not to review, as permitted by the applicable statute and regulation, is designed to exempt from review a few proposed capital expenditures for which a review is not necessary. In order to be considered for a DPPE decision for an elect not to review, one of the following criteria must be met:

- 1. Renovations to meet life safety codes.
- 2. Capital expenditures for emergency situations.

C) In the section on "Procedures for Requests for Adjustment to Long Term Care Resource Goals" (p.16), the first paragraph has been revised to require seven copies of the application rather than 10, as is currently required.

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

RULE

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

The Department of Health and Human Resources, Office of Preventive and Public Health Services, adopts the following rule pursuant to R.S. 40:33 and R.S. 40:38.1 and pertaining to issuance of certified copies of birth certificates by Clerks of District Courts.

Certified copies of birth certificates referenced above shall refer only to those copies certified by the state registrar as set forth in R.S. 40:33 et seq. To protect the integrity of vital records and ensure their proper use, birth certificates shall be issued by clerks of district courts in accordance with provisions set forth hereinunder:

- 1. All record searches and certifications shall be accomplished by vital records personnel.
- 2. All requests for certified certificates transmitted by clerks of court shall include fees as prescribed by R.S. 40:40 and proof of entitlement as prescribed by R.S. 40:41C.
- 3. Services to clerks of court shall be limited to sale of certified copies of birth certificates. Only the certification provided by the state registrar shall appear on any document, in turn, sold by the clerks of court.
- 4. Copies of documents released to clerks of court for sale shall not be filed, recopied or maintained by clerks of court for reissue or resale at a later date.
- 5. Requests and fees will be accepted from couriers of the clerks of court for pick up by said couriers within 24 hours. This

stipulation is predicated upon requests submitted in reasonable quantities that can be handled without compromising other mandated services. The state registrar may consider other processes mutually agreed upon with clerks of court which do not violate R.S. 40:33 et seq.

6. Clerks of court shall submit on their stationery a signed agreement indemnifying the state, the department and its employees harmless from any liability arising out of authorized or unauthorized access to vital records.

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

RULE

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

The Department of Health and Human Resources, Office of Preventive and Public Health Services is amending the base engineering consultation fee as contained in the regulations for the Fluoridation Program found in the *Louisiana Register*, Vol. II, No. 12, page 1158, I.B.(December 20,1985).

The current consultation fee has been changed as follows:

I. HEALTH ACTIVITIES

B. Health will provide funds for the payment for the services of a consulting engineer for the design and supervision of the installation of the fluoridating system, a fee of \$3,000 or 12 percent of the contract (excluding chemical costs) whichever is greater will be allowed.

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

RULE

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

The Department of Health and Human Resources, Office of Preventive and Public Health Services is amending the somatic cell count standard for Grade A Raw Milk for Pasteurization as prescribed by § 7:091 Sanitary Code, State of Louisiana.

The current standard has been changed as follows:
7:091 Grade A Raw Milk for Pasteurization Somatic Cell Count Individual Producer Milk: Not to exceed 1,000,000 per ml.

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

RULE

**Department of Health and Human Resources
Office of the Secretary**

The Department of Health and Human Resources, Office of the Secretary, has adopted the following rule in accordance with R.S. 17:2354.4 enacted by Act 416 (The Anatomical Gift Act) of the 1986 Legislative Session. (LAC 48:XI. Chapter 25) These regulations will establish standards related to the procurement of anatomical gifts needed for transplant, therapy, research and educational purposes.

§2501. Definitions

For purposes of these regulations, the terms contained herein are defined as follows:

A. *Designated representative.* The designated representative is an individual appointed by the hospital administrator to discharge the responsibility of making the request for consent to an anatomical gift.

B. *Suitable candidate.* A suitable candidate for an organ donation is one who is certified by the attending physician, at or immediately before the time of death to be suitable for any organ or tissue donation based on acceptable medical standards, and who has been released by the coroner in those instances required by law. As a general guideline, the physician or hospital designated representative should contact the appropriate organ or tissue procurement agency to confirm the acceptability of the candidate. A suitable candidate for an organ donation is one who is identified as an acceptable donor of organs, and who is determined by a physician or physicians to have sustained irreversible cessation of all functions of the brain, including the brain stem. As a general guideline, candidates who exhibit any of the following characteristics may be assumed to be unacceptable for organ donation:

- Over seventy years of age. °
- Dead on arrival ° °
- Prolonged cardiac arrest (longer than 20 minutes without a good return of pulse and blood pressure)
- Active transmissible disease
- Septicemia

C. *Death,* as used in these regulations, has the same meaning as R.S. 911: A person will be considered dead if in the announced opinion of a physician, duly licensed in the state of Louisiana based on ordinary standards of approved medical practice, the person has experienced an irreversible cessation of spontaneous respiratory and circulatory functions. In the event that artificial means of support preclude a determination that these functions have ceased, a person will be considered dead if in the announced opinion of a physician, duly licensed in the state of Louisiana based upon ordinary standards of approved medical practice, the person has experienced an irreversible total cessation of brain function. Death will have occurred at the time when the relevant functions ceased. In any case when organs are to be used in a transplant, then an additional physician, duly licensed in the state of Louisiana and not a member of the transplant team, must make the pronouncement of death.

° The hospital should contact the organ procurement agency if it requires assistance in determining the "suitability" of a donor.

° ° D.O.A. Donors may be acceptable for cornea/tissue donations. Individual tissue banks will provide guidelines for suitability.

D. *Administrator* means the chief operating officer of the hospital.

E. *Hospital* means any institution, place, building or agency, public or private, whether for profit or not, devoted primarily to the maintenance and operation of facilities for ten or more individuals for the diagnosis, treatment, or care of persons admitted for overnight stay or longer who are suffering from illness, injury, infirmity, or deformity or other physical condition for which obstetrical, medical, or surgical services would be available and appropriate. The term hospital does not include the following:

- a) Physicians' offices or clinics where patients are not regularly kept as bed patients for 24 hours or more;
- b) Nursing homes as defined by and regulated under the provisions of R.S. 40:2009.1 through R.S. 40:2009.12;

c) Persons, schools, institutions, or organizations engaged in the care and treatment of mentally retarded children and which are required to be licensed by the provisions of R.S. 28:562 through R.S. 28:566.

F. *Organ Procurement Agency (OPA)* means an organization which is designated by the HCFA under the end stage renal disease facility regulations to perform or coordinate the performance of the following services:

- procurement, preservation or transportation of donated kidneys; maintenance of systems to locate prospective recipients of provided organs.

The OPA may also perform these services for extrarenal vital organs.

G. *Tissue bank* as used under this part, refers to any organization which retrieves or banks bone, skin, dura mater or any other human tissue, including eyes and corneas.

H. *Curator* - a person authorized by law or appointed by a court of competent jurisdiction to administer the affairs of an interdicted adult in accordance with the provisions of Title IX, Book I of the Louisiana Civil Code.

I. *Tutor* - a person authorized by law or appointed by a court of competent jurisdiction to administer the affairs of or act as guardian for a minor in accordance with the provisions of Chapter 1, Title VIII, Book I of the Louisiana Civil Code.

J. Department of Health and Human Resources (DHHR) is the Louisiana Department of Health and Human Resources.

K. The Department of Health and Human Services (DHHS) is the federal Department of Health and Human Services.

L. HCFA is the Health Care Financing Administration of DHHS.

§2503. Designated Representative

The designated representative is the individual appointed by the hospital administrator to discharge the responsibility of making the request for consent to an anatomical gift. The designated representative must be a professional who has completed an approved training program. Staff appropriate to serve as designated representatives include physicians, nurses, transplant coordinators, professional administrative staff, case managers, social workers, discharge planners, clergy, organ procurement agency staff, or designated representatives employed by other hospitals and engaged through written cooperative agreements.

§2505. Training Program

A. Designated representatives must complete a training program approved by DHHR. Such programs shall be provided by organ procurement agencies under the auspices of DHHR until such time as a Unified Organ Procurement Agency for the state of Louisiana is formed. At that time, the Unified Organ Procurement Agency will have responsibility for providing the DHHR approved training to potential designated representatives, and update or refresher courses as necessary.

B. The content of the training program shall address, at a minimum:

1. the current nature and structure of the program in Louisiana;
2. the nature of consent and the legal requirements for informed consent;
3. relevant state and federal legislation;
4. medical issues in organ and tissue donation;
5. identification of "suitable candidates";
6. procedures for notification and involvement of the organ procurement agency or tissue bank;
7. documentation of consent and completion of the certificate of request;

8. social, cultural and emotional considerations of dealing with bereaved families, social, cultural, ethical and religious factors affecting attitudes toward organ donation;

9. procedures for declaring death, collecting and preserving organs and tissues; the explanation of these procedures to the decedent's family;

10. obtaining coroner's consent;

11. obtaining consent from the family.

§2507. Retrieval Agencies

A. Organ procurement agencies and tissue banks in Louisiana shall apply to DHHR to be placed on the list of agencies authorized to receive donations under this Section. Such agencies shall be operated on a non-profit basis.

B. An organ procurement agency must be designated by the HCFA under the end stage renal disease facility regulations to perform or coordinate the performance of the following services: - procurement, preservation or transportation of donated kidneys; maintenance of systems to locate prospective recipients of provided organs.

C. Organ procurement agencies may also participate in the procurement, preservation or transportation of extra-renal organs, and other usable body tissue. Organ procurement agencies shall be associated with transplant centers that are members of the United Network for Organ Sharing (UNOS) and the South-Eastern Organ Procurement Foundation (SEOPF).

D. A tissue bank is a program which engages in the procurement, preservation or transportation of bone, skin, eyes, dura mater or any other usable body tissue.

§2509. Procedures for Obtaining Consent

A. When a death occurs in a hospital to a person determined to be a suitable candidate for organ or tissue donation, the hospital administrator or designated representative shall request of the appropriate person(s) identified in Subsection E of this section to consent to the donation of any part of the decedent's body as an anatomical gift.

B. The hospital must request consent for the donation when a suitable candidate is identified, except when it has reason to believe such donation would be contrary to the decedent's intentions or religious beliefs, or to the intentions or beliefs of the persons described in Subsection E.

C. When a suitable candidate is identified and the hospital

1) elects not to pursue consent because of circumstances identified in B (above), or

2) the family does not give consent, the designated representative shall complete the certificate identified in Subsection H and forward a copy to the OPA.

D. The hospital or its designated representative must make reasonable efforts to locate the next of kin identified in Subsection E and to request consent. "Reasonable efforts" shall include, in priority order:

- face to face contact,

- telephone contact,

- any other effort suitable to logistical and medical considerations. "Reasonableness" shall also be determined within the timeframes, relevant to the retrieval and transportation of the organ(s) or tissues to be donated. When the designated representative has exhausted all reasonable efforts within the timeframes available for the useful retrieval of the anatomical gifts, and has not obtained consent, he shall complete the certificate identified in Subsection H. The hospital shall forward a copy of the certificate to the organ procurement agency. The completed certificate for any anatomical gift request shall be included in the decedent's medical records.

E. Persons qualified to give consent, are, in priority order:

1) the spouse, if one survives, if not,

2) an adult son or daughter,

3) either parent,

4) an adult brother or sister.

5) the curator or tutor of the person of the decedent at the time of death,

6) any other person authorized or under obligation to dispose of the body of the decedent.

Consent or refusal need be obtained only from the person in the highest priority class available, after best efforts have been made to contact persons in a higher priority class. If there is more than one person in a class available, then consent to the donation must be made by all members of that class currently available.

The hospital or designated representative shall document the consent through signature on the consent certificate, through telephone confirmation taped, transcribed or other documentation as appropriate.

F. Upon approval of the donation as identified in Subsections A and E (above), the hospital administrator or designated representative shall notify an appropriate organ procurement agency or tissue bank from the list of agencies authorized to receive donations under this Section and shall cooperate in the procurement of the anatomical gift.

G. Pursuant to Subsections A, C, D, and E, above, the hospital or designated representative shall complete the certificate of request form prepared by DHHR. When the hospital or designated representative obtains, or exhausts attempts to obtain consent, a copy of the certificate shall be forwarded to the organ procurement agency within three working days. The certificate shall be attached to the decedent's medical record.

H. The certificate of request form shall include, at a minimum, the following elements:

1) the name of the patient;

2) the date and time of death;

3) the cause (diagnoses) of death;

4) the name and affiliation of the person(s) making the

request:

5) a statement indicating that the request was made;

6) an indication of what organs/tissues were requested;

7) an indication of for which request consent was

granted or denied, .

8) the name of the person granting or refusing the re-

quest, and his relationship to the decedent;

9) the name of the OPA notified;

10) an indication of which organs and tissues were pro-

ceded;

11) the signature of an appropriate witness.

I. Organ procurement agencies, or the statewide Unified Organ Procurement Agency, upon formation of such agency, shall report annually to DHHR on the status of the organ procurement and transplant program. This report shall be due by March 31 of each year.

§2511. Coordination Between Hospitals and Procurement Agencies

A. When a suitable candidate for an organ donation has been identified, the hospital shall engage the services of an appropriate organ procurement agency, and that organ procurement agency shall engage an appropriate tissue bank, if necessary, to coordinate retrieval activities. When the candidate is suitable for donation of tissues only, the hospital will notify the tissue bank directly and proceed with retrieval activities.

B. The organ procurement agency shall have a written

letter of agreement with each hospital in its service area by July 1, 1987.

The letter of agreement shall identify, at a minimum, the following:

- criteria for identification of "suitable candidates",
- procedures for engagement of the services of the organ procurement agency,
- procedures for identification of costs and charges of retrieval-related expenses, and
- timeframes for the effectiveness of the agreement and update(s) of the agreement.

C. Tissue banks shall develop written letters of agreement with the hospitals in their service area by July 1, 1987. The letter of agreement shall identify, at a minimum:

- criteria for identification of "suitable candidates,"
- procedures for engagement of the services of the agency,
- procedures for identification of costs and charges of retrieval-related expenses, and procedures for billing for those expenses, and
- timeframes for the effectiveness of the agreement and update(s) of the agreement.

D. Organ procurement agencies and the tissue banks in their service areas shall develop written letters of agreement by July 1, 1987. These letters of agreement shall identify, at a minimum:

- criteria for identification of "suitable candidates",
- procedures for engagement of the services of the agency,
- procedures for identification of costs and charges of retrieval-related expenses, and procedures for billing for those expenses, and
- timeframes for the effectiveness of the agreement and update(s) of the agreement.

§2513. Authorized List

Organ procurement agencies, tissue banks, and other retrieval organizations in Louisiana shall apply to DHHR by January 1, 1987 to be placed on a list of agencies authorized to receive donations under this Section. Such agencies shall provide proof of their non-profit status at the time of application. Organ procurement agencies shall be affiliated with transplant centers that are members of the United Network for Organ Sharing (UNOS) and the South-Eastern Organ Procurement Foundation (SEOPF). Tissue banks shall adopt standards for excision, preparation, storage and distribution that meet those provided by the American Association of Tissue Banks, the South-Eastern Organ Procurement Foundation, or any other nationally recognized standard of practice. A statement identifying the adherence to such standards shall be provided at the time of application. Eye banks shall adopt medical standards promulgated by the Eye Bank Association of America or any other nationally recognized standard of practice. A statement of adherence to such standards shall be provided at the time of the application.

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

RULE

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources, Office of the Secretary, Civil Rights Bureau, has adopted the following

rule: "Equal Delivery of Services and Discrimination in Service Provision." The adopted rule is in accordance with the Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000 et seq.) Title 45 of the Code of Federal Regulations, Part 80, Section 504 of the Rehabilitation Act of 1973 and in accordance with those provisions of federal and state laws which prohibit discrimination in the delivery of services funded through DHHR Block Grants (P.L. 97-35 and R.S. 49:673).

SERVICES AND/OR BENEFITS COMPLAINT POLICY AND PROCEDURES

Policy Statement on Equal Delivery of Services

The Department of Health and Human Resources (DHHR) reaffirms its policy for the equal delivery of services and will administer all programs and conduct its business, either directly or indirectly or through contractual or other arrangements in accordance with Title VI of the Civil Rights Act of 1964. (42 U.S.C. 2000 et seq.), Title 45 of the Code of Federal Regulations, Part 80, as amended through July 5, 1973, Section 504 of the Rehabilitation Act of 1973 as amended (29 U.S.C. 706) and in accordance with those provisions of federal and state law which prohibit discrimination in the delivery of services funded through Block Grants (P.L. 97-35 and R.S. 49:673), and the Agency's Statement of Compliance.

No person shall, on the ground of race, color, national origin, or handicap be excluded from participation in; be denied the benefits of, or be subjected to discrimination under any program or activity conducted in this agency. The Department of Health and Human Resources will take appropriate action to insure that the above will be implemented at all levels of administration.

The secretary, Department of Health and Human Resources, has overall responsibility for the policy and program development under Title VI of the 1964 Civil Rights Act and Section 504 of the Rehabilitation Act of 1973. Responsibility for the coordination and implementation has been placed with the director of the Civil Rights Bureau.

Any person who believes that he or she, or any specific class of persons, has been subjected to discrimination covered by Title VI or Section 504 of the Rehabilitation Act of 1973, as amended, may without fear of reprisal or coercion, file a written complaint with the director, Civil Rights Bureau at 200 Riverside Mall, Suite 118, Baton Rouge, LA 70821, or the Dallas Regional Office for Civil Rights, 1200 Main Tower, Dallas, TX 75202.

It is the policy of the Department of Health and Human Resources to resolve all complaints alleging discrimination based on age, race, color, sex, handicap, religion, national origin and/or political belief in the provision of any Agency services. Any person who believes that he or she or any specific class of persons have been subjected to discrimination in any agency program, may personally or by a representative file a written complaint. The identity of the complainants will be kept confidential except to the extent necessary for conducting of the investigation. Any act or acts of intimidation or retaliation against any individual making a complaint shall be prohibited.

Applicability

The policy shall apply to all DHHR offices providing financial, social or health care services. The policy shall also apply to any Agency providing these services directly or indirectly or through contractual or other arrangements in accordance with those provisions of Federal and state laws which prohibit discrimination in the delivery of services. This complaint procedure carries out the regulations for: Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 and Federal

Block Grants (P.L. 97-35) administered by DHHR.

Standards

1. A complaint may be filed with DHHR - Civil Rights Bureau, DHHS - Office of Civil Rights or USDA at the following addresses: Department of Health and Human Resources, Office of the Secretary, Civil Rights Bureau, 200 Riverside Mall, Suite 118, Baton Rouge, LA 70821. Department of Health and Human Services, Regional Office for Civil Rights, 1200 Main Tower, Suite 1900, Dallas, TX 75202. U. S. Department of Agriculture, Office of the Secretary, Washington, DC 20250.

Those complaints in the Food and Nutrition Service Program (FNS) (administered by the Office of Family Security), including Food Stamps, that allege discrimination but have other programmatic problems will be referred to the Appeals Section, DHHR, Office of the Secretary.

Those Civil Rights complaints received by the Appeals Section, DHHR, Office of the Secretary, will be referred to the Civil Rights Bureau.

2. The complaint must be filed no later than 180 days from the date of the alleged discriminatory act or acts.

3. The complaint must describe the type of discrimination alleged, indicate when and where such discrimination took place, and describe all pertinent facts and circumstances surrounding the alleged discrimination.

4. After determining that the complaint falls within the jurisdiction of DHHR, Office of Civil Rights, the Director of Civil Rights Bureau, DHHR, will initiate a prompt and thorough investigation of the complaint.

5. The complainant must be given a status report within 30 days of receipt of the complaint.

6. DHHR, Civil Rights Bureau, will maintain records to show the nature of the complaint; the details of the investigation, and the action taken.

7. Quarterly reports of complaints will be submitted to the Secretary, DHHR.

8. All complaint records will be available for review by DHHS, USDA and other responsible federal officials.

Procedures

1. All complaints will be acknowledged within five working days of receipt of complaint.

2. The complaint investigation will include but not be limited to the following steps (a minimum of steps a, b, and d must be followed in all investigations):

a. interviewing the complainant to get all details of the complaint;

b. interviewing community leaders and others who would be in a position to provide further information;

c. contacting the office of the facility complained against to secure information about the complaint incident and the overall arrangement for providing services, and

d. obtaining copies of any appropriate documents, records or statistics which would support or rebut the complaint.

3. After the investigation, the investigator for Civil Rights Bureau will determine the validity of the complaint and advise the complainant and agency complained against in writing of the determination.

4. If it is concluded that the complaint is valid, necessary steps must be taken by the office's assistant secretary or agency administrator to correct the discriminatory practice within a designated period of time and to prevent any recurrence of such practices.

** The Civil Rights Bureau shall submit to Food and Nutrition Service a report on each Food Stamp discrimination complaint. The report shall contain the findings of the investigation and, if appropriate, the

corrective action planned or taken.

Steps 2 and 3 of the procedure will be completed within 60 days from receipt of a complaint, or within such additional time as may be allowed by the Civil Rights Bureau for good cause shown. In the written notice of the decision, the complainant shall be advised that if he/she is not satisfied with the decision, it may be appealed to DHHS, Office of Civil Rights, USDA or other appropriate federal regulatory agencies.

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

RULE

Department of Natural Resources Office of Conservation

The assistant secretary of the Office of Conservation, under the authority of Act 763 of the 1986 Regular Session of the Legislature, promulgates these rules of procedure for the administration of the Louisiana Economic Acceleration Program (LEAP).

1. A "Certified LEAP oil and natural gas well" (LEAP well) is one designated as such by the assistant secretary of conservation, Department of Natural Resources, following a public hearing and after determining that:

a) the well is a "discovery well" permitted as a "wildcat well" during the time period provided for herein, or a subsequent "developmental well" in the same field likewise during the time period provided for herein,

b) acceptance of a well by the Office of Conservation as a "wildcat well" for LEAP certification purposes shall not necessarily be determined by the field designation on the drilling permit issued by the Office of Conservation or the field name subsequently issued by the Office of Conservation, it being intended, however, to continue the same field name designations unless otherwise required under existing policy and regulations of the Office of Conservation.

2. A "wildcat well" is a well that is drilled, completed, and produced during the time period provided for herein from a pool which has not produced or known to have been capable of producing hydrocarbons in commercial quantities. A well drilled in a contiguous fault segment of a sand that was either producing or capable of production prior to July 1, 1986, or which is subsequently recompleted in a sand previously penetrated from a well that was drilled, completed, and/or produced prior to July 1, 1986, is not considered a wildcat well. Upon successful completion, the "wildcat well" is then recognized as a "discovery well."

3. A "developmental well" must be drilled and completed to a pool previously discovered by a "wildcat well."

4. The discovery well and subsequent developmental wells in the same field must be completed between July 1, 1986, and January 1, 1990, or the date on which the posted price of West Texas Intermediate of the United States bench mark crude equals or exceeds \$29.50 per barrel, whichever occurs first.

5. The drilling operator must certify that Louisiana residents were employed to the maximum extent possible during exploration and production activities in connection with the well.

6. The drilling operator must certify that, to the maximum extent possible, at least 10 percent of the operator's service contracts related to the well have been made available to minority-owned businesses. A "minority-owned business" is one that is certified as such by the Governor's Office of Minority Business Development, Box 94095, Baton Rouge, La 70804-9095.

7. The application for LEAP well certification shall include:

a) identification of the potential production zone, its depth, location, geology and engineering data. Such data must show that the production reservoir is geologically separated (structurally and/or stratigraphically) from the nearest reservoir that has produced, or known to have been capable of producing hydrocarbons,

b) in order to be geologically separated (structurally and/or stratigraphically), submission of geological and engineering evidence supporting such classification and shall include electric logs, structure maps, isopachs, bottom hole pressure and production history. It is not intended to exclude from classification as wildcat wells those wells which are deepened and sidetracked in previously designated units, but recompleted in previously non-producing reservoirs located in such fields or units,

c) certification that, to the maximum extent possible, Louisiana residents were employed during the exploration and production activities undertaken in connection with the well,

c) certification that, to the maximum extent possible, at least 10 percent of the operator's service contracts related to the well were made available to minority-owned businesses.

8) If, after consideration of the application and the proceedings of a public hearing held to establish the well's status with regard to the LEAP well criteria, the assistant secretary determines the well qualifies as a LEAP well, he shall issue an order recognizing the well as a LEAP well.

9) Rules of Procedure shall be effective on or after December 20, 1986.

Herbert W. Thompson,
Commissioner of Conservation

RULE

Department of Public Safety and Corrections Liquefied Petroleum Gas Commission

In accordance with the provisions of R.S. 49:950, the Administrative Procedure Act, and R.S. 40:1846 relative to the authority of the Liquefied Petroleum Gas Commission to make and enforce rules and regulations, the commission adopted the following amendments to LAC 55.IX, Chapters 1 and 11.

Chapter 1. General Requirement

§113. Classes of Permits

A.13 Where fuel is used direct from cargo tank an approved valve with proper excess flow device shall be used. Connector to vehicle's engine shall be approved for such use and protected from mechanical injury.

G. 6.j. Where fuel is used direct from cargo tank an approved valve with proper excess flow device shall be used. Connector to vehicle's engine shall be approved for such use and protected from mechanical injury.

Chapter 11. LP-Gas as a Motor Fuel

§1101. Capacity of Containers

B. Use of fuel from cargo containers: Fuel may be used from cargo containers. The use of fuel from cargo containers to operate stationary engines is permitted providing wheels are securely blocked.

Lionel T. Ortego
Director

RULE

Department of Revenue and Taxation Sales Tax Section

§305.40 Exclusions and Exemptions; Purchases of Mardi Gras specialty items

R.S. 47:305.40 grants an exemption from the state sales and use taxes levied under this Chapter on purchases of specialty items for use in connection with Mardi Gras activities. The exemption is available to (1) carnival organizations domiciled within Louisiana that plan to sponsor either a Mardi Gras ball or parade during the next Mardi Gras season, and (2) non-profit organizations domiciled within Louisiana that plan to participate in a parade sponsored by a carnival organization.

Each such eligible organization shall annually request and obtain from the Department of Revenue and Taxation a Certificate of Exemption that may be presented to vendors of specialty items in lieu of the tax at the time of purchase. The request may be either in the form of a letter or on forms supplied by the Department of Revenue and Taxation, and shall contain the following information:

1. name and address of the organization.
2. type of organization: either
 - a. carnival organization sponsoring a parade or ball during next Mardi Gras season, or
 - b. non-profit organization participating in a carnival organization parade during next Mardi Gras season.
3. event or events to be sponsored or participated in for which tax-free purchases are being made.
4. type of specialty items to be purchased tax-free under the authority of the exemption certificate.
5. name of the officer authorized to make purchases on behalf of the organization.
6. name and signature of the officer of the organization making the request.

Sub-section B. defines "specialty items" for purposes of the exemption as those items which are specially designed for the carnival or non-profit organization and bear the organization's name or insignia. Examples of such items are doubloons, necklaces, beads, throws, cups, and coasters. Other types of specialty items may also qualify for the exemption if they are purchased for use in a Mardi Gras activity, bear the name or insignia of the organization, and are either for free distribution to the public or for use in conjunction with a Mardi Gras ball, such as flags, posters, invitations, programs, decorations, napkins, and tablecloths.

The resale of specialty items by the purchasing organization to its members shall be regarded as exempt sales under the provisions of this Section, but only when those items are used exclusively in conjunction with a Mardi Gras parade or ball. The sale of novelty items such as shirts and hats, on a continuing basis, which are not used exclusively in conjunction with a Mardi Gras parade or ball, shall be regarded as taxable sales under the provisions of this Chapter.

Shirley McNamara
Secretary

RULE

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

Pursuant to the authority granted by R.S. 42:871(c) and

R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended the Plan Document as follows:

Article 2, Section II (C), page 26, shall be amended to read as follows:

“(C). On the last day of the month in which the dependent ceases to be an eligible dependent of the covered employee as defined in this contract;”

James D. McElveen
Executive Director

RULE

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

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended its election rules as follows:

I. Uniform Election Dates

A. Elections for the Board of Trustees will be conducted as follows:

B. First Monday in March - Group Benefits submits nomination sheets to agency's designated invoice coordinator.

C. First Monday in April - Nomination cut-off date - Completed petitions for candidacy must be received in the Baton Rouge office of the executive director of the State Employees Group Benefits Program no later than 4:30 p.m.

D. Second Monday in April - Drawing at State Employees Group Benefits Program office in Baton Rouge to determine the position each candidate will have on the ballot. All candidates are invited to attend or send a representative.

E. Prior to first Monday in May, ballots will be sent to proper authority for distribution.

F. Second Monday in June - COB - Deadline for receiving ballots in State Employees Group Benefits Program office.

G. Third Monday in June - All ballots counted.

H. Election results promulgated at next Board of Trustees meeting following the counting of ballots.

II. Elected Membership of Board of Trustees

A. Elections will be held during the appropriate year, to elect one board member for a four-year term from the ranks of the following:

1. The Department of Transportation and Development.

2. The Department of Health and Human Resources.

3. The Office of the Governor and the Division of Administration.

4. The personnel of the public institutions of higher education.

5. The teachers and other personnel of the elementary and secondary education system of the state.

6. The retired state employees.

7. All other employees participating in the program (at large candidates) that are not teachers and other personnel of the elementary and secondary education system, personnel of the public institutions of higher education, personnel of the Department of Health and Human Resources, personnel of the Department of Transportation and Development, the Office of the Governor and the Division of Administration, or a retired state employee.

B. Candidate Eligibility

1. A candidate for a position on the Board of Trustees must be a participant in the program as of the specified member-

ship date.

2. If elected, the board member must continue to be a participant in the program during his tenure on the board.

C. Election Procedures

1. Petitions for Candidacy

a. To become a candidate, a person must be nominated by petition of 25 or more participants in the State Employees Group Benefits Program from the ranks of the employees they will represent.

b. The petitioning participants' signature must be accompanied by their social security number.

c. Petitions for candidacy must be received in the Baton Rouge office of the executive director of the State Employees Group Benefits Program no later than 4:30 p.m. on the first Monday in April of the year an election is to be held. The State Employees Group Benefits Program shall verify that each candidate is a participant in the program and a member of the category of employees from which he is to be elected. The State Employees Group Benefits Program shall also verify that each person signing the petition for candidacy is a participant in the program and eligible to vote for the candidate whose petition he signed.

2. Ballot Preparation and Distribution

a. Ballot positions of candidates will be determined by a drawing.

b. All candidates will be notified of the time and place of the drawing.

c. All candidates or his/her representative may attend the drawing.

d. Except for state retirees, ballots and information sheets on candidates will be distributed to each assigned Group Benefits invoice coordinator (agency contact) for distribution.

3. Balloting Procedure

a. All participants enrolled in the Group Benefits Program on the specified membership date are eligible to vote.

b. A ballot will be distributed to all eligible active employee group plan participants by the Group Benefits invoice coordinator. All eligible persons voting for the retiree representative will be mailed a ballot.

c. Each eligible plan member may cast only one vote for any candidate listed on the ballot.

d. Ballots must be returned in envelope provided.

i. Signature of the voting member must appear on the official ballot envelope for comparison with the records of the system.

ii. Envelopes containing more than one ballot will not be accepted.

iii. Ballots must be received no later than 4:30 p.m. in the office of the State Employees Group Benefits Program on the second Monday in June in the year in which an election is held.

iv. The sealed, postmarked or stamped-received envelope will be placed in the ballot file for opening by the Ballot Counting Committee, thus assuring that only members vote and an absolute secret ballot is maintained.

4. Ballot Counting

a. The ballots will be counted by the Ballot Counting Committee.

b. The Ballot Counting Committee shall be composed of employees of the State Employees Group Benefits Program, appointed by the executive director.

c. The Ballot Counting Committee and all candidates will be notified of the time and date fixed for tallying the ballots.

d. The Ballot Counting Committee will be responsible for the opening, preparation, and counting of the ballots.

e. All candidates or his/her representative may observe

the ballot counting procedure.

5. Election Results

a. The executive director will certify the election results to the Board of Trustees.

b. The Board of Trustees will announce the election results at the first regularly scheduled board meeting following the election.

c. The Board of Trustees will notify the successful candidates of their election.

d. The Board of Trustees will certify the election results to the Secretary of State.

III. Selection of Minority Members to the Board of Trustees

A. Two members of a minority race, as defined below, who are state employees and participants in the State Employees Group Benefits Program will be appointed to the board pursuant to R.S. 42:872 and these rules.

B. The following groups of persons are hereby designated as a minority.

1. Black - Not of hispanic origin. Persons having origin in any of the black racial groups of Africa.

2. Hispanic - Persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish cultures or origin regardless of race.

3. American Indian or Alaskan Native - Persons having origins in any of the original peoples of North America who maintain cultural identification through tribal affiliation or community recognition.

4. Asian or Pacific Islander - Persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Sub-continent or the Pacific Islands.

C. Any interested person meeting the requirements of Rule 1 may apply for appointment to the board by forwarding to the Chairman of the Board:

1. A petition signed by at least 25 state employees who are participants in the State Employees Group Benefits Program shall verify that each candidate is a participant in the program and that each person signing the petition for candidacy is a state employee and a participant in the program; and

2. A resume outlining the experience and qualifications of the minority applicant.

D. The petition and resume must be sent to: Chairman, Board of Trustees, State Employees Group Benefits Program, Baton Rouge, LA.

E. All applications for appointment must be received prior to the close of business on March 31, of the year in which the incumbent minority members' terms end.

F. The board, or any committee thereof, may interview any or all of the applicants for membership on the Board of Trustees.

G. Minority board members shall be appointed to serve a term of four years.

IV. Filling of Vacancies

Vacancies occurring on the Board of Trustees shall be filled in accordance with law.

James D. McElveen
Executive Director

RULE

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

Pursuant to the authority granted by R.S. 42:871(c) and

R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended the Plan Document as follows:

Substitute the following for the language contained in the first paragraph under Article 3, Section I (G), page 28:

"The following shall be considered eligible expenses under Comprehensive Medical Benefits when prescribed by a physician and medically necessary for the treatment of a covered person:"

James D. McElveen
Executive Director

RULE

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

The following rule adopted by the Wildlife and Fisheries Commission on November 7, 1986 amends LAC 76:VII. 103.B.

**Chapter 1. Freshwater Sport and Commercial Fishing
(amended)**

§103. Anacoca Lake, Lake Vernon and Anacoco Bayou

B. Therefore, be it resolved, the Louisiana Wildlife and Fisheries Commission hereby prohibits the use of fish nets (gill nets, trammel nets, hoop nets, fish seines) in Anacoco Lake, Lake Vernon and that portion of Anacoco Bayou between the two lakes, Vernon Parish, LA.

J. Burton Angelle
Secretary

RULE

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

The following rule was adopted by the Louisiana Wildlife and Fisheries Commission at its regular meeting held in Baton Rouge, LA.

**Chapter 3. Saltwater Sport and Commercial fishing
(adopted)**

§306. Cypremort Point State Park - Netting Prohibition

A. Recent emergency provisions adopted by the Louisiana Wildlife and Fisheries Commission under the authority of R.S. 56:317 prohibit the use of gill nets, trammel nets, seines and trawls from the Cove immediately adjacent to Cypremort Point State Park, St. Mary and Iberia Parishes, LA. The area to be closed shall be landward of a line from the point commonly known as Blue Point to the point of land commonly known as Cypremort Point, including all waters therein to the existing shoreline.

B. This prohibition was adopted because of interference of commercial and recreational activities, fish remains and trash being washed ashore from commercial fishing activities causing health hazards to swimmers, fishermen, children and other water users.

J. Burton Angelle
Secretary

RULE
Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Title 76
Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sport and Commercial Fishing
(Adopted)

§121. Fish Allowed South of the Saltwater Line

A. In accordance with the provisions of Acts 844 and 904 adopted by the Louisiana Legislature during the 1986 regular session, the following list of fish may be taken south of the saltwater line as described in R. S. 56:322.A, by recreational fishermen without the purchase of a saltwater angling license.

B. This list in no way implies biological preference, distribution or requirements for the listed fish.

Family Name	Sturgeon Name	Examples
Acipenseridae	Sturgeon Family	Atlantic Sturgeon
Polyodontidae	Paddlefish Family	Paddlefish
Lepisosteidae	Gar Family	Gars
Amidae	Bowfin Family	Bowfin
Cyprinidae	Minnnow Family	Carp, etc.
Catostomidae	Sucker Family	Smallmouth buffalo Bigmouth buffalo Black buffalo, etc.
Ictaluridae	Freshwater Catfish Family	Blue catfish Channel catfish Flathead catfish, etc.
Percichthyidae	Temperate Bass Family	White bass Yellow bass Striped bass Hybrid striped bass
Centrarchidae	Sunfish Family	Warmouth Bluegill Largemouth bass White crappie Black crappie, etc.
Sciaenidae	Drum Family	° Freshwater drum

° Only member of family Sciaenidae considered freshwater.

J. Burton Angelle
 Secretary

RULE
Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission amended LAC 76:VII.501 (the Louisiana Department of Wildlife and Fisheries Seafood Division Policies) pertaining to oyster fisheries to comply with R.S. 56:429 concerning the holding of a public auction to dispose of leases that are in default of annual rent and to compile a single document containing previously approved survey section rules.

Title 76
Wildlife and Fisheries
Part VII. Fish and Other Aquatic Life

Chapter 5. Oysters

§501. Oyster Leases

A. Office Policies and Procedures

1. Office hours will be from 8:30 a.m. to 4:30 p.m., Monday through Friday excluding state holidays.

2. No one is to go into the lease document or quadrangle files, or application registration without permission of and accompaniment by designated office personnel.

B. The Taking of Oyster Lease Applications

1. a. There shall be a 50-foot buffer zone established between new leases. However, by mutual written consent of applicants of adjacent water bottoms the lease boundaries may be common.

b. Where distances between oyster leases are 200 feet or less, no applications or leases shall be taken or issued except that the intervening space may be shared equally by the existing lessees or applicants if properly applied for and leased in accordance with existing policies and practices.

c. No new applications will be taken or leases issued having widths less than 300 feet except as follows:

i for closing corners not to exceed a distance (length) of 500 feet.

ii in bayous (or similar configurations; connections or cuts between bays, lakes and ponds, etc.) not less than 100 feet or where less than that width it shall be the full width with a subservience clause prohibiting an impedance of reasonable navigation, lessees in these areas shall receive preference where erosion, subsidence, etc., occurs resulting in an enlargement of the water bottoms for leasing adjacent areas for a period of five years.

d. Any applications for an oyster lease may be contoured to follow the shoreline.

2. If an applicant cannot keep his appointment with the surveyor, and fails to notify the survey office by noon on the Thursday prior to the date of the scheduled survey, his application shall be cancelled. Applicant will be notified of action taken, and given an opportunity to reinstate application with an additional payment of survey fee within 14 days of cancellation notice, at which time the applicant shall advise the survey section on which day he or a representative will be available for rescheduling within 14 to 30 days. If the applicant fails to keep this second appointment, the application shall be cancelled without the option of reinstatement. If the applicant fails to meet the appointment but notifies the survey section of vessel breakdown or inclement weather prior to the appointment time, then he will advise the survey section office on which day he or a representative will be available for rescheduling within 14 to 30 days. If he fails to meet this second appointment, his application will be cancelled. When the department surveyor cannot keep his appointment, all efforts will be made to notify the oyster farmer/applicant.

3. If any survey by the surveyor of the department shows an overlap, the department will abstract the leases involved and eliminate the overlap at its expense by giving the overlapped area to the longest continuously uninterrupted lease, notifying the lessees/applicants of the action. If any survey by a private surveyor shows an overlap, a lease shall not be issued until such time as overlap is corrected at no expense to the department.

4. All applicants must appear in this office to place applications for survey and lease, or provide power of attorney to agents to act in their behalf.

5. Annual rental notices will be mailed to lessees at least 30 days in advance of due date which is January 1 of each year.

6. A fee of \$10 per lease will be charged for transfer of oyster lease.

7. A fee for all extra maps, leases, plats or documents, will be charged as follows:

All maps	-	\$10 per copy
Plats	-	\$ 5 per copy
Lease Documents	-	\$ 5 per copy
Other material	-	\$ 1 per copy

8. Survey Application Fees:

a. Survey application fees for new leases after the moratorium is lifted will be as follows:

Acres	Dollars
10 or less	\$100
11 - 20	\$150
21 - 200	\$2.50 additional for each acre after 20
201 - 1000	\$1.50 additional for each acre after 200

b. Survey application fees on leases expiring by 15-year limitation are established as follows:

Acres	Dollars
10 or less	\$70
11 - 20	\$105
21 - 200	\$1.75 additional for each acre after 20
201 - 1000	\$1.15 additional for each acre after 200

c. Survey application fees for restakes of one's own lease are established as follows: \$25 per shot point.

d. Survey application fees for restakes of someone else's lease are established as follows: \$90 for the first two shot points; \$50 for each additional shot point thereafter.

e. The survey section shall notify owner(s) of lease to be restaked.

9. If an oyster farmer knowingly has a private surveyor survey over an existing lease or application, that application is cancelled and will constitute cause for the private surveyor to be barred from surveying oyster leases for a one-year period.

C. Private Surveyors Surveying Oyster Leases for Oyster Farmer

1. All surveyors must appear in person in the office of the survey section of the Department of Wildlife and Fisheries to research information pertinent to their surveys.

2. Surveyor to be charged the basic rate for copies of documents needed.

3. All controls and corners of oyster surveys to be tied into the Louisiana State Plane Coordinates System.

4. All surveys must comply with R.S. 56:427 B which requires the lease not to exceed the initial application by more than 10 percent compliance by negotiation with the applicant. If unacceptable, application will be cancelled and all fees forfeited.

5. Surveyors to execute properly surveyor's certificate appearing on reverse side of original application on file in the Oyster Lease Survey Section, or a photocopy of the original.

6. Surveyors must furnish the Department of Wildlife and Fisheries Survey Section with the original field notes on standard 4-1/2 x 7-1/2 looseleaf sheets.

7. Surveyors to note in the original field notes any activity in or adjacent to or on surveyed area, or any existing structures, etc.

8. Survey plats to be drawn on forms furnished by the Louisiana Department of Wildlife and Fisheries Oyster Lease Section and original tracing to become the property of same.

9. The acreage of all surveys, even though calculated to tenth or hundredth of acre, to be rounded off to the next highest acre.

10. Application number and ownership on all survey plats to be shown on original application.

11. No land area to be included in survey. Probing to be done at random throughout the surveyed area to determine type of bottom and results noted on original field notes, along with tidal information.

12. Use standard signs and symbols.

13. The Louisiana Department of Wildlife and Fisheries, Survey Section will provide all information needed to perform the survey.

14. Noncompliance with the above 12 items (C, 1-12) after 30-day notification from the department by certified mail, shall result in cancellation of the application and forfeiture of all fees to the department.

D. 1. Complaints in the field are to be handled in the following manner.

a. The oyster farmer should allow the survey to be completed in all situations. The surveyor has his instructions.

b. If the oyster farmer is dissatisfied with the survey after completed, he may register his complaint with the survey office within 14 days of date of survey.

c. Survey crew is to note that the oyster farmer will complete the survey under protest at time survey is being performed.

d. If the oyster farmer prevents survey from being completed in the field, his application will be cancelled. The oyster farmer has 14 days from postdate on letter notifying him of said cancellation to come into the office and pay survey fee and have application reinstated.

2. In an effort to comply with R.S. 56:425 D, which allows the department to settle disputes and R.S. 56:427 C requiring compact leases, and policy B-1, the department has the authority to grant applications to settle boundary disputes particularly as it is associated with shoreline erosion.

E. Oyster Lease Posting Requirements

1. In an effort to comply with R.S. 56:430, (B), and to keep within the constraints of Title 14, Section 63, dealing with criminal trespassing, the following are the posting oyster lease requirements:

a. The oyster lessee or person seeking to post the oyster lease shall place and maintain signs along the boundaries of the property or area to be posted. These signs shall be written in the English language.

b. The signs shall have letters at least three inches in height and shall be of sufficient size and clarity to give notice to the public of the location and boundary of the oyster lease. The signs shall be placed and maintained at intervals of not more than one-fifth of a mile and shall be at least three to twelve feet above the water level.

c. At the main entrance to the property and at no less than at all corners along the boundary of said property, the party seeking to post same shall include his name or initials in addition to the lease number.

d. In marsh areas and canals, posted signs shall also be placed at all major points of ingress and egress.

e. In open water all signs are to be placed facing outward.

F. 1. Applications will remain in effect for a period of three years. At the end of three years any applications not surveyed by this department or a private surveyor will be cancelled.

2. Upon death of an applicant the estate will have 180 days to appoint a representative to deal with the survey of applications. If the department has not been notified within 180 days the application will be cancelled and survey fees will be retained.

G. 1. Upon lifting of the moratorium a date will be set for the taking of appointments to make applications.

2. Each appointment will be for a 30-minute period and will allow the applicant to make one application.

3. If all applicants have received appointments and there are still openings, an applicant can go to the end of the line and make another appointment for one application. An applicant may continue to go to the end of the line and make appointments as long as applications are available.

4. In subsequent years the number of applications not surveyed by July 1 will be determined. This number will be subtracted from a base of 500 to determine the number of applicants to be accepted. On the first business day in August

appointments will be taken and the rules in paragraphs G-3 and G-4 will apply.

H. Policy to comply with laws concerning default in payment of rent on oyster leases (Non-compliance R.S. 56:429)

1. On the first working day in February of each year, the survey section will compile a list of leases that are in default (R.S. 56:429). After compiling the list each owner will be notified by certified mail that his lease is in default and will be offered at public auction on the last Tuesday in March. He will also be notified that all works, improvements, betterments, and oysters on the leased area are the property of the state and that the Enforcement Division of the Louisiana Department of Wildlife and Fisheries has been so notified.

2. On the first working day following the last day of February all leases still in default will be advertised in a newspaper in the parish in which the lease is located. After the placement of the advertisement, advertisement cost will be added to the lease rent plus 10 percent. Up to and including the last Monday in March the leases may be reinstated by payment of the rent due plus 10 percent and the advertising cost if applicable.

3. On the last Tuesday in March the auction will be held at a place to be designated by the Louisiana Department of Wildlife and Fisheries. The auctioneer will be the chief of the seafood division or whoever he wishes to designate. The opening bid for each lease will be the rent due plus 10 percent and advertising cost. All sales must be paid for in cash or by certified check. The auction will start with the lowest numbered lease and continue numerically until completed.

4. Any leases not sold at auction will be removed from the survey section maps. The area will be open and may be taken by application at the yearly opening.

I. Procedures to comply with R.S. 56:432 and Council Memo dated December 2, 1983

1. The survey section will keep an indexing system to determine the acreage held by all oyster lease holders.

2. No application will be accepted that will cause an applicant to exceed a total of 1000 acres under lease and application. Reference R.S.56:432.

3. No lease will be issued to an oyster lease holder that will cause his account to exceed 1000 acres under lease unless he qualifies for additional acres by the ownership of oyster canning plants.

4. An oyster lease applicant will be given 30 days to reduce lease acreage prior to cancellation of any application that would cause his lease acreage to exceed 1000 acres. If the reduction is not made within 30 days the application will be cancelled and all fees retained by the department.

J. Burton Angelle
Secretary

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission adopted rules in LAC 76:VII. Chapter 7 pertaining to permits granted to persons for the purpose of harvesting pompano and black drum as described in R.S. 56:406A(3). These regulations will complement existing regulations and give the secretary guidelines for issuance of permits described above.

Chapter 7. Experimental Fisheries Program

§703. Pompano and Black Drum Permits

A. Special Pompano Permit Regulations

1. Permits will not be issued for species which are threatened or endangered or for fisheries or gear types which are specifically prohibited by law.

2. Possession of a permit does not exempt the bearer from laws or regulations except for those which may be specifically exempted by the permit.

3. For permitting purposes, a pompano net shall be defined as a gill net not exceeding 1200' in length and not smaller than 2 1/2" bar or 5" stretched mesh.

4. All permits shall be applied for and/or granted from January 1 to April 30 of each year. All permits expire December 31 following the date of issuance. All permits shall be returned to the department by January 31 following expiration.

5. Information gained by the department through issuance of a permit is not privileged and will be disseminated to the public.

6. All potential permittees shall request an appointment by contacting Seafood Division personnel at 400 Royal Street, New Orleans. Proof of ownership of the proposed permitted vessel(s) shall be provided at the time of appointment.

7. If a permit is approved for issuance, the person requesting a permit shall show proof that all applicable licenses have been applied for before the permit is issued. Proof of bona fide residency, as defined in R. S. 8:(12), is also required at this time.

8. The department reserves the right to observe the operations taking place under a permit at any time and permittee shall be required to provide food and lodging on the permitted vessel for an observer at the request of the department.

9. All permittees shall notify the department prior to leaving port to fish under permitted conditions and immediately upon returning from permitted trip. The department shall be notified by calling a designated phone number.

10. The bearer of a permit shall report monthly the catch taken as a result of the permit. This report shall contain a suitable measure of total catch, of effort, and of the parameters which may be required by the department.

11. The report shall be received by the department no later than 30 days following the last day of each month. If any permittee does not report monthly as required, his permit shall be suspended.

12. The permitted boat used in the program shall have a distinguishing sign so that it may be identified. The sign shall have the word "POMPANO" printed on it in at least six-inch high letters on a contrasting background so as to be visible from low flying aircraft or from any other vessel in the immediate vicinity.

13. When a permit is issued only the permitted specie(s) can be harvested. All other species shall be returned to unrestricted waters with a minimum of handling. No other fish may be in the possession of the permittee and all fish on board the permitted vessel shall have the head and caudal fin (tail) intact.

14. Holder of a permit shall have the permit in possession at all times when using permitted gear or harvesting permitted specie(s). Permit holder shall be on board permitted vessel when operating under conditions of permit. No permit is transferrable without written permission from the department secretary.

15. When permitted gear is on board permitted vessel or in possession of permittee, permittee and vessel are assumed to be operating under conditions of the permit. No gear other than permitted gear may be on board or in possession of permittee under provisions of the permit.

16. If citation(s) are issued to any permittee regarding fishery laws or conditions regulated by the permit, all permittee's permits will be revoked until such time as the permittee appears before department officials for the purpose of reviewing the cita-

tion issued. The secretary, after reviewing the proceedings, may reissue or suspend the permit. The permittee may lose all rights and privileges to participate in the program, if found guilty by legal or civil process.

17. Permits may not be issued to any applicant found guilty of a fisheries Class II violation or greater, as defined in the laws pertaining to wildlife and fisheries. Multiple violators will not receive a permit.

J. Burton Angelle
Secretary

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission amended rules in LAC 76:VII.701 pertaining to permits granted to harvest underutilized species in fresh and saltwater areas as defined in R.S. 56:322(A)(B). These regulations will clarify and replace regulations concerning R.S. 56:571.

Chapter 7. Experimental Fisheries Program

§701. Permits

A. Permits - Under Louisiana law, only gear which is legally sanctioned may be used in a fishery. All other types of gear require permits. These permits may be issued for the development of new fisheries, gear designed to harvest underutilized species and to persons who are interested in the development of experimental gear. The purpose of the permit system is to:

1. allow the department to closely supervise all fisheries not sanctioned by statutory law which may conflict with established fisheries or which may use gear prohibited by statutory law;

2. allow the permittee to develop experimental gear for fisheries development, while providing information of this activity to the department for scientific purposes.

The following points delineate criteria used in the issuance of permits:

B. Saltwater Area Underutilized Species Permit Regulations

1. Permits will not be issued for species which are threatened or endangered or for fisheries or gear types which are specifically prohibited by law.

2. Possession of a permit does not exempt the bearer from laws or regulations except for those which may be specifically exempted by the permit.

3. All permits shall be applied for and/or granted from January 1 to July 31 of each year. All permits expire December 31 following the date of issuance. All permits shall be returned to the department by January 31 following expiration.

4. Each applicant for a permit under this program will be assessed an administrative fee of \$50 at the time of appointment. Each applicant who is a resident of Louisiana will be required to post a performance fee deposit of \$1,000 payable by cashier's check. All non-residents shall post a performance fee deposit of \$4,000, also payable by cashier's check. These deposits are required upon application and are valid until December 31 of each year.

5. Permit requests for experimental gear shall include complete descriptions of the gear and methods used, including drawings or pictures, and the specie(s) to be fished. All potential permittees shall request an appointment by contacting seafood division personnel at 400 Royal Street, New Orleans. Proof of ownership of the proposed permitted vessel(s) shall be provided

at the time of appointment and the person requesting a permit shall show proof that all applicable licenses have been applied for before a permit is issued. Proof of bona fide residency is also required at this time.

6. Permits will be issued only for such time to allow the department to properly evaluate the gear or methods being used. The department may withdraw any permit because it has a deleterious effect, may withdraw any permit in order to conduct its own evaluation of the gear or fishery, may effect management regulations which render any permit inoperative or may extend any permit as a means of regulating the fishery until such time the fishery comes under statutory laws.

7. The secretary reserves the right to limit the number of permits issued each year. When the number is limited, permits will be granted on a first come, first served basis. A permit does not entitle the bearer the exclusive harvest of the resource.

8. Information gained by the department through the issuance of a permit is not privileged and will be disseminated to the public.

9. The department reserves the right to observe the operations taking place under the permit at any time and permittee shall be required to provide food and lodging on the permitted vessel for an observer at the request of the department.

10. All permittees shall notify the department prior to leaving port to fish under permitted conditions and immediately upon returning from permitted trip. The department shall be notified by calling a designated phone number. Commonly accepted passive gear, i.e. eel pots, shall be exempted from this requirement.

11. The bearer of a permit shall report monthly the catch taken as a result of the permit. This report shall contain a suitable measure of total catch, of effort, and of other parameters which may be required by the department.

12. A report shall be received by the department no later than 30 days following the last day of each month. If any permittee does not report monthly as required, his permit shall be suspended. If no report is received by January 31 following suspension, the deposit is forfeited.

13. The permitted boat used in the program shall have a distinguishing sign so that it may be identified. The sign shall have the word "EXPERIMENTAL" printed on it in at least six-inch high letters, on a contrasting background so as to be visible from low flying aircraft or from any other vessel in the immediate vicinity.

14. When a permit is issued for an underutilized specie(s) or for the development of a new fishery, only the permitted specie(s) can be harvested. All other species shall be returned to unrestricted waters with a minimum of handling. No other fish may be in the possession of the permittee and all fish on board the permitted vessel shall have head and caudal fin (tail) intact.

15. Holder of a permit shall have the permit in possession at all times when using permitted gear or harvesting permitted specie(s). Permit holder shall be on board permitted vessel when operating under conditions of permit. No permit is transferable without written permission from the department secretary.

16. When permitted gear is on board permitted vessel or in possession of permittee, permittee and vessel are assumed to be operating under conditions of the permit. No gear other than permitted gear may be on board or in possession of permittee under provisions of the permit.

17. If citation(s) are issued to any permittee regarding fisheries laws or conditions regulated by the permit, all permittee's permits will be suspended until such time as the permittee appears before department officials for the purpose of reviewing the citation issued. The secretary, after reviewing the proceed-

ings, may reinstate or revoke the permit. The permittee may lose all rights and privileges to participate in the program. If found guilty by legal or civil process the deposit is also forfeited.

18. Permits may not be issued to any applicant found guilty of a fisheries Class II violation or greater, as defined in the laws pertaining to wildlife and fisheries. Multiple violators will not receive a permit.

C. Freshwater Area Underutilized Species Permit Regulations

1. Permits will be issued to use experimental gear for the harvest of underutilized specie(s) and to harvest said underutilized specie(s) in a manner that will not be deleterious to established fisheries or the fish community.

2. Permits will not be issued for species which are threatened or endangered or for fisheries or gear types which are specifically prohibited by law.

3. Possession of a permit does not exempt the bearer from laws or regulations except for those which may be specifically exempted by the permit.

4. The holder of a permit shall have the permit in possession at all times when fishing underutilized species with permitted gear. No permit is transferrable without written permission from the department secretary.

5. The holder of a permit shall report monthly the catch taken as a result of the permit and any other information required by the department.

6. Information gained by the department through the issuance of a permit is not privileged and will be public information.

7. Permit requests for the development of new gear shall include complete descriptions of the gear and methods used, including drawings or pictures, the specie(s) to be fished and the area to be fished.

8. Requests for permits shall be accompanied by proof that all applicable licenses have been applied for.

9. Permits will be issued for such time as to allow the department to properly evaluate the gear or methods being used. The department may: (1) withdraw any permit because it has a deleterious effect; (2) withdraw any permit in order to conduct its own evaluation of the gear or fishery; or (3) impose management regulations which render any permit inoperative.

10. Only those species permitted can be harvested. All other species shall be returned to the water with a minimum of handling. No other fish may be in the possession of the permittee and all fish on board shall have the head and caudal fin (tail) intact.

11. Each applicant for a permit under the program will be assessed an administrative fee of \$20 per permit.

12. When permitted gear is on board or in possession of the permittee, the permittee is assumed to be operating under condition of the permit. No gear other than permitted gear may be on board or in possession of the permittee.

13. If citation(s) are issued to any permittee regarding fishery laws or conditions regulated by the permit, all permittee's permits will be suspended until such time as the permittee appears before department officials for the purpose of reviewing the citation issued. The secretary, after reviewing the proceeding, may reinstate or revoke the permit. The permittee may lose all rights and privileges to participate in the program if found guilty by legal or civil process.

14. Permits may not be issued to any applicant found guilty of a fisheries Class II violation or greater.

15. The secretary reserves the right to limit the number of permits issued each year. When the number is limited, permits will be granted on a first come first served basis.

16. Permits will be issued on a calendar year basis and will expire on December 31 of the year issued.

J. Burton Angelle
Secretary

Notices of Intent

NOTICE OF INTENT

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

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

Comments should be forwarded to Eric Gates, Director, Seed Commission, Box 44153, Baton Rouge, LA 70804 (Phone 504/292-3200). Comments will be accepted through January 8, 1987.

Title 7

Agriculture and Animals Part XIII. Seeds

Chapter 87. Rules and Regulations Pursuant to the Louisiana Seed Law

Subchapter B. General Seed Certification Requirements §8729. Application Deadlines

- A. Corn - a minimum of 30 days prior to pollination
- B. Onion bulbs and seeds and shallots - March 1
- C. Clover (crimson, red and white), rescue grass, harding grass, vetch and Irish potatoes - April 1
- D. Oats, wheat, ryegrass and singletary peas - April 15
- E. Watermelon, sweet potatoes and sweet potato plants - May 1

F. Okra - June 15

G. Cowpeas - a minimum of 30 days prior to harvest

H. Rice - July 1

I. Soybeans - August 1

J. Bermuda grasses

1. New plantings - minimum of 30 days prior to harvest

2. Established stands (fields certified the previous year) - June 1. (Renewal application must be submitted.)

K. Turf grasses

1. New plantings - at least 15 days prior to land preparation for planting

2. Established stands (fields certified the previous year) - June 1. (Renewal application must be submitted.)

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

Subchapter C. Requirements for Certification of Specific Crops/Varieties

§8763. Cottonseed Seed Certification Standards

- A. Field Standards

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

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

B. Handling and Storage Requirements

1. Ginning

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

i. Cottonseed for all classes of certification may be ginned on thoroughly cleaned, mixed-variety gins.

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

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

2. Delinting

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

C. Seed Standards

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

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

§8771. Hybrid Seed Corn Certification Standards

A. Eligibility Requirements

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

B. Field Inspection

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

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

C. Field Standards

1. Unit of Certification

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

2. Isolation Requirements

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

3. Border Rows

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

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

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

4. Detasseling

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

i. if more than one percent of the female seed parent plants have shed pollen on one inspection; or

ii. if a total of two percent of the female seed parent plants have shed pollen on three inspections.

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

D. Seed Standards

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

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

§8783. Rice Seed Certification Standards

A. Isolation Requirements

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

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

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

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

B. Field Standards

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

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

C. Seed Standards

Factor	Breeder	Foundation	Registered	Certified
Pure seed	98.00%	98.00%	98.00%	98.00%
Inert matter	2.00%	2.00%	2.00%	2.00%
Other crops, including other varieties	None	None	None	2 seed/lb.
Off-color grains if of similar size, quality and maturity	None	5 seed/lb.	10 seed/lb.	20 seed/lb.
Noxious weeds:				
Red Rice (including Black Hull Rice) Spearhead, Curly Indigo & Mexican	None	None	None	1 seed/4 lb.
Weed	None	None	None	None
Other weeds	0.05%	0.05%	0.05%	0.10%
Germination		80.00%	80.00%	80.00%

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

Bob Odom
Commissioner

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
These regulations will not require any implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
These regulations will not have any impact on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
These regulations will not costs and/or benefit any affected person or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
These regulations will not have any impact on competition and employment.

Richard Allen
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Office of Commerce and Industry**

Small Business Loan Guaranty Program

The Department of Commerce advertises its intent to adopt rules regarding the Louisiana Small Business Loan Guaranty Program as authorized pursuant to R.S. 51:1120-1133.

This rule can be viewed in its entirety in the Emergency section of this issue. Written comments may be addressed to Kay Jackson, Secretary, Department of Commerce, Box 94185, Baton Rouge, LA 70804-9185 by January 20, 1987.

Kay Jackson
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Small Business Loan Guaranty Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation cost and administration will require six new positions, plus operating services and supplies, and equipment (first year only). Total \$192,713 for Fiscal Year 1986-87; \$409,171 for Fiscal Year 1987-88, and \$372,059 for Fiscal Year 1988-89. There will be no fiscal impact to local governing units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
A revenue increase to agency self generated fund is estimated at \$89,062 for Fiscal Year 1986-87; \$255,750 for Fiscal Year 1987-88; and, \$360,112 for Fiscal Year 1988-89 for the loan guarantee program. There will be no fiscal impact to local governing units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The application fee, origination fee and interest participation will be paid by the businesses and banks applying for the guarantee. These fees will be used to offset the administra-

tive costs of this program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

All businesses that meet the criteria are eligible for the loan guarantee program. The Louisiana Small Business Development Corporation loan guarantee program is designed to encourage development and to create new employment.

Kay Jackson
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Board Policy 4.03.48

In accordance with the R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education adopted the following amendment to Board Policy 4.03.48, paragraph 11:

11. Any funds derived from tuition fees collected by a school may be expended by that school at the discretion of the agency and as approved by the Board of Elementary and Secondary Education and legislative appropriations, all in compliance with state law.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., February 9, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

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

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

Rule Title: Amend Policy 4.03.48, Paragraph 11

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

There are no estimated costs or savings to state or local government which will result from implementing this rule change. At present, the BESE is aware of two regions which will realign tuition collections from supplies and equipment to salaries and related benefits during the current fiscal year. Total to be realigned is approximately \$180,000.

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

There will be no effect on revenues collected by state or local governmental units. The tuition fee schedule has remained unchanged. Only the available uses for the fees has been altered to include salaries and related benefits, other compensation and operating expenses in addition to supplies and equipment as eligible areas for budgeting self-generated tuition collections.

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

This rule change will prevent the termination of employment of eight positions in two regions of the state. Without this rule change, the individuals would have lost their employment and would be placed on unemployment compensation.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition. Eight individuals will remain employed as a result of this rule.

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

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

State Plan for the Nutrition
Education and Training Program

In accordance with the R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the State Plan for the Nutrition Education and Training Program, FY 87 as submitted by the State Department of Education, Bureau of Food and Nutrition Services.

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

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

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

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

Implementation of the plan will cost approximately \$86,634 in federal funds and \$36,597 in state funds already budgeted in the agency for 1986-87. Expenditures for 1987-88 and 1988-89 are projected to be approximately the same.

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

Federal approval of the plan will result in the receipt of federal funds by the agency. There will be no effect on revenue collection of local governmental units.

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

There will be no cost to participants (teachers, food service personnel, children) in the program. Benefits to these groups will be educational in nature.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Administrative Guidelines for the Supervision
of School Psychologists

In accordance with the R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of

Elementary and Secondary Education adopted the following proposed supervision requirements for school psychologists:

I. Supervision of School Psychologists

A. Entry level school psychologists shall require professional supervision for a minimum of three years, one of which can be the approved internship as defined in the *Standards for Training Programs in School Psychology*.

B. Supervision of persons with Provisional Certificates shall consist of a minimum of one hour per week of on-site, one-to-one contact by the supervising school psychologist.

C. Supervision for the first year after receiving the Standard Certificate (Level A or B) shall consist of a minimum of one hour per week, or two consecutive hours once every two weeks of on-site contact by the supervising school psychologist. The supervising school psychologist may, with the consent of the employing agency, provide this supervision in an individual or a group setting. In all cases, however, the supervisee shall have access to individual consultation with his/her supervisor.

D. The final year of supervision shall consist of a minimum of one hour every two weeks, or two consecutive hours once every month. The supervising school psychologist may, with the consent of the employing agency, provide this supervision in an individual or a group setting. In all cases, however, the supervisee shall have access to individual consultation with his/her supervisor.

E. Persons certified under previously adopted criteria as a School Psychological Assistant I, II, or III (Level E, D, or C) shall be supervised by a qualified school psychologist until they have been certified as Level A or Level B under current certification requirements and have had at least three years of experience as a school psychologist. Supervision shall consist of at least one hour, one-to-one contact per week for the first three years, and at least one hour per week or two consecutive hours once every two weeks for those with more than three years of experience. For those with five or more years of experience, and with the approval of the state supervisor of School Psychological Services, supervision may occur one hour every two weeks or two consecutive hours once a month. Persons initially certified under previously adopted criteria, upon being certified under current criteria (Level A or B), shall require a minimum of one year of supervision as specified in I.D. above.

F. Persons who have completed academic preparation in school psychology in another state who qualify for a Standard Certificate (Level A or B) and who have less than two years of supervised experience as a school psychologist, shall require a minimum of three years of supervision according to Sections I.C. and I.D. above. Persons with two or more years of supervised experience as a school psychologist in another state shall require a minimum of one year of supervision in Louisiana according to Section I.D. above. NOTE: Under no circumstances shall a person receive less than three years of supervision as a school psychologist. Any person who is licensed to practice psychology in Louisiana, is certified as a school psychologist, and has at least three years experience as a school psychologist, at least one of which has been in Louisiana as of July 1, 1987, may work as a school psychologist without supervision and may supervise school psychologists, according to these guidelines.

G. In all instances a mechanism shall be established for supervised school psychologists to have access to their supervisor (or another qualified school psychologist) for emergency consultation.

II. Qualified Supervisors

A. A person may provide professional supervision to an entry level school psychologist if he/she is certified as a school psychologist under current certification requirements (Level A or

B), and has had at least three years of supervised experience as a school psychologist, at least two of which have been in Louisiana.

B. Each school system shall submit to the state supervisor of School Psychological Services, by September 15 of each year, a plan of supervision for school psychologists which includes a list of those requiring supervision, the individual plans of supervision (I.B., I.C., or I.D.), and the school psychologist providing the supervision. Any modification of the plan during the school year shall be submitted to the state supervisor of School Psychological Services within 10 operational days following the modification. Documentation of completion of plans shall be submitted to the state supervisor of School Psychological Services no later than July 15 of each year. NOTE: Supervisors are encouraged to provide materials, to model appropriate techniques, and to otherwise dynamically interact with supervisees in order to make the supervision experience both productive and meaningful to the professional growth of the supervisee. In addition, peer interaction and consultation between those no longer requiring direct professional supervision is strongly recommended.

Interested persons may comment on the proposed rule, in writing, until 4:30 p.m. February 9, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

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

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

**Rule Title: Administrative Guidelines/Supervision
of School Psychologists**

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

Act 259 of 1986 and these new guidelines will allow LEAs to use currently employed, experienced school psychologists as supervisors. This will save the LEAs most of the estimated \$500,000 they expended in 1985-86 contracting with private, licensed psychologists for this supervision. This savings is offset by the fact that a few LEAs will still have to expend some funds contracting for this supervision. This expenditure should decrease annually as current psychologists gain experience. In addition, the LEAs may increase compensation to those experienced psychologists who will now take on supervisory duties. Exact estimates of these savings and costs are not possible.

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

None

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

Private psychologists who previously received contracts for supervising school psychologists will lose those contracts. Experienced school psychologists who take on supervisory duties may or may not receive additional compensation commensurate with those duties. School psychologists will, after the required time under supervision, be freed of having to devote time to consultation with their supervisor. This time may be devoted to direct services to children.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Elimination of the lifetime supervision requirement may make recruitment of school psychologists by LEAs easier.

Joseph F. Kyle
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Salary Scale for Teacher Aides/Paraprofessionals
in Special School District No. 1

In accordance with the R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education adopted a salary scale for teacher aides/paraprofessionals in Special School District No. 1, based upon the salary scale for teacher aides/paraprofessionals in the local school system where the SSD No. 1 facility is located and further recommended that the new salary scale be implemented as soon as funds become available.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., February 9, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Para/Aides Salary Schedules

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

Implementation of the new salary scales will result in a net increase of State General Fund salary and related benefits expenditures by an estimated \$361,703 per year.

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

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

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

Implementation of the new salary scales will result in an estimated \$400,318 per year of salary and related salaries benefits increases to approximately 285 SSD aides/paras. Approximately 40 SSD aides/paras will face reductions in salary and related benefits totalling an estimated \$38,615 per year.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The SSD salary scale for aides/paras is currently higher than the scale of every local school system within which a SSD facility is located. Implementation of the proposed scales would further raise the salaries of most SSD aides/paras relative to local school system aides/paras. It is possible that an even wider salary differential may contribute to morale and/or recruitment problems in local school systems.

Joseph F. Kyle
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

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

In accordance with the R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education adopted the following policy on administering funds raised by student organizations in vocational-technical schools.

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

1. Each school having student activities shall have a general school account for student activities funds.

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

3. The receipt section shall provide all information concerning money received as well as deposits.

4. The disbursement section shall show the date paid, to whom paid, check number, purpose of disbursement, amount of check, and various expenditures as exceptional needs demand.

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

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

7. Each account shall be posted monthly from the daily journal.

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

9. The school shall receive the bill for all accounts.

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

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

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

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

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

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

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

17. These accounts shall be available for audit upon request.

The school shall accept no gifts from school organizations or clubs unless the full ownership, operation, and/or control of the donation is vested entirely with the school.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., February 9, 1987 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

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

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

**Rule Title: Policy on administering funds raised by
Student organizations in vo tech Schools**

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

The only possible cost would be for the vocational-technical schools to purchase journal paper on which to record the revenues and receipts.

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

Will have no effect on revenue collection of state or local governmental units.

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

Will have no cost or economic benefits to directly affected persons or non governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Will have no effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Environmental Quality
Office of Solid and Hazardous Waste
Ground Water Protection Division**

Under the authority of the Environmental Quality Act, R.S. 30:1051 et seq., and in particular, Section 1141.2(C) as amended, and in accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary of the Department of Environmental Quality, Patricia L. Norton, gives notice that rulemaking procedures have been initiated to promulgate amendments to the Louisiana Underground Storage Tank Regulations.

The proposed amendments to the regulations will provide for the implementation of the mandates of the aforementioned Act. Included in these amendments are provisions to allow for the registration and regulation of all commercial underground storage tanks containing regulated substances regardless of capacity, in conformity with federal requirements, and for the exemption of certain underground storage tanks of 1,100 gallons or less capacity from registration and regulation, in conformity with federal requirements.

All interested persons are invited to comment orally or in writing at a public hearing to be held at 10 a.m. on Tuesday, January 6, 1987, in the Mineral Board Hearing Room on the first floor of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA, 70804-4274. Any additional written comments must be submitted no later than January 16, 1987, to Sandra Greenwich, Department of Environmental Quality, Office of Solid and Hazardous Waste,

Ground Water Protection Division, Post Office Box 44274, Baton Rouge, LA, 70804-4274. She is also the agency contact responsible for responding to any questions concerning the proposed regulations.

Copies of the proposed regulations may be obtained by contacting Valerie Hamilton at the above address or by telephone at (504) 342-8950 and are available for inspection at the following locations from 8 a.m. until 4:30 p.m. daily, Monday through Friday:

State Land and Natural Resources Building, Room 707, Seventh Floor, 625 North Fourth Street, Baton Rouge, LA.

Capitol Regional Office, 11720 Airline Highway, Baton Rouge, LA.

Northwest Regional Office, State Office Building, 1525 Fairfield Street, Shreveport, LA.

Northeast Regional Office, 804 31st Street, Monroe, LA.

Southeast Regional Office, 3945 N. I-10 Service Road, Metairie, LA.

Acadiana Regional Office, 100 Eppler Road, Lafayette, LA.

Southwest Regional Office, 1155 Ryan Street, Lake Charles, LA.

Patricia L. Norton
Secretary

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

Rule Title: Underground Storage Tank Regulation

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

Adoption of these proposed rules will not require the expenditure of state general funds; conversely, any increase in necessary funds will be self-generated. There will be no additional implementation cost/savings to local governmental units as a result of adopting these rules.

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

It is difficult to accurately assess the effect on revenue collections because existing data is limited. However, it is estimated that revenue collections will increase by approximately 4 percent.

Adoption of these rules will have no effect on the collection of revenue by local governmental units.

All additional funds collected will be placed in the Underground Storage Tank Trust Fund and will be administered as provided under R.S. 30:1141.2 and 1141.3.

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

The cost for petroleum products is \$15 per tank up to a maximum of \$1,000 per owner for registration. The cost for other regulated substances is \$25 per tank up to a maximum of \$1,000 per owner for registration. These costs already exist under the current rule. The amended rule will require that an estimated 5 percent of the existing tank facilities be added to the regulated universe. Those facilities include all commercial tanks of less than 500 gallon capacity which were not previously regulated. These commercial tanks were brought into the universe under Act 421 of the 1986 Regular Session. It is estimated that for single owners of these tank facilities the cost will be \$15.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Adopting these rules should not have an effect on competition and employment.

Patricia L. Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

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

The proposed amendments to the LHWR, Chapters 1, 2, 3, 22, 23, and 24 clarifies confidentiality of private sector industrial information which the department possesses through the permitting process, denies interim status to any facility previously denied a permit and makes clarifications and wording changes required to conform to Environmental Protection Agency regulations.

The proposed amendments are to become effective on February 20, 1987, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be at 1 p.m. on January 6, 1987, in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed amendments. Such comments should be submitted no later than January 10, 1987 to Glenn A. Miller, Administrator, Hazardous Waste Division, Department of Environmental Quality, Box 44307, Baton Rouge, LA 70804-4307. He may be contacted at the address above, or telephone (504) 342-1227. A copy of the proposed amendments may be obtained from the Hazardous Waste Division at the address provided. In addition, copies of the proposed amendments are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.

State Land and Natural Resources Building, Room 615, Sixth Floor, 625 North Fourth Street, Baton Rouge, LA.

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

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

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

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

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

Patricia L. Norton
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Conformity

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

Additional costs will be incurred by the state as radio broadcasts must now be made in localities where permits or petitions for variances are granted or denied. The estimated cost of this will be \$2,000 per year, which will be absorbed in the present budget.

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

The proposal will have no effect on the revenue collections of state or local governmental units.

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

No cost or economic benefit to affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No estimated effect on competition or employment as existing personnel will absorb the workload.

Patricia L. Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Office of the Governor Department of Veterans Affairs War Veterans Home

The Louisiana Department of Veterans Affairs intends to publish revision of Rule Numbers 7 SECTION A, 7 SECTION C, 8 SECTION A, 9, and 15, previously printed in Volume 11, Number 1, January 29, 1985, issue of the *Louisiana Register*, and Rule Number 8 SECTION B, previously amended in Volume 11, Number 4, April 20, 1985, issue of the *Louisiana Register*.

1. For admission to the Louisiana War Veterans Home, Jackson, LA, for domiciliary or nursing care, a veteran must be a resident of the state of Louisiana.

2. The veteran's military service must be such as to meet the requirements for admission into any veterans administration medical center.

3. The veteran applicant must undergo a medical examination and, as a result, it must be shown that he/she does not have a communicable disease, does not require medical or hospital care for which the home is not equipped to provide, and does not have violent traits which may prove dangerous to the physical well-being of other residents or employees.

4. The veteran must consent to abide by all the rules and regulations governing the home and to follow the course of treatment prescribed by the Veterans' Home medical staff.

5. Every resident of the home shall be responsible for payment of the full resident care and maintenance charge. The home administrator may consider waiver of payment of care and maintenance charges only for the amount of difference of income the veteran has and the total charge of care and maintenance.

6. Care and maintenance fees will be based on all family income. This includes income from all sources (Social Security, Veterans Administration pension, private pension, interest from savings account(s), income from any/all sources). In no case will the fees charged to the resident be more than the actual cost of care as determined by the director of the Louisiana Department of Veterans Affairs and the Veterans Affairs Commission.

7. SECTION A. When computing care and maintenance fees the following rule will apply. For domiciliary resident he/she may retain the first \$120 per month of his/her income provided

income is \$300 or more per month. Any remaining income will be applied to care and maintenance fees until maximum care cost is reached. If the income is less than \$300 per month resident retains the first \$60 per month and the remainder will be divided equally half going to the veteran and the other half going toward care and maintenance. The veteran is expected to handle personal expenses out of his retained funds.

SECTION B. If a veteran has a dependent he/she may be allowed a deduction from total income of up to \$300/month for a spouse and up to \$150/month for a dependent child before the care and maintenance fee is figured. The exact amount of deduction will be computed based on dependents' monthly income. This rule also applies to nursing care residents.

SECTION C. Exclusion - All income received as a direct result of arts and crafts made at the home shall be exempt and excluded as income for consideration in computing the care and maintenance charges. One half of such income will be returned to the Recreation and Welfare Fund Account to be used in replenishing supplies.

8. SECTION A. For Nursing Care I, II, and III residents, the following rule will apply when computing care and maintenance fees: Residents will retain the first \$60 per month, to be used for personal expenses. The remaining income will be applied to care and maintenance fee until maximum care cost is reached.

SECTION B. For Nursing Care IV, intermediate level care residents, the following rule will apply when computing care and maintenance fees. Residents will retain the first \$100 per month, to be used for personal expenses. The remaining income will be applied to care and maintenance fee until maximum care cost is reached.

9. Residents must apply for all monetary benefits for which they may be entitled from both state and federal government. Any increase as a result thereof will be applied toward care and maintenance until maximum cost of care is reached.

10. Care and maintenance fees are payable one month in advance. These fees are due before the tenth of each month. A portion of a month will be prorated according to the number of days stay. Residents will not be charged care and maintenance fees for periods of hospital confinement in excess of 96 hours unless they desire that a bed be held until they return. For periods of leave from the home, maintenance fees are payable as arranged with the administrator or his designee. Note: Residents that are unable to pay charges in advance will be allowed to prorate the advance month fee over a 12-month period.

11. Care and maintenance fees will be adjusted when it has been established that there is a change in the veteran's income or family income if he has a dependent. The home reserves the right to request updated income information from the resident, dependents, or any other source (signed authority at admission by veteran and/or next of kin). The home also reserves the right to establish retroactive charges effective to the date a change in income occurs.

12. In addition to the regular care and maintenance fees collected, if less than maximum monthly amount and the resident has a savings account in excess of \$500 if single, and \$5,000 if married, the resident will be assessed an amount that would bring his care and maintenance fees up to the maximum amount allowable per month until this account is reduced to the above stated balance. This rule also applies to residents' in-house accounts in excess of \$2,500.

13. There will be no income limitation as an eligibility

requirement for admission in the Louisiana War Veterans Home. Applicants' income or net worth, available or lacking, shall not be a bar to admission.

14. The home administrator when given incorrect income information will avail himself of all state laws to recoup all monies that should have been available to the home for care and maintenance fees, retroactive to the time that these monies became available for the residents use while he/she was staying at the Louisiana War Veterans Home.

15. All residents of the Louisiana War Veterans Home who feel that they have unusual circumstances can request relief and consideration of reduction of care and maintenance fees. Under no circumstances will the waiver exceed 25 percent of the established care and maintenance fee based on all family income. The residents must apply for this consideration through the War Veterans Home Administrator for recommendation to the director of Veterans Affairs for approval or disapproval. In the event this request is denied, an appeal may be submitted to the Veterans Affairs Commission for their consideration. The Veterans Affairs Commission's decision shall be rendered final.

Cleo C. Yarbrough
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Collection and Handling of Fees**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The cost of implementation of these 15 rules will be absorbed by the Department of Veterans Affairs (War Veterans Home) within present staffing levels.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The implementation of the proposed rule changes, based on the current census, will result in an annual increase of \$35,000 in self-generated revenues collected as care and maintenance fees from residents of the facility, plus an additional undetermined increase due to the limitation placed on waiver of fees.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Residents will continue to receive quality and concerned nursing care. However, those with the ability to pay will be expected to offset some of the cost for care through a reasonable increase in care and maintenance fees.* Veterans residing on an intermediate nursing care unit will be allowed to retain \$100 per month for personal expenses in lieu of \$180. One-half of income earned through direct result of arts and crafts sales will be returned to the home to be used in replenishing supplies used. Residents with valid financial hardships will be eligible for a waiver of 25 percent of the established care and maintenance fee in lieu of 100 percent. * (Domiciliary residents keep \$120 not \$180.)
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment due to revision of rules.

Cleo C. Yarbrough
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Office of the Governor Division of Administration Office of Contractual Review

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et. seq.) and R.S. 39:1490(B), notice is hereby given that the Office of the Governor, Division of Administration, Office of Contractual Review intends to amend LAC 34.V. Chapter 1. This projected rule revokes Section 121 of the earlier rules and regulations of this office. LR 11:1067 (November, 1985) Section 121 should be amended to read as follows:

Chapter 1. Procurement of Professional, Personal, Consulting and Social Services Subchapter A. General Provisions

§121. Contractual Review Process

A. Contracts arriving in the Office of Contractual Review will be date stamped and logged in. Contracts should be submitted prior to their effective dates and no contract shall be approved which has been submitted 60 days after its effective date, unless written justification is provided by the using agency and approval granted by the director of contractual review or his designee. All contracts must be received by the Office of Contractual Review at least by the termination date of the contract. All submittals will be required to have a cover letter attached thereto in conformity with Attachment D (See Appendix A).

B. If a contract does not appear to be out of the ordinary and appears to have the necessary attachments and inclusions, it will be routed to the appropriate budget analyst for the submitting agency. A BA-22, or its equivalent, shall be submitted with every contract submitted to the Office of Contractual Review.

C. Contracts that are incomplete as to form may be returned to the submitting agency. If a contract is merely missing an attachment then the necessary attachment may be secured from the submitting agency.

D. Contracts Returned From Budget

1. Not Recommended for Approval

If a contract is not recommended for approval, the Office of Contractual Review shall discuss the reason with the budget analyst. If the problem cannot be resolved the contract shall be returned to the submitting agency with a letter explaining the problem.

2. Recommended for Approval

If a contract is recommended for approval the review process shall continue.

E. Legal and Content Review

There are a number of different types of contracts, and content requirements may vary a little. All contracts shall contain the following:

1. Signatures of both the head of the using agency or his designee and the contractor. At least one submitted copy of each contract shall bear an actual, nonfacsimile signature of each party.

2. Scope of services that clearly and completely identifies the work to be performed and products to be delivered.

3. Beginning and termination dates for the contract. Normally, such contracts should be for a term no longer than one year, although the director of contractual review may approve contracts with terms up to three years. Contracts shall not include a clause permitting automatic renewal or extension of the original beyond a three year period, unless authorized by the funding bill.

4. The maximum amount of compensation to be paid

under the contract. This maximum must be inclusive of all payment, fees, travel expenses, etc. When applicable the amounts shall be stated by category and then given as a comprehensive total.

5. A statement giving the legislative auditor authority to audit the financial records of the contractor relative to work done under the contract.

6. A clause providing that the contractor shall not assign any interest in this contract, and shall not transfer any interest in the same (whether by assignment or novation), without the prior written consent of the submitting agency thereto, provided, however, that claims for money due or to become due to the contractor from the using agency under this contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to both the using agency and the director of the Office of Contractual Review.

7. The Office of Contractual Review shall notify the using agency in writing and vice versa when an assignment of proceeds notice has been received from a contractor.

8. A statement giving the contractor the responsibility for paying any taxes which may be due as a result of the contract. The taxes could include state or federal income taxes or payroll taxes.

9. Advance payments on all contracts except those for professional services are allowable if limited to less than or equal to 20 percent of the contract amount and if necessary to provide for the lowest cost delivery of service.

All such advances shall be approved by the director of the Office of Contractual Review. If federal funds are to be advanced, federal guidelines shall prevail on the conditions and amount of the advance. Specific state statutory authority may override the 20 percent limit for certain contracts.

When submitting for approval a contract including provisions for an advance, the using agency shall submit the following additional information at a minimum:

a. Certification by the using agency that the procurement of the services involved at the lowest cost requires the advance and that no other source of funding is available.

b. Provisions in the contract specifying the amount and timing of the payments and safeguarding repayment of the advance.

F. Each contract submitted for approval shall be accompanied by a certification letter as described in R.S. 39:1497, signed by the using agency's representative (See Attachment B in Appendix A).

G. Proof of review and approval by other agencies shall accompany submitted contracts as follows; or contracts will be returned to the submitting agency without final approval:

1. Civil Service

All contracts must have Civil Service approval unless exempted by the Department of Civil Service.

2. Attorney General

Contracts for legal services that are not consulting work and that do involve or lead to litigation must be reviewed by the attorney general for approval of the fee structure. Approval of the attorney general can be evidenced by the signature on the contract documents or by a letter from the attorney general. Contracts with Louisiana district attorneys do not require this approval. If the using agency has specific statutory authority to contract with attorneys, Attorney General approval is not necessary. Such authority shall be cited by the using agency.

3. Legislative Auditor

Contracts for financial auditing of state agencies must have prior written approval of the legislative auditor.

4. If the contractor is a corporation not incorporated un-

der the laws of the state of Louisiana, then the contractor must secure a certificate of authority pursuant to R.S. 12:301-302 from the Secretary of State of Louisiana and a copy of such certificate must be attached to the contract.

5. The Office of Telecommunications Management shall review and recommend any contract containing elements of telecommunication services before returning it to the Office of Contractual Review for completion of the analysis.

H. Consulting Services Contracts for \$75,000 or More

If a contract is for services defined as consulting in R.S. 39:1484(4) and is for an amount equal to or exceeding \$75,000, it must have been awarded pursuant to the requirements of R.S. 39:1503, unless exempt by §142. Failure to so comply shall result in the using agency having to reconduct the process. A statement in accordance with R.S. 39:1503 (C) as to why the award was made must be submitted with the contract.

I. Data Processing Consulting Service contracts for more than \$100,000 shall be procured in accordance with Subchapter C of these regulations.

J. Social Service Contracts for \$150,000 or More During a 12 Month Period.

If a contract is for services defined as social services in R.S. 39:1484(24), it must have been awarded pursuant to the requirements of R.S. 39:1503 unless exempt by R.S. 1494.1. Failure to so comply shall result in the using agency having to reconduct the process. A statement in accordance with R.S. 39:1503(c) as to why the award was made must be submitted with the contract.

K. When a contractor is a corporation, a formal, dated Board Resolution must be secured and attached to the contract indicating that the signatory is a corporate representative and authorized to sign said contract.

L. When it has been determined that a contract is complete, the contract shall be returned to the submitting agency with an approval letter attached and signed by the director of contractual review.

M. A performance evaluation for every personal, professional, consulting or social service contract shall be done by the using agency in accordance with R.S. 39:1500. This performance evaluation shall be retained by the using agency for all small purchase contracts approved under delegated authority. For all other contracts this performance evaluation shall be submitted to the Office of Contractual Review within 120 days after the termination of the contract. An example evaluation form can be found in Attachment F (See Appendix A). Using agencies should use their own formats.

Inquires concerning the proposed rule changes should be made to Bonita B. Brown, Director, Office of Contractual Review at 504/342-7097 or in writing to Office of Contractual Review, Box 94095, Baton Rouge, LA 70804-9095, before January 31, 1987.

Bonita B. Brown
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Contractual Review Process**

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

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

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

There will be no estimated effect on revenue collections

of state or local governmental units.

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

The economic impact of the proposed rules is not quantifiable; however, it is the intent that by allowing such advances that the lowest overall service cost will be realized.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The effect on employment, if any, will be negligible. Non-profit organizations will be able to more fully participate in providing services for the state.

Bonita B. Brown
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Division of Administration
State Planning Office**

FY 1987 LCDBG Final Statement

The LCDBG Program, as its primary objective, provides grants to units of general local government in nonentitlement areas for the development of viable communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. Consistent with this objective, not less than 51 percent of the aggregate of fund expenditures shall be for activities that benefit low and moderate income persons.

The proposed Final Statement describes the method of fund distribution, addresses the national objectives as required by Congress, describes the low/moderate income limits, and other significant federal and state requirements. Copies of the proposed statement may be obtained by contacting the following office: J. W. Vaughn, Assistant Commissioner, Division of Administration, 3rd Floor, Capitol Annex, Box 94095, Baton Rouge, LA 70804; (504) 342-7060.

Interested persons may submit comments to Mr. Vaughn at the above address.

J. W. Vaughn
Assistant Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: FY 1987 LCDBG Final Statement**

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

Of the \$23,461,000 allocated to the State, up to 2% (\$469,220) + \$100,000 may be utilized by the State for administrative costs. The 2% (\$469,220) will require a State match of \$469,220 which will be allocated in the Division's budget.

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

There will be no effect on revenue collections.

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

These funds will be awarded in accordance with the selection criteria established in the FY 1987 LCDBG Final Statement. The Program is designed to serve low and moderate

income persons in local communities.
IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Bids to contractors are awarded in accordance with OMB Circular A-102 and Louisiana bid laws.

Sally Clausen
Deputy Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Division of Administration, State Purchasing hereby gives notice in accordance with R.S. 49:950 et seq., and the Louisiana Procurement Code R.S. 39:196-1716 that it intends to delete LAC 34:1.509.C.

§509. Bidder Lists

C. If a business on the bidders list does not respond to six consecutive Invitation for Bids, its name may be removed from bidders list.

Comments may be addressed to Mr. Hugh M. Carleton, C.P.P.O., C.P.M., Director of State Purchasing, Box 94095, Baton Rouge, LA 70804-9095 and must be received by January 5, 1987.

Stephanie L. Alexander
Commissioner

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation costs to any state or local governments. Existing staff will assume additional workload.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There are not estimated costs or economic benefits to directly affected persons.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition and employment.

Hugh M. Carleton
State Purchasing Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The following notice of Intent is to amend the *Louisiana Administrative Code*, Volume 3.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS
Part LXIII. Psychologists**

**Chapter 7. Supervised Practice Leading Toward Licensure
§703. Duration and Setting of Supervised Practice**

A.2. To be credited toward the two years full-time requirement each assignment in a setting or integrated program shall be of at least six months duration and at least half-time (1000 hours). Any half-time assignments shall extend the period of supervision proportionately beyond two calendar years. This requirement must be completed within five calendar years; for cause shown, the board may grant extensions.

3. Internship Programs

A predoctoral internship shall be credited toward the required two years of supervised experience if that experience was required as a part of the doctoral degree and meets the board's requirements under §305.

Interested persons may comment on the proposed notice of intent in writing until January 20, 1986, at the following address: Norman J. Bregman, Ph.D, Chair, Board of Examiners of Psychologists, Box 14782, Baton Rouge, LA 70898.

Norman J. Bregman, Ph.D.
Chair

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Rules on Training and Credentials**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no costs or savings to state or local government units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There are no estimated costs or benefits to directly affected persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated impact on competition and employment. Graduates of non-APA-approved programs will be eligible for licensure and will continue to undergo the same review process that is currently in effect.

Norman J. Bregman, Ph.D.
Chair

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The following notice of intent is to amend the Training and Credentials of the Louisiana Administrative Code, Volume 3.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS
Part LXIII. Psychologists**

Chapter 3. Training and Credentials

§303. Full-time Graduate Program

A. A graduate of a program that is accredited by the American Psychological Association is recognized as holding a doctoral degree with a major in psychology from a university offering a full-time graduate course of study in psychology. The criteria for accreditation serve as a model for professional psychology training.

B. Graduates of programs that are not accredited by the American Psychological Association must meet the following criteria, 1 through 11. Graduates of programs that are accredited by the American Psychological Association must meet the criteria in 11.

1. Training in professional psychology is doctoral training offered in a regionally accredited institution of higher education.

2. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.

3. The psychology program must stand as a recognizable, coherent organizational entity within the institution.

4. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

5. The program must be an integrated, organized sequence of study.

6. There must be an identifiable psychology faculty and a psychologist responsible for the program.

7. The program must have an identifiable body of students who are matriculated in that program for a degree.

8. The program must include supervised practicum, internship, field or laboratory training appropriate to the practice of psychology.

9. The doctoral program shall involve at least one continuous academic year of full-time residency on the campus of the institution at which the degree is granted.

10. The program shall be an internal degree program (as opposed to an external degree program) unless it is approved by the American Psychological Association.

11. The curriculum shall encompass a minimum of three academic years of full-time graduate study. In addition to instruction in scientific and professional ethics and standards, research design and methodology, statistics and psychometrics, the core program shall require each student to demonstrate competence in each of the following substantive content areas. This typically will be met by including a minimum of three or more graduate semester hours (five or more graduate quarter hours) in each of the four substantive content areas. Graduates who cannot document competence in all substantive content areas (a.-d. below), may demonstrate competence by taking additional course work or examination, not to exceed one substantive content area.

a. Biological bases of behavior: Physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology.

b. Cognitive-affective bases of behavior: Learning, thinking, motivation, emotion.

c. Social bases of behavior: Social psychology, group processes, organizational and systems theory.

d. Individual differences: Personality theory, human development, abnormal psychology.

§305. Specialty Areas

A. If the emphasis of the major in psychology is an applied area such as clinical psychology, counseling psychology, school psychology, or industrial-organizational psychology, the

training shall include a set of coordinated practicum and internship training experiences.

B. In applied areas such as counseling, clinical, and school psychology, preparation normally shall involve early and continuing involvement of students in applied setting. Such experience should occur at two levels: practicum and internship.

1. The practicum level is an earlier, pre-requisite phase of involvement, usually for academic credit, often on campus, with typical time commitment of eight to sixteen hours per week. Practicum settings should provide supervised training in interviewing, appraisal, modes of intervention and research skills or other skills appropriate to the student's level of experience and area of specialization. A minimum of three hundred hours of practicum experience should precede the internship. This should include at least one hundred hours of direct client contact and at least 50 hours of scheduled individual supervision.

2. The following will be used to identify organized psychology internship training programs:

a. An organized training program, in contrast to supervised experience or on-the-job training, is designed to provide the intern with a planned, programmed sequence of training experiences. The primary focus and purpose is assuring breadth and quality of training.

b. The internship agency had a clearly designated staff psychologist who was responsible for the integrity and quality of the training program and who was actively licensed/certified by the State/Provincial Board of Examiners in Psychology.

c. The internship agency had two or more psychologists on the staff as supervisors, at least one of whom was actively licensed as a psychologist by the State/Provincial Board of Examiners in Psychology.

d. Internship supervision was provided by a staff member of the internship agency or by an affiliate of that agency who carried clinical responsibility for the cases being supervised. At least half of the internship supervision was provided by one or more psychologists.

e. The internship provided training in a range of assessment and treatment activities conducted directly with clients seeking psychological services.

f. At least 25% of trainee's time was indirect client contact (minimum 375 hours).

g. The internship included a minimum of two hours per week (regardless of whether the internship was completed in one year or two) of regularly scheduled, formal, face-to-face individual supervision with the specific intent of dealing with psychological services rendered directly by the intern. There must also have been at least two additional hours per week in learning activities such as: case conferences involving a case in which the intern was actively involved; seminars dealing with clinical issues; co-therapy with a staff person including discussion; group supervision; additional individual supervision.

h. Training was post-clerkship, post-practicum and post-internship level.

i. The internship agency had a minimum of two interns at the internship level of training during the applicant's training period.

j. Trainee had title such as "intern", "resident", "fellow", or other designation of trainee status.

k. The internship agency had a written statement or brochure which described the goals and content of the internship, stated clear expectations for quantity and quality of trainee's work and was made available to prospective interns.

l. The internship experience (minimum 1500 hours) was completed within 24 months.

C. In applied areas such as industrial-organization, engineering and environmental psychology, internship training may

take the form of post doctoral supervised experience as defined in the regulations of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2535 and 37:2356.

Interested persons may comment on the proposed notice of intent in writing until January 20, 1986, at the following address: Norman J. Bregman, Ph.D., Chair, Board of Examiners of Psychologists, Box 14782, Baton Rouge, LA 70898.

Norman J. Bregman, Ph.D.
Chair

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Rules on Training and Credentials**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no costs or savings to state or local government units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There are no estimated costs or benefits to directly affected persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated impact on competition and employment. Graduates of non-APA-approved programs will still be eligible for licensure and will continue to undergo the same review process that is currently in effect.

Norman J. Bregman, Ph.D. Mark C. Drennen
Chair Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rule in the Aid to Families with Dependent Children and Refugee Cash Assistance Programs.

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

This change was necessary to maintain mandatory services in accordance with state and federal laws and regulations and was published as an emergency rule in the November, 1986, *Louisiana Register*.

PROPOSED RULEMAKING

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

Interested persons may submit written comments through January 7, 1987, to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and

economic impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on January 7, 1987, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Reduction of AFDC and RCA grants by 11.2%**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The state savings is \$3,845,989 in FY 86/87, \$6,677,177 in FY 87/88, and \$6,879,156 in FY 88/89. These savings will be achieved by a reduction of 11.2% in the average monthly payment to 253,000 recipients of AFDC and Refugee Cash Assistance.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The state will lose in matching federal funding \$7,389,736 in FY 86/87, \$13,955,142 in FY 87/88, and \$14,782,505 in FY 88/89.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
AFDC and RCA recipients payments will be reduced by \$11,235,725 in FY 86/87, \$20,632,319 in 87/88 and \$21,661,661 in FY 88/89.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no known effect on competition and employment.

Marjorie T. Stewart Mark C. Drennen
Assistant Secretary Legislative Fiscal Officer

NOTICE OF INTENT

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

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

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

It was necessary to adopt this as an emergency rule to avoid sanctions as federal regulations mandate a retroactive December 23, 1985 implementation date. This was published as an emergency rule in the November, 1986 issue of the *Louisiana Register*.

PROPOSED RULE

Categorical Eligibility for Certain Recipients
A. Households Considered Categorically Eligible

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

"Authorized to receive" includes individuals determined eligible for AFDC or SSI benefits but the benefits have not yet

been paid. "Recipient" includes a person determined eligible to receive zero benefits, e.g., a person whose benefits are being recouped and an AFDC recipient whose benefits are less than \$10 and therefore does not receive a check.

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

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

1. any member of that household is disqualified for an intentional program violation;
2. the household is disqualified for failure to comply with monthly reporting requirements;
3. the household is disqualified for failure to comply with the work registration requirements.

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

1. an ineligible alien
2. an ineligible student
3. an institutionalized person

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

1. resources
2. Social Security numbers
3. sponsored alien information
4. residency

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

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

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

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

B. Application Processing

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

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

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

The local office shall not reinterview the household but shall use any available information to update the application

and/or make mail or phone contact with the household or authorized representative to determine any changes in circumstances. Any changes shall be initialed and the updated application resigned by the authorized representative or authorized household member. If eligibility for public assistance is determined within the 30-day Food Stamp processing time, benefits shall be provided back to the date of application. If eligibility for PA is determined after the Food Stamp application is denied, benefits for the initial month shall be prorated from the effective date of the PA certification or the date of the Food Stamp application, whichever is later.

C. Certified Households

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

D. Refugee Cash Assistance (RCA) Benefits

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

E. Implementation

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

1. was categorically eligible;
2. is otherwise entitled to benefits; and
3. requests a review of its case or if the agency otherwise becomes aware that a review is needed.

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

Interested persons may submit written comments through January 7, 1987, to the following address: Marjoire T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on January 7, 1987, in the Louisiana Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Catagorical Eligibility for Food Stamps

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The cost is \$200 state and \$200 federal in FY 86-87.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Households that contain only members who receive PA or SSI will be exempt from certain eligibility factors. There could be a decrease in paperwork for the eligibility worker.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

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

It was necessary to adopt this as an emergency rule to avoid sanctions as federal regulations mandate an August 22, 1986 implementation date. This was published as an emergency rule in the November, 1986 issue of the *Louisiana Register*.

Proposed Rulemaking

Student Related Provisions

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

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

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

D. Exclusions from Education Assistance

1. Federal Education Assistance

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

2. Non-Federal Education Assistance

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

E. Implementation

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

Interested persons may submit written comments through

January 7, 1987, to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on January 7, 1987, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments orally or in writing at said hearing.

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Definition of students for Food Stamps

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The cost in FY 86-87 is \$150 state and \$150 federal.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Some food stamp households with certain educational loans might receive an increase in benefits with the change in income exclusions.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
None

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

Currently, program policy provides, as an option under federal regulations, Medicaid services to: foster children; IV-E children (children who were eligible for Aid to Families With Dependent Children or would have been eligible had application been made); and children under the care and supervision of the Office of Human Development and Division of Youth Services between the ages of 18 and 21. These children are included in the F, V, I, and O categories of assistance. Circumstances necessitate that these optional services be eliminated to allow the agency to continue providing those services which are mandated by federal regulation throughout the remainder of this fiscal year. Those services which are mandated by federal regulation must be provided by the agency in order to receive federal funding. An emergency rule has been declared in accordance with the provisions of R.S. 49:953 B to adopt this rule effective November 1, 1986.

PROPOSED RULEMAKING

The Medical Assistance Program shall not provide optional Title XIX (Medicaid) coverage for the following: individ-

uals in between the ages of 18 and 21; and F, V, I, and O categories of assistance.

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

A public hearing on this proposed rule will be held on January 7, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge La, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Elimination of Categories O, V, F, and I.

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

Implementation of this proposed rule will result in a savings to the state of: \$83,524 in FY 86-87; \$141,257 in FY 87-88; and \$146,909 in FY 88-89.

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

Implementation of this proposed rule will reduce federal matching funds by \$151,885 in FY 86-87; \$278,454 in FY 87-88; and \$289,597 in FY 88-89.

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

Implementation of this proposed rule will result in reduced benefits to recipients of: \$235,409 in FY 86-87; \$419,711 in FY 87-88; and \$436,506 in FY 88-89.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

Currently, Hemodialysis clinic services are reimbursed by the Medical Assistance Program as an optional service under Title XIX. Circumstances necessitate that optional hemodialysis be eliminated to allow the agency to continue providing those services which are mandated by federal regulation throughout the remainder of this fiscal year. Those services which are mandated by federal regulation must be provided by the agency in

order to receive federal funding.

This change in policy is in accordance with 42 CFR 440.90 and 440.230.

PROPOSED RULEMAKING

The Medical Assistance Program shall not provide Hemodialysis Clinic services as an optional service under Title XIX. Services currently being provided to recipients shall be discontinued in accordance with applicable state and federal laws and regulations.

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

A public hearing on this proposed rule will be held on January 7, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge La, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Elimination of Hemodialysis Clinic Services

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

Implementation of this proposed rule will result in a savings to the state of \$685,734 in FY 86-87; \$1,627,926 in FY 87-88; and \$1,702,811 in FY 88-89. These savings are achieved by eliminating the Medicaid portion of payment for 909 dual eligibles (Medicare/Medicaid) and eliminating all payment for 97 Medicaid-only eligibles. Patients may continue to utilize hospital outpatient dialysis facilities, if available, at Medicaid expense.

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

Implementation of this proposed rule will reduce federal matching funds by \$1,317,580 in FY 86-87; \$3,401,194 in FY 87-88; and \$3,557,649 in FY 88-89.

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

Implementation of this proposed rule will result in reduced benefits to recipients of: \$2,003,314 in FY 86-87; \$5,029,120 in FY 87-88; and \$5,260,460 in FY 88-89.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

Currently, program policy provides for additional in-patient hospital days when a recipient exhausts the allowable limit for the calendar year, if the need for additional days is due to a life-threatening emergency and the services are not available from a state charity hospital. Circumstances have necessitated the elimination of the provision of additional in-patient hospital days beyond the minimal limits established by the Medical Assistance Program. This change in policy is in accordance with 42 CFR 440.10, 440.200-230 and necessary to allow the agency to continue providing those services which are mandated by federal regulation throughout the remainder of this fiscal year. Those services which are mandated by federal regulation must be provided by the agency in order to receive federal funding.

An emergency rule has been declared in accordance with the provisions of R.S. 49:953 B to adopt this rule effective November 1, 1986.

PROPOSED RULEMAKING

No exceptions to the Medical Assistance Program's annual limit for in-patient hospital days per recipient per calendar year shall be allowed.

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

A public hearing on this proposed rule will be held on January 7, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge La, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Elimination of Hospital Extensions

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

Implementation of this proposed rule will result in a savings to the State of: \$323,882 in FY 86-87; \$549,209 in FY 87-88; and \$574,473 in FY 88-89. These savings estimates do not reflect the additional cost of providing care in charity hospitals with 100% state funds for some indeterminate portion of 2,629 inpatient hospital days which will no longer be paid with Title XIX funds.

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

Implementation of this proposed rule will reduce Federal matching funds by \$622,312 in FY 86-87; \$1,147,451 in

FY 87-88; and \$1,200,234 in FY 88-89.

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

Implementation of this proposed rule will result in reduced benefits to recipients of: \$946,194 in FY 86-87; \$1,696,660 in FY 87-88; and \$1,774,707 in FY 88-89.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

Currently, program policy provides for interim payments to hospitals to be based on a per diem amount calculated by determining allowable costs per day and trending this forward by an appropriate factor. Hospital reimbursement is subject to limitations at year end when cost settlement occurs. Interim payments must be reflective of current reimbursement for allowable costs and limits for some services. As the limitations for hospital costs have been frozen for the past year and shall remain frozen for a second year, adjustment to interim per diem rates are in order. In addition to the freeze, the anticipated Medicare change to limit allowable costs for capital expenditures will further reduce total reimbursements to hospitals. In order for Medicaid to ensure compliance with state and federal regulations which require tracking of Medicare allowable costs and prohibit interim overpayments to hospitals for services, a 10 percent reduction in interim per diem rates is necessary.

Under this proposed rule, the Medical Assistance Program shall reduce hospital interim per diem rates by 10 percent. An emergency rule has been declared in accordance with the provisions of R.S. 49:953 B to adopt this rule effective November 1, 1986.

PROPOSED RULEMAKING

Hospital interim per diem rates are reduced by ten percent for Medicaid admissions on or after November 1, 1986.

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

A public hearing on this proposed rule will be held on January 7, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge La, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

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

Rule Title: Reduction of Hospital Per Diem by 10%

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of this proposed rule will result in a savings to the State of \$4,019,266 in FY 86-87; \$2,711,677 in FY 87-88; and no savings in FY 88-89. Although hospitals will receive reduce per diem rates this fiscal year, those hospitals whose expenses exceed interim payments will be repaid at cost settlement in subsequent fiscal years.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of this proposed rule will reduce federal matching funds by \$7,722,674 in FY 86-87; \$5,665,433 in FY 87-88; and no savings in FY 88-89.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Implementation of this proposed rule will result in reduced payments to hospitals of \$11,741,940 in FY 86-87; \$8,377,100 in FY 87-88; and no savings FY 88-89.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

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

Currently, payment is provided by the Medical Assistance Program for the reservation of a bed during the absence of a recipient from a Long Term Care Facility for a hospital stay. Circumstances necessitated the review of all optional Medicaid coverage provided to recipients under Title XIX. As a result, a determination has been made that the Medical Assistance Program will no longer provide payment for the reservation of a bed during the absence of a recipient from a long term care facility for a hospital stay. This change in policy is necessary to allow the agency to continue providing those services which are mandated by federal regulation throughout the remainder of this fiscal year. Those services which are mandated by federal regulation must be provided by the agency in order to receive federal funding.

PROPOSED RULEMAKING

Payment will no longer be made during the absence of a recipient from a Long Term Care Facility which is a result of hospitalization.

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

A public hearing on this proposed rule will be held on January 7, 1987 in the Louisiana State Library Auditorium, 760

Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Elimination of Hospital Leave Days for ICF's**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of this proposed rule will result in a savings to the State of: \$403,036 in FY 86-87; \$1,011,781 in FY 87-88; and \$1,058,323 in FY 88-89.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of this proposed rule will reduce Federal matching funds by: \$842,054 in FY 86-87; \$2,113,893 in FY 87-88; and \$2,211,132 in FY 88-89.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Implementation of this proposed rule will result in reduced provider reimbursement by: \$1,245,090 in FY 86-87; \$3,125,674 in FY 87-88; and \$3,269,455 in FY 88-89.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

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

Currently, payment is provided by the Medical Assistance Program for the reservation of a bed during the absence of a recipient from a Long Term Care Facility for the Handicapped for home leave. Circumstances necessitated the review of all optional Medicaid coverage provided to recipients under Title XIX. As a result, a determination has been made that the Medical Assistance Program will no longer provide full payment for the reservation of a bed during the absence of a recipient from a long term care facility. This change in policy is necessary to allow the agency to continue providing those services which are mandated by federal regulation throughout the remainder of this fiscal year. Those services which are mandated by federal regulation must be provided by the agency in order to receive federal funding.

PROPOSED RULEMAKING

Payments for bed reservations during the absence of a recipient from an intensive care facility for the handicapped for home leave will be made at one-half the provider's per diem for 45 days per fiscal year (July 1 through June 30 of the following

year).

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

A public hearing on this proposed rule will be held on January 7, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Reduction of Payments for ICF H Leave Days

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

Implementation of this proposed rule will result in a savings to the state of: \$449,585 in FY 86-87; \$1,067,311 in FY 87-88; and \$1,116,407 in FY 88-89.

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

Implementation of this proposed rule will reduce federal matching funds by: \$863,840 in FY 86-87; \$3,297,222 in FY 87-88; and \$3,448,894 in FY 88-89.

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

Implementation of this proposed rule will result in reduced benefits to recipients of: \$1,313,428 in FY 86-87; \$6,594,479 in FY 87-88; and \$6,897,825 in FY 88-89.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

Currently, program policy provides an annual maximum of 15 inpatient hospital days per calendar year per recipient. Circumstances necessitate that the annual maximum of inpatient hospital days must be reduced to allow the agency to continue providing those services which are mandated by federal regulation throughout the remainder of this fiscal year. Those services which are mandated by federal regulation must be provided by the agency in order to receive federal funding.

Under this rule, the maximum annual number of inpatient hospital days per recipient per calendar year shall be reduced to 10. The provision which permits the continuation of benefits until discharge when the patient is hospitalized at the time the last day is utilized shall be maintained. This change in policy is in accordance with 42 CFR 440.50 and 440.200-230.
PROPOSED RULEMAKING

The maximum annual number of inpatient hospital days per recipient shall be limited to 10 per calendar year. Policy shall permit the continuation of benefits until discharge, when the patient is hospitalized at the time the last day is utilized. Payment to the physician for inpatient hospital visits will be limited to the corresponding maximum covered hospital days.

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

A public hearing on this proposed rule will be held on January 7, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge La, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Reduction of Inpatient Hospital Days

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

Implementation of this proposed rule will result in a savings to the state of: \$743,595 in FY 87-88; and \$777,800 in FY 88-89. These savings estimates do not reflect the additional cost of providing care in charity hospitals with 100 percent state funds for some indeterminate portion of 2,966 inpatient hospital days which will no longer be paid with Title XIX funds.

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

Implementation of this proposed rule will reduce federal matching funds by \$1,553,577 in FY 87-88; and \$1,625,042 in FY 88-89.

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

Implementation of this proposed rule will result in reduced benefits to recipients of: \$2,297,172 in FY 87-88; and \$2,402,842 in FY 88-89.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

Currently, program policy provides optional Medicaid coverage of Medicare Part A and Part B co-insurance and deductibles for dually eligible recipients. Circumstances necessitate that this optional coverage be eliminated to allow the agency to continue providing those services which are mandated by federal regulation throughout the remainder of this fiscal year. Those services which are mandated by federal regulation must be provided by the agency in order to receive federal funding. Under this rule, payment on Medicare Part A and Part B co-insurance and deductibles will be limited to no more than the total Medicaid allowable cost for covered services of dually eligible recipients. Additionally, Medicare Part B crossover payments will only be applicable for Medicaid covered services.

PROPOSED RULEMAKING

The Medical Assistance Program shall provide Medicaid coverage of Medicare Part A and Part B crossover claims for dually eligible recipients with the following limitations:

1. Medicaid coverage of Medicare Part B crossover claims shall be limited to only those services covered under Title XIX (Medicaid); and

2. Payment of Medicare Part A and Part B co-insurance and deductibles shall be limited to the total Medicaid allowable cost for each covered service.

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

A public hearing on this proposed rule will be held on January 7, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Limitation of Medicaid Crossover Coverage

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

Implementation of this proposed rule will result in a savings to the State of: \$1,283,625 in FY 86-87; \$5,068,025 in FY 87-88; and \$5,301,154 in FY 88-89.

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

Implementation of this proposed rule will reduce Federal matching funds by \$2,466,375 in FY 86-87; \$10,588,523 in FY 87-88; and \$11,075,595 in FY 88-89.

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

Implementation of this proposed rule will result in reduced benefits to recipients of: \$3,750,000 in FY 86-87; \$15,656,548 in FY 87-88; and \$16,376,749 in FY 88-89.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

Currently, program policy requires that reimbursement for any drug with an Estimated Acquisition Cost (EAC) which exceeds Federal or Louisiana Maximum Allowable Cost (MAC) be reduced to the appropriate MAC limit unless a physician certifies in his own handwriting that a specific brand is medically necessary for a patient. Under this condition, the MAC limitation does not apply and reimbursement is based on the EAC. This provision is referred to as the "MAC override provision."

Circumstances necessitate that the MAC override provision be eliminated to allow the agency to continue providing optional drug services and those services which are mandated by federal regulation throughout the remainder of this fiscal year. Those services which are mandated by federal regulation must be provided by the agency in order to receive federal funding.

Under this rule, all drugs with Estimated Acquisition Cost (EAC) exceeding the federal or Louisiana MAC will be reduced to the appropriate limit without exception. This rule will not effect current program policy which prohibits recipients from being required to provide payment for any difference in a prescription's price that may occur as a result of Louisiana Maximum Allowable Cost limits.

PROPOSED RULEMAKING

Louisiana Maximum Allowable Costs (LMAC) shall be applicable to all reimbursable drugs specified except those which have lower federally established MACs, then the Federal MACs will prevail. There are no provisions for exceptions to these reimbursement limits.

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

A public hearing on this proposed rule will be held on January 7, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disap-

proval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

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

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

Rule Title: Elimination of LMAC Override Pharmacy Program

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

Implementation of this proposed rule will result in a savings to the state of: \$171,034 in FY 86-87; \$406,034 in FY 87-88; and \$430,396 in FY 88-89.

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

Implementation of this proposed rule will reduce federal matching funds by: \$328,628 in FY 86-87; \$848,318 in FY 87-88; and \$899,217 in FY 88-89.

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

Implementation of this proposed rule will result in reduced payments to providers of: \$499,662 in FY 86-87; \$1,254,352 in FY 87-88; and \$1,329,612 in FY 88-89. If a prescribed drug is not reimbursable by the Title XIX program, a recipient may pay the cost of the drug or may request that his physician prescribe a drug which is fully reimbursable by Title XIX.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

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

Currently, program policy provides a Medically Needy Income Eligibility Standard (MNIES) for determining eligibility for the Medically Needy Program under Title XIX. This need standard is limited by 42 CFR 435.811(c) to 133.33 percent of the AFDC flat grant amount for individuals or families of comparable size. Because the AFDC grant amount was reduced effective December 1, 1986, the Medical Assistance Program must reduce Urban and Rural MNIES amounts to maintain federal financial participation in the Medically Needy Program.

PROPOSED RULEMAKING

Medically Needy Income Eligibility Standards (MNIES) under Title XIX shall be set at 133.33 percent of the flat grant amount for Aid to Families With Dependent Children (AFDC) for individuals and families of comparable size.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge LA 70804-4065. Ms. Stewart is the person

responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on January 7, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

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

Rule Title: Reduction of the Medically Needy Income Standards

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

Implementation of this proposed rule will result in a savings to the State of: \$23,036 in FY 86-87; \$91,146 in FY 87-88; and \$95,338 in FY 88-89.

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

Implementation of this proposed rule will reduce Federal matching funds by \$44,262 in FY 86-87; \$190,428 in FY 87-88; and \$199,189 in FY 88-89.

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

Implementation of this proposed rule will result in reduced benefits to recipients of: \$67,298 in FY 86-87; \$281,574 in FY 87-88; and \$294,527 in FY 88-89.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

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

Currently, program policy provides Title XIX services to the Medically Needy as an optional program under federal regulations. Circumstances necessitate that this optional program be eliminated to allow the agency to continue providing those services which are mandated by federal regulation throughout the remainder of this fiscal year. Those services which are mandated by federal regulation must be provided by the agency in order to receive federal funding.

The Medical Assistance Program shall not provide an optional Medically Needy Program under Title XIX.

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

A public hearing on this proposed rule will be held on January 7, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Elimination of the Medically Needy Program

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

Implementation of this proposed rule will result in a savings to the State of: \$2,199,076 in FY 86-87; \$8,700,971 in FY 87-88; and \$9,101,216 in FY 88-89. These savings estimates do not reflect the additional cost of providing care in charity hospitals with 100% state funds to some indeterminate portion of the 3,359 persons who will no longer be eligible for Medically Needy benefits under Title XIX

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

Implementation of this proposed rule will reduce Federal matching funds by: \$4,225,335 in FY 86-87; \$18,178,766 in FY 87-88; and \$19,014,989 in FY 88-89.

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

Implementation of this proposed rule will result in reduced benefits to recipients of: \$6,424,411 in FY 86-87; \$26,879,737 in FY 87-88; and \$28,116,205, in FY 88-89.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Private providers may deny services beyond the requirements of the Hill Burton Act. An increasing number of patients will request services from State Charity Hospitals which are not equipped to provided for the increased number of services and in many cases, the level of care needed by the patient.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

Currently, Adult Denture Services are reimbursed by the Medical Assistance Program as an optional service under Title XIX. These services are provided in private practitioners dental offices throughout the State. Circumstances necessitate that Adult Denture Services must be eliminated to allow the agency to continue providing those services which are mandated by federal regulation throughout the remainder of this fiscal year. Those services which are mandated by federal regulation must be provided by the agency in order to receive federal funding. This change in policy is authorized under 42 CFR 440.90 and 440.230.

PROPOSED RULEMAKING

The Medical Assistance Program shall not provide Adult Denture services as an optional service under Title XIX. Approval of requests for such services from recipients shall be discontinued in accordance with applicable state and federal rules and regulations.

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

A public hearing on this proposed rule will be held on January 7, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Elimination of Optional Dental Program

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

Implementation of this proposed rule will result in a savings to the State of: \$349,431 in FY 86-87; \$829,546 in FY 87-88; and \$867,705 in FY 88-89.

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

Implementation of this proposed rule will reduce Federal matching funds by \$671,402 in FY 86-87; \$1,733,154 in FY 87-88; and \$1,812,879 in FY 88-89.

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

Implementation of this proposed rule will result in reduced benefits to recipients of: \$1,020,833 in FY 86-87; \$2,562,700 in FY 87-88; and \$2,180,584 in FY 88-89.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

Currently, Durable Medical Equipment is provided by the Medical Assistance Program to eligible recipients age 21 or older as an optional service under Title XIX. Circumstances necessitate that optional Medicaid coverage of Durable Medical Equipment be discontinued to allow the agency to continue providing those services which are mandated by federal regulation throughout the remainder of this fiscal year. Those services which are mandated by federal regulation must be provided by the agency in order to receive federal funding. Under this rule, optional Durable Medical Equipment for recipients age 21 or older will be discontinued. Durable Medical Equipment will continue to be available for mandatory Early and Periodic screening, Diagnosis and Treatment services under Title XIX.

PROPOSED RULEMAKING

The Medical Assistance Program shall not provide Durable Medical Equipment to recipients age 21 or older as an optional program under Title XIX. Durable Medical Equipment will continue to be provided to recipients up to age 21 under Early and Periodic Screening, Diagnosis and Treatment services which are mandatory under Title XIX.

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

A public hearing on this proposed rule will be held on January 7, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Elimination of Optional DME Services

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of this proposed rule will result in a savings to the State of: \$204,091 in FY 86-87; \$484,510 in FY 87-88; and \$506,798 in FY 88-89.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of this proposed rule will reduce Federal matching funds by \$392,144 in FY 86-87; \$1,012,278 in FY 87-88; and \$1,565,640 in FY 88-89.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Implementation of this proposed rule will result in re-

- duced benefits to recipients of: \$596,235 in FY 86-87; \$1,496,788 in FY 87-88; and \$1,565,640 in FY 88-89.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

Currently, program policy provides optional nursing home services under Title XIX for recipients who are classified as Intermediate Care Facility (ICF) I, and H patients. Circumstances necessitate that optional programs and services provided under Title XIX be eliminated to allow the agency to continue providing those services which are mandated by federal regulation throughout the remainder of this fiscal year. The Medical Assistance Program has determined that ICF I, and H services must be eliminated effective April 22, 1987 to continue providing services which are mandated by federal regulations. Those services which are mandated by federal regulation must be provided by the agency in order to receive federal funding.

Under this rule, the Medical Assistance will discontinue providing optional Intermediate Care Facility I, and H services effective April 22, 1987.

PROPOSED RULEMAKING

The Medical Assistance Program shall not provide optional coverage for recipients who are classified as Intermediate Care Facility I, and H patients. All certified cases for ICF I, and H services shall be closed in accordance with appropriate state and federal laws and regulations effective April 22, 1987.

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

A public hearing on this proposed rule will be held on January 7, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Elimination of Optional ICF I Services

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

Implementation of this proposed rule will result in a savings to the State of: \$11,156,827 in FY 86-87. This savings will be achieved by suspending payment for nursing home care for 38 days for approximately 25,000 Medicaid recipients.

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

Implementation of this proposed rule will reduce Federal matching funds by: \$21,436,883 in FY 86-87.

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

Implementation of this proposed rule will result in reduced benefits to recipients of: \$32,593,710.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

Currently, program policy provides optional nursing home services under Title XIX for recipients who are classified as Intermediate Care Facility (ICF) I and II patients. Circumstances necessitate that optional programs and services provided under Title XIX be eliminated to allow the agency to continue providing those services which are mandated by federal regulation throughout the remainder of this fiscal year. However, the Medical Assistance Program has determined that the elimination of ICF II services will allow optional ICF I nursing home services to be continued as an optional service under Title XIX in addition to those services which are mandated by federal regulations. Those services which are mandated by federal regulation must be provided by the agency in order to receive federal funding.

Under this rule, the Medical Assistance Program will provide mandatory Skilled Nursing and optional Intensive Care Facility I services under Title XIX.

PROPOSED RULEMAKING

The Medical Assistance Program shall not provide optional coverage for recipients who are classified as Intermediate Care Facility II patients. All certified cases for ICF II services shall be closed in accordance with appropriate state and federal laws and regulations.

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

A public hearing on this proposed rule will be held on January 7, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Implementation of this rule is dependent on the approval

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

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Elimination of Optional ICF II Services

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

Implementation of this proposed rule will result in a savings to the State of: \$129,195 in FY 86-87; \$306,708 in FY 87-88; and \$320,816 in FY 88-89.

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

Implementation of this proposed rule will reduce Federal matching funds by \$248,237 in FY 86-87; \$640,798 in FY 87-88; and \$670,275 in FY 88-89.

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

Implementation of this proposed rule will result in reduced benefits to recipients of: \$377,432 in FY 86-87; \$947,506 in FY 87-88; and \$991,091 in FY 88-89.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

Currently, Adult Day Health Care is provided by the Medical Assistance Program to eligible aged or disabled as an optional waived service under Title XIX. This waived service is provided in the parishes of Orleans, Jefferson, St. Tammany, East Baton Rouge, Ouachita, and Red River. Circumstances necessitate that optional waived coverage of Adult Day Health Care be discontinued to allow the agency to continue providing those services which are mandated by federal regulation throughout the remainder of this fiscal year. Those services which are mandated by federal regulation must be provided by the agency in order to receive federal funding.

PROPOSED RULEMAKING

The Medical Assistance Program shall not provide optional waived Adult Day Health Care services under Title XIX. Services which are being provided shall be discontinued in accordance with applicable state and federal laws and regulations.

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge LA 70804-4065. Ms. Stewart is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic

impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on January 7, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Elimination of Optional State Supplementation

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of this proposed rule will result in a savings to the State of: \$96,977 in FY 86-87; \$230,222 in FY 87-88; and \$240,812 in FY 88-89.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of this proposed rule will reduce Federal matching funds by \$186,333 in FY 86-87; \$480,998 in FY 87-88; and \$503,124 in FY 88-89.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Implementation of this proposed rule will result in reduced benefits to recipients of: \$283,310 in FY 86-87; \$711,220 in FY 87-88; and \$743,936 in FY 88-89.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

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

Circumstances necessitate that the personal care needs allowance be reduced from \$35 a month to the minimum required by federal regulations (\$25 a month except for grandfathered and converted recipients who must receive \$28). This change in policy is necessary to allow the agency to continue providing those services which are mandated by federal regulation throughout the remainder of this fiscal year. Those services which are mandated by federal regulation must be provided by the agency in order to receive federal funding.

An emergency rule has been declared in accordance with the provisions of R.S. 49:953 B to adopt this rule effective November 1, 1986.

PROPOSED RULEMAKING

Optional state supplementation payments are not provided by the Medical Assistance Program. The personal care needs allowance for Medicaid recipients in skilled and ICF facilities shall be set at the minimal amount mandated by federal regulations (\$25 per month except for grandfathered and converted recipients who shall receive \$28 per month).

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

A public hearing on this proposed rule will be held on January 7, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Elimination of Optional State Supplementation

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of this proposed rule will result in a savings to the state of: \$1,222,989 in FY 86-87; \$1,907,116 in FY 87-88; and \$1,926,299 in FY 88-89.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of this proposed rule will reduce federal matching funds by \$853,471 in FY 86-87; \$1,519,484 in FY 87-88; and \$1,534,741 in FY 88-89.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Implementation of this proposed rule will result in reduced benefits to recipients of: \$2,076,460 in FY 86-87; \$3,426,600 in FY 87-88; and \$3,461,040 in FY 88-89.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

Medical Assistance Program.

Currently, Home Health Agencies are reimbursed by the Medical Assistance Program for Physical Therapy as an optional service under Title XIX. Circumstances necessitate that optional physical therapy services provided by home health agencies must be eliminated. This change in policy is necessary to allow the agency to continue providing those services which are mandated by federal regulation throughout the remainder of this fiscal year. Those services which are mandated by federal regulation must be provided by the agency in order to receive federal funding.

Under this proposed rule, optional physical therapy services provided by home health agencies shall terminate effective November 1, 1986. An emergency rule has been declared in accordance with the provisions of La. R.S. 49:953 B to adopt this rule effective November 1, 1986.

PROPOSED RULEMAKING

The Medical Assistance Program shall not provide optional physical therapy services under Title XIX for Home Health Services.

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

A public hearing on this proposed rule will be held on January 7, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Elimination of Physical Therapy in Home Health

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

Implementation of this proposed rule will result in a savings to the State of: \$30,412 in FY 86-87; \$51,570 in FY 87-88; and \$53,942 in FY 88-89.

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

Implementation of this proposed rule will reduce Federal matching funds by: \$58,434 in FY 86-87; \$107,743 in FY 87-88; and \$112,700 in FY 88-89.

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

Implementation of this proposed rule will result in reduced benefits to recipients of: \$88,846 in FY 86-87; \$159,313 in FY 87-88; and \$166,642 in FY 88-89.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

Currently, physician, osteopath, optometrist and nurse midwife services are reimbursed by the Medical Assistance Program as a mandatory service under Title XIX. These services are provided throughout the state. Circumstances have necessitated the review of all Medicaid services. As a result, a determination has been made that the reimbursement rate for physician, osteopath, optometrist and nurse midwife services must be reduced by 5 percent to maintain mandatory services throughout the remainder of this fiscal year. Those services which are mandated by federal regulation must be provided by the agency in order to receive federal funding.

Under this rule physician, osteopath, optometrist and nurse midwife payments will be reduced by 5 percent. An emergency rule has been declared in accordance with the provisions of R.S. 49:953 B to adopt this rule effective February 1, 1987. This change in policy is authorized under 42 CFR 440.50 and 440.230.

PROPOSED RULEMAKING

Effective February 1, 1987, payments for physician, osteopath, optometrist and nurse midwife services under the Medical Assistance Program shall be reduced by 5 percent.

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

A public hearing on this proposed rule will be held on January 7, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Services of Physicians, et al. for Payment Reduction

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

Implementation of this proposed rule will result in a savings to the State of: \$599,650 in FY 86-87; \$1,333,896 in FY 87-88; and \$1,395,256 in FY 88-89.

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

Implementation of this proposed rule will reduce Federal matching funds by \$1,152,175 in FY 86-87; \$2,786,884 in FY 87-88; and \$2,915,080 in FY 88-89.

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

Implementation of this proposed rule will result in reduced payments to providers of: \$1,751,825 in FY 86-87; \$4,120,780 in FY 87-88; and \$4,310,336 in FY 88-89.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

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

Currently, program policy limits the maximum number of outpatient physician visits per calendar year to 12 per recipient. Additional physician visits (inpatient or outpatient) are available when a recipient exhausts the allowable limit for the calendar year, if the need for additional days is due to a life-threatening emergency and the services are not available from a state charity hospital. Circumstances necessitate that the annual maximum physician outpatient visits be reduced, and the provision for additional days be eliminated to allow the agency to continue providing those services which are mandated by federal regulation throughout the remainder of this fiscal year. Those services which are mandated by federal regulation must be provided by the agency in order to receive federal funding.

Under this rule, recipients will be limited to eight physician outpatient visits per calendar year with no additional physician visits (inpatient or outpatient) allowable. This change in policy is authorized in accordance with 42 CFR 440.50 and 440.200.230.

PROPOSED RULEMAKING

The maximum number of physician outpatient visits per calendar year shall be limited to eight per recipient. This limit shall include physician services in an outpatient hospital clinic. The Medical Assistance Program shall not provide additional visits, under service limitations for physician services beyond the maximum annual limit for physician inpatient and outpatient visits. No exceptions to the annual limit for physician visits (inpatient or outpatient) shall be allowed other than the provision for additional inpatient hospital visits corresponding to Medicaid covered hospital days.

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

A public hearing on this proposed rule will be held on January 7, 1987 in the Louisiana State Library Auditorium, 760

Riverside, Baton Rouge LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Reduction of Physician Visits And Extensions**

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

Implementation of this proposed rule will result in a savings to the state of: \$199,721 in FY 86-87; \$797,287 in FY 87-88; and \$833,962 in FY 88-89. These savings estimates do not reflect the additional cost of providing these services at charity hospitals with 100 percent state funds to some indeterminate portion of the 40,495 physician office visits which exceed the limit of eight and which will no longer be paid with Title XIX funds.

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

Implementation of this proposed rule will reduce federal matching funds by \$383,786 in FY 86-87; \$1,665,756 in FY 87-88; and \$1,742,381 in FY 88-89.

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

Implementation of this proposed rule will result in reduced benefits to recipients of: \$583,936 in FY 86-87; \$2,463,043 in FY 87-88; and \$2,576,343 in FY 88-89.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

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

Currently, payment is provided by the Medical Assistance Program for the reservation of a bed during the absence of a recipient from a Long Term Care Facility (Skilled Nursing Facilities, and Intermediate Care Facilities I) for home leave. Circumstances necessitated the review of all optional Medicaid coverage provided to recipients under Title XIX. As a result, a determination has been made that the Medical Assistance Program will no longer provide full payment for the reservation of a bed during the absence of a recipient from a long term care facility. This change in policy is necessary to allow the agency to continue providing those services which are mandated by federal regulation throughout the remainder of this fiscal year. Those services which are mandated by federal regulation must be provided by

the agency in order to receive federal funding.

PROPOSED RULEMAKING

Payments for bed reservations during the absence of a recipient from a Long Term Care facility for home leave will be made at one-half (1/2) the provider's per diem for 18 days per calendar year for Skilled Nursing Facilities and Intermediate Care Facilities I.

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

A public hearing on this proposed rule will be held on January 7, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Reduction of Provider Payment For Home Leave

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

Implementation of this proposed rule will result in a savings to the State of: \$51,926 in FY 86-87; \$88,050 in FY 87-88; and \$92,101 in FY 88-89.

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

Implementation of this proposed rule will reduce Federal matching funds by \$99,770 in FY 86-87; \$183,962 in FY 87-88; and \$192,424 in FY 88-89.

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

Implementation of this proposed rule will result in reduced benefits to recipients of: \$151,696 in FY 86-87; \$272,012 in FY 87-88; and \$284,525 in FY 88-89.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

Currently, program policy provides optional Title XIX coverage of drugs prescribed for recipients with certain limitations. Circumstances necessitate that optional programs and services provided under Title XIX be eliminated to allow the agency to continue providing those services which are mandated by federal regulation throughout the remainder of this fiscal year. However, the Medical Assistance Program has determined that the adoption of a restricted drug formulary will allow essential drug services to be continued as an optional service under Title XIX in addition to those services which are mandated by federal regulations.

The proposed restricted drug formulary will list, by generic description, those drugs that will be covered under the drug vendor program. An updated listing of those drugs that will be included in the restricted drug formulary will be sent to providers. Providers will also be notified of any revisions to the restricted drug formulary as they occur.

Under this proposed rule, certain drugs will be removed from program coverage to maintain those services which are mandated by federal regulations. Without the adoption of a restricted drug formulary, the agency will be required to eliminate optional prescription drug program services to maintain services mandated by federal regulation. Those services which are mandated by federal regulation must be provided by the agency in order to receive federal funding. This change in policy is authorized under 42 CFR 440.120 and 440.230.

PROPOSED RULEMAKING

The Medical Assistance Program shall provide a restricted drug formulary that will list, by generic description, those drugs that will be reimbursed as an optional service under Title XIX.

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

A public hearing on this proposed rule will be held on January 7, 1987 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge La, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Adoption of a Restricted Drug Formulary

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

Implementation of this proposed rule will result in a savings to the State of: \$2,285,442 in FY 86-87; \$5,425,613 in FY 87-88; and \$5,675,192 in FY 88-89.

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

Implementation of this proposed rule will reduce Federal matching funds by: \$4,391,279 in FY 86-87; \$11,335,627 in FY 87-88; and \$11,857,257 in FY 88-89.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO

DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule will result in reduced payments to providers of: \$6,676,721 in FY 86-87; \$16,761,240 in FY 87-88; and \$17,532,257 in FY 88-89. If a prescribed drug is not on the formulary, a recipient may pay the cost of the drug or may request that his physician prescribe a drug which is on the formulary and, therefore, reimbursable by the Title XIX programs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Effective February 20, 1987, the Department of Health and Human Resources, Office of Human Development, Division of Rehabilitation Services, will change the basis of their income exemption for eligibility determination for the following pre-employment services: 1) physical restoration; 2) maintenance; 3) transportation; 4) books and supplies; 5) occupational tools and equipment; 6) other goods and services; 7) telecommunication, sensory, interpreter services for long term training, and other technological aids. Post-employment services must meet the same economic needs test as pre-employment services. Eligibility criteria for interpreter services provided through state funds under the Commission for the Deaf shall be established by the commission.

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

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

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

Development by the Bureau of Census from the March 1984 Current Population Survey, 1980 Census of Population, and per capita income estimates from the Bureau of Economic Analysis (Revised Dec. 20, 1986).

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

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

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

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

It is anticipated that expenditures for maintenance/trans-

portation will increase by approximately \$558,360 and physical restoration by \$161,140 for a total of \$700,000 in federal funds for additional support services.

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

No effect is anticipated because the Division of Rehabilitation Services expects to collect the same amount of funds as present.

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

It is anticipated that this proposed change in the Income Exemption Policy would provide approximately 500 present clients with increased support services. In addition, there may be some new referrals although there would be an estimated increase of less than 5 percent.

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

In 1985-86, Division of Rehabilitation Services closed our Status 28 and 30 (not Rehabilitated) 4,601 clients. These 4,601 clients were closed due to incomplete service delivery directly related to proposed rule change. It is felt that with the rule change we can complete services on approximately 10 percent of these cases. Therefore, an increase of 10 percent in job placement is expected.

Wayne C. Heap
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Management and Finance, Division of Policy, Planning and Evaluation proposes to adopt the following changes to the Policies and Guidelines for Section 1122 capital expenditure reviews to be effective February 20, 1987. The proposed changes will be made to the rule published in Volume 12, Number 8 of the *Louisiana Register*, August 20, 1986. These proposed changes will affect the following portions of the Louisiana Administrative Code: Chapter 109; and Sections 10309, 11307, 11509, 11511, 11513, 11515 and 11533.

The revised pages of the Section 1122 Policies and Guidelines will read as follows:

page 17

3. The need of the service area population for the proposed facility/services.

NOTE: In reviewing the need for beds, all proposed beds shall be considered available as of one projected opening date for the project. Division of Policy, Planning and Evaluation does not recognize the concept of "phasing in" beds, whereby an applicant provides two or more opening dates.

a. Delineation of the service area for the proposal (the definition of "service area" will be governed by the State Health Plan's definition for each particular type of service or facility).

b. Current and projected availability of beds/services/facility.

Division of Policy, Planning and Evaluation will count as available:

- all health care facility beds as defined in the applicable State Health Plan section;
- all health care facilities, as defined for Section 1112 Review purposes;
- all services and equipment in health care facilities.

** NOTE: For all reviews where a bed to population ratio is a factor, the facility bed inventory which will be used in the determination of need is that which is current on the date that the application is determined to be complete. This inventory will change during the review period only when bed increases or decreases are approved for the area by Section 1122 Review decisions, fair hearing decisions or judicial decisions which are effective prior to the decision on the application.

(Data Sources to be used include information compiled by the Bureau of Research and Development, Division of Policy, Planning and Evaluation, as published, and the middle population projections recognized by the State Planning Office as official projections.)

1) Number and distribution of similar facilities, services, or beds within the service area;

2) Bed to population ratio in the service area;

3) Comparison of bed to population ratio in the service area to that of other service areas in the state.

c. Physical accessibility of the target population to existing and proposed facilities/services.

Page 17a

d. Current and projected measures of utilization of existing facilities/services (i.e. occupancy or other appropriate utilization data).

** NOTE: For all reviews where utilization is a factor, the occupancy report which will be used in the determination of need is that which is current on the date that the application is determined to be complete. The only exception to this rule will occur when determining the need for long term care beds under the overbedded exception. In such a case, the adjusted occupancy rate will be recalculated to reflect any increase or decrease in beds in the area which resulted from Section 1122 review decision, fair hearing decisions or judicial decisions effective prior to the decision on the application.

e. Demographics of the service area for the proposal.

4. The availability or potential availability of less costly or more effective alternatives to the proposal.

5. The immediate and long-term financial feasibility of the proposal, and the availability of funds. (DPPE will consider but not be limited to the following: (1) for proposed expenditures exceeding \$6,000,000, documentation of net assets exceeding 25 percent of the proposed expenditure; and (2) a commitment for financing from a reputable lending institution, including effective date and duration of commitment, amount and terms of loan, approximate beginning and ending dates of loan, and amount and type of collateral pledged; or (3) documentation of available internal funds equivalent to the proposed expenditure; (4) documentation of the financial feasibility through the use of tax-exempt bonds.)

Interested persons may submit written comments on the proposed changes until January 15, 1987 at the following address: Bonnie W. Smith, Division of Policy, Planning and Evaluation, 200 Lafayette St., Suite 406, Baton Rouge, LA 70801.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Section 1122 Review Procedure**

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

There are no estimated costs or savings to state or local governmental units. The proposed rule only clarifies existing rules.

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

There is no estimated effect on revenue collections.

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

There are no estimated costs or benefits to affected persons or groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Sandra L. Robinson, M.D., M.P.H. Mark C. Drennen
Secretary and State Health Officer Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Management and Finance, Division of Policy, Planning and Evaluation proposes to adopt the following changes to the Louisiana State Health Plan to be effective February 20, 1987. The proposed changes will be made to the Rule published in Volume 11, Number 4 of the *Louisiana Register*, April 20, 1985. These proposed changes will affect the following portions of the Louisiana Administrative Code: Chapter 109; and Sections 10309, 11307, 11509, 11511, 11513, 11515 and 11533.

The proposed changes may be summarized as follows: A) Chapter 1, the "Executive Summary" of the plan will be amended to summarize the plan as it will be constituted on February 20, 1987.

B) In Chapter 3, "Overview of the State," the current section on health status will be replaced with an updated section which includes the most recent health status information for Louisiana.

C) The current Chapter 6, "Implementation Strategies," will be replaced by an updated chapter which lists the priority health goals for Louisiana and one-year objectives of DHHR Offices which move toward meeting these goals.

D) In Chapter 8, "State Health Policy Analysis," the list of Louisiana health-related statutes will be revised to incorporate relevant changes occurring since 1982, when the current list was compiled.

E) Major changes in Chapter 9 "Health Resource Requirements" include:

1) The General Acute Care Hospital Bed and Long Term Care sections have been revised to specify that licensed hospital beds which are Medicare certified as a Skilled Nursing Facility will be counted as Long Term Care Beds (not hospital beds) for the purpose of determining Long Term Care Bed need.

2) Chemical Dependency Services the body of this Section has been revised to incorporate new material. The new resource goals may be summarized as follows:

a. Proposals for chemical dependency services which would result in an increase in general acute care hospital beds or psychiatric hospital beds must meet the resource goals for the relevant facility type and the occupancy standard for chemical dependency services.

b. Occupancy Rate - all free-standing CDU facilities or CDU units in general hospitals in the service area must maintain a 60 percent occupancy for the four most recent quarters prior to the application being deemed complete.

Beds to be included in calculating the occupancy rate are specified in the applicable section.

3) Open Heart Surgery - resource goals in this section have been revised to read as follows:

a. A minimum of 200 open heart procedures should be performed annually, within three years after initiation, in any institution in which open heart surgery is performed for adults.

b. A minimum of 100 pediatric heart operations should be performed annually, within three years after initiation, in any institution in which pediatric open heart surgery is performed. At least 75 of these operations should be open heart surgery.

c. No institution should have a surgeon and/or surgical team that performs fewer than 100 open heart procedures over a two-year period.

d. Open heart surgical services should be available to the population in need of such services within 80 road miles one way.

4) Cardiac Catheterization - the resource goals have been revised to read as follows:

a. Within three years after initiation of a cardiac catheterization unit, there should be at least 300 adult or 150 pediatric procedures performed annually.

b. No unit should be operated in a facility not performing open heart surgery.

c. Adult cardiac catheterization services should be available to the population in need of such services within 80 road miles one way.

5) Radiation Therapy - the resource goals have been revised to read as follows:

a. There should be at least one therapeutic radiology unit for each 150,000 to 250,000 persons.

b. Within three years after initiation, a radiation therapy unit should treat at least 300 cancer cases annually.

c. Radiation therapy services should be accessible to service area residents within 60 road miles one way.

6) Magnetic Resonance Imaging (MRI) - resource goals have been developed as follows:

a. The applicant shall document a projection of an annual utilization of at least 2,000 MRI procedures by the method described in the attachment to the application form.

b. Demographics, patient referral patterns, patient accessibility and relationships with existing providers and facilities within the proposed service area are important determinants for MRI site selection.

i. A written plan specifically addressing MRI referrals must be presented with the application, in which it is established that the applicant is committed to accept appropriate referrals from other local providers and to provide feedback of patient information to the referring physician and facility.

ii. The above documentation must establish that patients will be prioritized according to standards of need and appropriateness rather than source of referral.

c. Proposed MRI units must be located in facilities which have, either in-house or through formal referral arrangements, the resources necessary to treat most of the conditions diagnosed or confirmed by MRI. The following medical specialties must be available during normal working hours on-site, or by formal referral arrangements: neurology, neuro-surgery, oncology and cardiology.

d. Applicants must demonstrate proposed staffing patterns appropriate to the nature of the unit. All units must be staffed by: a diagnostic radiologist familiar with a range of imaging techniques, who must have a background in MRI; a physicist knowledgeable in the operational parameters of MRI systems; technicians trained in MRI procedures; and a medical statistician or data base manager. Units to be used for experimental re-

search must also be staffed by specialists in the particular field of experimentation.

e. Applicants must demonstrate adequate safety precautions and these must include: documentation that the proposed model has been approved by the Food and Drug Administration as a class I, class II or class III device under 21 USC 360c-k; itemized safety precautions including screening of at-risk patients, metal detection, and emergency procedures; assurance that all safety recommendations of the manufacturer of the MRI unit will be complied with; a safety manual; and a plan for inservice training. Utilization must be subject to adequate peer review.

Interested persons may submit written comments on the proposed changes until January 15, 1987 at the following address: Bonnie W. Smith, Division of Policy, Planning and Evaluation, 200 Lafayette St., Suite 406, Baton Rouge, LA, 70801.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Revisions of State Health Plan,
Chapters 1, 3, 6, 8 and 9.**

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

No additional state agency administrative expenditures will be required to implement these changes. Revisions to the resource goals in the Radiation Therapy, Open Heart Surgery and Cardiac Catheterization sections may result in some slight increase in the member of such services. Resource goals in these sections which require that a certain level of utilization be reached prior to the establishment of new services in a health planning district were deleted in this revision because, while good in theory, these resource goals might also protect substandard services from local competition. In this type of service, where quality of care is crucial, it was felt that some expansion of services was preferable to taking a chance that inadequate services might be provided. There is no reason to assume that the increase in services will be sizeable, but there is no way to predict its magnitude with any assurance. For this reason, it is impossible to estimate any increased cost to the State.

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

Some impact to revenue collections is possible due to increased services and increased employment, but we are unable to estimate the dollar amount of this slight change. For this reason, it is impossible to estimate any increased cost to the State.

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

If there is an increase in services as a result of the change in resource goals, it can be assumed that economic benefits might accrue to the owners of such services and the local area. It is impossible, however, to estimate the amount of these benefits.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

If there is an increase in services as a result of the change in resource goals, it can be assumed that competition and employment in the affected areas would increase slightly.

Sandra L. Robinson, M.D., M.P.H. Mark C. Drennen
Secretary and State Health Office Legislative Fiscal Officer

NOTICE OF INTENT

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

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

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

MANUFACTURER	PLANT DESIGNATION	RATED CAPACITY
Mo-Dad-1, Inc. Post Office Box 96 Denham Springs, LA 70726	Models 500 S	500 GPD
	1000 S	1000 GPD
	1500 S	1500 GPD

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

MANUFACTURER	PLANT DESIGNATION	RATED CAPACITY
Aquarobic Limited* 171 Robert St. E. Post Office Box 704 Penetanguishene Ontario LOK IPO *(formerly Eastern Environmental Controls, Inc.)	Mini-Plant (Including filter)	
	Models F54291-5-S	500 GPD
	F54291-6-S	thru
	F54291-7-S	1500 GPD
	F54291-7.5-S	
	F54291-8-S	
	F54291-9-S	
	F54291-10-S	
	F54291-11-S	
	F54291-12-S	
	F54291-13-S	
	F54291-14-S	
	F54291-15-S	

NOTE: without prefix "F": concrete tank

When used in conjunction with Filter Kit Model 3000, the following Mini-Plant Models 54291-4 thru 54291-15 are approved:

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

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

Clearstream Wastewater Systems, Inc. Post Office Box 705 Silsbee, Texas 77656	Models 500 H	500 GPD
	1000 H	1000 GPD
	1500 H	1500 GPD
Delta Process Equipment, Inc. Post Office Box 1011 Denham Springs, LA 70726	Models HU-0.5	500 GPD
	HU-1.0	1000 GPD
	HU-1.5	1500 GPD
Jet, Inc. 750 Alpha Drive Cleveland, Ohio 44143	Model J-150 (Including filter)	500 GPD
Mo-Dad-1, Inc. P. O. Box 96 Denham Springs, LA 70726	Mo-Dad-1-500	500 GPD
	Mo-Dad-1-1000	1000 GPD
	Mo-Dad-1-1500	1500 GPD
Multi-Flo, Inc. 2324 East River Road Dayton, Ohio 45439	Models FTB-0.5	500 GPD
	FTB-1.0	1000 GPD
	FTB-1.5	1500 GPD
Norwalk Wastewater Equipment Company 220 Republic Street Norwalk, Ohio 44857	SINGULAIR Model 820 (Including filter, backwash chamber, backwash pump, and appurtenant piping)	500 GPD

Robert R. Oldham, Inc. Post Office Box 197 Sidney, Ohio 45365	Model WQM-50 (Including filter)	500 GPD
	Model WQM-100 (Including filter)	1000 GPD
Owens Manufacturing & Specialty Company Post Office Box 2443 Lafayette, LA 70502	Kleen Tank Model 650 (Including filter)	500 GPD

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

Comments regarding the proposed rule should be addressed to: Daneta Daniel Bardsley, Ed.D., Assistant Secretary, Office of Preventive and Public Health Services, Department of Health and Human Resources, Box 60630, New Orleans, LA 70160. A public review hearing will be held on January 6, 1987 at 10 a.m. at 325 Loyola Avenue, Room 511, New Orleans, to hear comments on the rule.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Individual Mechanical Sewage Treatment
Plants - Acceptable Units**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The consumer will be afforded a wider selection of products — thus enhancing competition and possibly resulting in reduced costs of the related products and services to the consumer.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Competition will be stimulated by the presence of the new product. Effect on employment cannot be estimated.

Joseph O. Kimbrell
Deputy Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Labor
Plumbing Board**

At its November 21, 1986, Meeting, the Louisiana State Plumbing Board decided to modify Section IV of its Revised Rules and Regulations. Section IV currently establishes the requirements to take the examination for a journeymen plumber's license. There are now seven requirements and preconditions which must be met by any applicant for a journeymen plumber's license. The second requirement is that the applicant "shall have sufficient education to read and write the answers to the examination questions and shall understand the plumbing terms used in the Louisiana State Board of Health rules and regulations in regard to the installation and repair of plumbing." Based on the applications from various citizens of the state of Louisiana who have engaged in the work of plumbing under the supervision of

a licensed journeymen plumber, but who can neither read nor write, the board has considered a waiver of the educational requirements of Section IV to be allowed on a case-by-case basis.

Amendment to Section IV
Revised Rules and Regulations
State Plumbing Board of Louisiana

Section IV of the revised rules and regulations of the State Plumbing Board of Louisiana is amended and supplemented as follows:

Following the last paragraph of Section IV, which ends with the word "expenses" there shall be added the following paragraph:

An applicant for journeyman plumber's examination, who does not have sufficient education to read and write the answers to the examination questions, as required in Section IV(C)(2) of these revised rules and regulations, can apply to the board for a waiver of that particular requirement upon producing satisfactory proof to the board that the applicant has 10 years experience in manual labor of plumbing under the direct on-the-job supervision provision of a licensed plumber, has no more than a fourth grade education, and was born before 1945.

The president of the board shall appoint special examiners to assist these applicants in the completion of the written portion of their examinations. These special examiners will not provide any information or data to the applicants, but will only complete the written portion of any examination given to such applicants by writing the answers for the applicants as provided to the special examiner. These examiners will assist these applicants in such a manner as to prevent disclosure of answers to examination questions to any other applicant participating in the examination.

These applicants will be granted a limited and provisional license only. This provisional and limited license shall permit any such applicant to engage in the work of a journeyman plumber, upon passing the special examination described herein, only within a 10-mile radius of the residence held by the applicant in the last three of five years prior to his application under this rule.

Applicants under these special provisions will not be relieved of any other requirements or conditions associated with the issuance of a journeyman plumber's license by this board as established under the board's revised rules and regulations and the Louisiana State Plumbing Laws, R.S. 37:1365 through 1378.

A copy of this proposed rule and its fiscal and economic impact statement is available for review in the Office of the Louisiana State Plumbing Board located at 512 Colonial Bank Building, 2714 Canal Street, New Orleans, LA 70119.

Interested persons may submit written comments to the following person and address: Janice M. Madden, Administrator, Louisiana State Plumbing Board, 512 Colonial Bank Building, New Orleans, La 70119. She is the person responsible for responding to inquiries regarding this proposed rule.

Janice M. Madden
Administrator

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Rule IV - Examinations Requirements**

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

It is estimated that approximately \$500 will be expended by the State Plumbing Board after January 1, 1987 to cover the cost of special examiners.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF

STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The board will collect regular examination fees from eligible individuals applying for the special oral examination. Affected applicants will be required to pay the standard examination fee of \$75. It is anticipated that \$500 will be the total collection as a result of this rule.

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

Persons successfully completing the examination will be permitted to practice plumbing within their prescribed area.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No estimated effect on competition because individuals affected by this proposed rule are presently engaged in the plumbing trade.

Janice M. Madden
Administrator

Mark C. Drennen
Legislative Fiscal Officer

12-86-53-R

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of Motor Vehicles**

In accordance with R.S. Title 32, Chapter 7 and Administrative Procedure Act R.S. 49:950 the Louisiana Office of Motor Vehicles intends to adopt and amend rules relative to Louisiana Official Motor Vehicle Inspection Stations.

Copies of the proposed rule changes/additions will be available for public inspection between the hours of 8 a.m. and 4:30 p.m. on any working day at the Office of Motor Vehicles, 109 S. Foster, Trailer No. 22, Baton Rouge, LA 70896. Interested parties may direct inquiries in writing to the above address.

John J. Politz
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Motor Vehicle Inspection**

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

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

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

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

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

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition or employment.

James L. Thibodeaux
Finance Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Revenue and Taxation Sales Tax Section

The Department of Revenue and Taxation advertises its intent to amend and repromulgate the regulations pertaining to the sales tax levied under Chapters 2, 2-A, and 2-B of Title 47, Subtitle II, of the Louisiana Revised Statutes. The regulation entitled "§302.1. Exemption from lease or rental tax, helicopters" is newly adopted. The regulation which currently appears as "Article 47:305.4. Exclusions and exemptions; casing, drill pipe and tubing used in offshore drilling" is hereby rescinded. All other regulations which were heretofore promulgated pursuant to the sales tax law are hereby amended and repromulgated.

Interested persons may submit their written comments on the proposed regulations to the following address: R. Charles Bradley, Jr., Director, Sales Tax Section, Louisiana Department of Revenue and Taxation, Box 3863, Baton Rouge, LA 70821.

A public hearing for the purpose of hearing objections to and comments on the proposed revisions will be held on January 5, 1987, 1 p.m. to 4 p.m. in the second floor conference room of the Department of Revenue and Taxation, which is located at 330 N. Ardenwood Drive, Baton Rouge, LA.

The text of the proposed amended and repromulgated regulations §301 through §322. (exclusive of §305.10.) can be viewed at the Department of Revenue and Taxation in their entirety.

Shirley McNamara
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Various

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

There will be no implementation costs or savings to the Department of Revenue and Taxation in implementing the proposed rule changes and additions which appear in Schedule 1.

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

There will be no estimated effect on revenue collections for the proposed regulation changes and additions appearing on Schedule 1, with the exception of the proposed revision of Article 47:305.1, which will decrease annual sales tax collections by an estimated \$35,000.

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

The taxpayers of this state as well as personnel in the Revenue and Taxation Department will benefit from having an up to date revision of sales tax regulations by which the tax may be more easily complied with and enforced. Also, all local taxing authorities rely heavily on the regulations promulgated by the Department and this revision will enhance their enforcement efforts.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

R. Charles Bradley
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Revenue and Taxation Sales Tax Section

The Department of Revenue and Taxation advertises its intent to amend and repromulgate the regulation pertaining to the sales tax exemption for purchases and importations for first use outside the state pursuant to R.S. 47:305.10.

Interested persons may submit their written comments on the proposed regulation to the following address: R. Charles Bradley, Jr., Director, Sales Tax Section, Louisiana Department of Revenue and Taxation, Box 3863, Baton Rouge, LA 70821.

A public hearing for the purpose of hearing objections to and comments on the proposed revision will be held on January 5, 1987, 9 a.m. to 12 Noon, in the second floor conference room of the Department of Revenue and Taxation, which is located at 330 N. Ardenwood Drive, Baton Rouge, Louisiana.

The text of the proposed amended and repromulgated regulation can be viewed in their entirety at the Department of Revenue and Taxation at the above address.

Shirley McNamara
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Article 47:305.10

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

There will be an estimated annual cost of \$200 for the printing of the forms and certificates necessary to administer the exemption as amended.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The statutory impact of this change was to decrease State General Funds approximately \$1 million per year. This proposed rule has no additional impact.

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

It is impossible to estimate the benefit provided to offshore service industries, although it will allow them to purchase supplies and fuel tax free, taking full advantage of the benefits provided by R.S. 47:305.10, and thus a substantial savings will be realized by these offshore service industries. Oil exploration companies, towing companies, offshore service companies, caterers would be able to purchase fuel and supplies tax-free without knowing the exact location of intended use.

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

The statute and the proposed regulation would place Louisiana vendors of offshore supplies and fuel on a competitively equal basis as those in other states such as Texas, which already has a similar provision.

R. Charles Bradley
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE ON INTENT

Department of Revenue and Taxation Severance Tax Section

The Louisiana Department of Revenue and Taxation advertises its intent to repeal regulations related to the First Use Tax, Article 47:11. Copies of the regulations may be obtained

from the Department of Revenue and Taxation.

Interested persons may submit written comments on the proposed repeal of these regulations to the following address: Carl L. Reilly, Assistant Director, Severance Tax Section, Box 201, Baton Rouge, LA, 70821. A public hearing for the purpose of hearing objections to and comments on this proposed repeal will be held on January 5, 1987 at 9 a.m., in the second floor conference room of the Department of Revenue and Taxation, which is located at 330 North Ardenwood Drive, Baton Rouge, LA.

Shirley McNamara
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Article 47:11**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
None. The rules have not been applied since the first use tax was found unconstitutional in 1981, so their repeal has no impact.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
None
- III. ESTIMATED COSTS AND ECONOMIC BENEFITS TO AFFECTED GROUPS - (Summary)
None
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
None

Linda Denney
Severance Tax Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Revenue and Taxation
Severance Tax Section**

The Louisiana Department of Revenue and Taxation advertises its intent to repeal regulations related to the First Use Tax, Article 47:647-1 through 647-4. Copies of the regulations may be obtained from the Department of Revenue and Taxation.

Interested persons may submit written comments on the proposed repeal of these regulations to the following address: Carl L. Reilly, Assistant Director, Severance Tax Section, Box 201, Baton Rouge, LA, 70821. A public hearing for the purposes of hearing objections to and comments on this proposed repeal will be held on January 5, 1987 at 9 a.m., in the second floor conference room of the Department of Revenue and Taxation, which is located at 330 North Ardenwood Drive, Baton Rouge, LA.

Shirley McNamara
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Article 47:647-1-647-4**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
None. The rules have not been applied since the first use tax was found unconstitutional in 1981.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS -

(Summary)
None

- III. ESTIMATED COSTS AND ECONOMIC BENEFITS TO AFFECTED GROUPS - (Summary)
None
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
None

Linda Denney
Severance Tax Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Revenue and Taxation
Severance Tax Section**

The Louisiana Department of Revenue and Taxation advertises its intent to repeal regulations related to the First Use Tax, Article 47:1302 through 1305. Copies of the regulations may be obtained from the Department of Revenue and Taxation.

Interested persons may submit written comments on the proposed repeal of these regulations to the following address: Carl L. Reilly, Assistant Director, Severance Tax Section, Box 201, Baton Rouge, LA, 70821. A public hearing for the purpose of hearing objections to and comments on this proposed repeal will be held on January 5, 1987 at 9 a.m., in the second floor conference room of the Department of Revenue and Taxation, which is located at 330 North Ardenwood Drive, Baton Rouge, LA.

Shirley McNamara
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Article 47:1302-1305**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
None. The rules have not been applied since the first use tax was found unconstitutional in 1981.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
None
- III. ESTIMATED COSTS AND ECONOMIC BENEFITS TO AFFECTED GROUPS - (Summary)
None
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
None

Linda Denney
Severance Tax Section

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Revenue and Taxation
Severance Tax Section**

The Department of Revenue and Taxation advertises its intent to amend the regulation to provide for direct tax credits to municipalities which operate a manufacturing establishment or electric generating plant.

Interested persons may submit written comments on the proposed regulation to the following address: Carl L. Reilly, As-

sistant Director, Severance Tax Section, Louisiana Department of Revenue and Taxation, Box 201, Baton Rouge, LA, 70821. A public hearing for the purpose of hearing objections to and comments on this proposed regulation will be held on January 5, 1987 at 9 a.m., in the second floor conference room of the Department of Revenue and Taxation, which is located at 330 North Ardenwood Drive, Baton Rouge, LA.

The text of the proposed regulation is as follows:

Article 7. Severance Tax: Generally

A. Definitions

1. *Manufacturing establishment* means a plant or establishment owned by a municipality which engages in the business of working raw materials into wares suitable for use or which gives new shapes, new qualities or new combinations to matter which has already gone through some artificial process; provided, however, it shall not include a gasoline or recycling plant nor a plant for the manufacture of carbon black.

2. *Gas used or consumed* shall include all natural or casinghead gas used in the operation of the manufacturing establishment for whatever purposes, but shall not include the following:

a. the first 25,000 MCF of gas used or consumed during the 12 month credit period;

b. gas which, after being severed from the earth, is subsequently injected into a formation in the state of Louisiana for the purpose of storing, recycling, repressuring or pressure maintenance or any other purpose which increases the ultimate recovery of oil or other hydrocarbons or gas consumed as fuel in the production of natural resources in the state of Louisiana;

c. gas vented or flared directly into the atmosphere;

d. gas used for fuel in connection with the operation and development for or production of oil or gas;

e. gas, any part of which is resold by the manufacturing establishment, except as to that part and quantity of the gas which is actually used by the establishment and not resold;

f. "Tail gas" such as gas recovered in oil refinery processes, and liquefied petroleum gases;

g. gas used in the production of natural resources.

3. *MCF of gas* means 1,000 cubic feet of gas measured at a base pressure of 15.025 pounds per square inch absolute and at the temperature base of 60 degrees Fahrenheit.

Whenever the conditions of pressure and temperature differ from the above bases, conversion of the volume from these conditions to the above bases shall be made in accordance with the ideal gas laws with correction for deviation from Boyle's Law, which correction must be made unless the pressure at the point of measurement is 200 pounds per square inch gauge or less. The above standards are to be in accordance with methods and tables generally recognized by and commonly used in the natural gas industry. For all purposes of computing standard cubic feet of gas, the barometric pressure should be assumed to be 14.7 pounds per square inch absolute at the place of measurement.

4. *Person* means the authorized representative of any municipality incorporated under the laws of this state or the authorized representative of a manufacturing establishment or an electric generating plant owned by a municipality.

B. Determination of Tax Credit to Municipalities

1. Every municipality that operates a manufacturing establishment, as defined above, in the state of Louisiana, shall be allowed a direct credit against any tax or combination of taxes owed by such municipality to the state of Louisiana, or any parish, other municipality, other political subdivision or any other taxing authority of the state, the amount of which credit shall be proportioned to the amount of gas, as defined above, used or consumed in Louisiana by such municipality in the operation of a manufacturing establishment at the rate of \$.02 per 1,000 cubic

feet of gas, used or consumed during the 12 months preceding January 1, 1975, and each subsequent year.

2. Every municipality that operates an electric generating plant in the state of Louisiana shall be allowed a direct credit against any tax or combination of taxes owed by such municipality to the state of Louisiana, or any parish, other municipality, other political subdivision or any other taxing authority of the state, the amount of which shall be proportioned to the amount of gas, as defined above, used or consumed in Louisiana by such municipality in the operation of an electric generating plant at the rate of \$.03 per 1,000 cubic feet of gas used or consumed during the 12 months preceding January 1, 1975, and each subsequent year.

3. With respect to municipalities operating a manufacturing establishment and municipalities operating an electric generating plant in the state of Louisiana, on or before February 15 of each calendar year thereafter, every municipality applying for tax credit shall submit to the secretary of the Department of Revenue and Taxation proof, as directed by the secretary, of the amount of credit to which such municipality claims to be entitled with respect to gas used or consumed during the 12 months prior to January 1 of that year. Not later than April 15 of the same year, the secretary shall issue to each municipality applying, a certificate of eligibility for tax credit, indicating the amount of credit, if any, to which such municipality has satisfactorily proved eligibility. This certificate shall bear an effective date which shall be as nearly as practicable the date on which the certificate is delivered to the municipality entitled to the credit. Simultaneously therewith, or thereafter on request of the municipality entitled to the credit, the secretary shall deliver to each such municipality tax credit warrants in number and denomination as requested by such municipality, the total of which shall not exceed the amount of eligibility under the certificate of eligibility. Each warrant shall bear an effective date which shall be the date of the certificate of eligibility under which it is issued.

4. The secretary shall have the right to audit the proof submitted with any application for a certificate of eligibility at any time prior to issuance of the certificate or within three years of the last day of the calendar year in which the certificate of eligibility was issued, and upon determination that the certificate of eligibility issued for any amount in excess of that to which the municipality to whom it was issued was entitled, the secretary shall thereupon collect from the municipality to whom the certificate was issued any excess amount paid out on tax credit warrants issued under that certificate. The provisions of Chapter 18 of Title 47, relative to assessment and collection of taxes, shall apply thereto and all amounts collected shall be returned to the state treasury.

5. Each municipality to whom tax credit warrants have been issued may surrender the warrants to the officer or agency to which is payable any tax against which the credit provided herein is applicable, in satisfaction, up to the face value of the warrants, of any such tax owed by the municipality presenting the warrants and payable within one year after the effective date of the certificate of eligibility under which the warrants have been issued. The office or agency to whom such warrants are presented shall present them for payment to the state treasury, in the manner hereinafter directed, or may deposit them in the bank or banks in which tax collections are usually deposited by him or it, and the bank may present the warrants for payment to the state treasury in the manner hereinafter directed.

6. No tax credit warrant shall be submitted in an amount greater than the amount of the specific tax for which it is surrendered. Neither the secretary nor any other collecting officer or agency shall make any cash refund in connection with the overpayment of tax by means of tax credit warrants. If it is deter-

mined that a tax credit warrant was submitted for an amount greater than the tax actually due, the secretary shall add the amount of the overpayment to the certificate of eligibility of the municipality that made the overpayment for the following calendar year.

C. Records

Every municipality claiming credit for gas used in a manufacturing operation in this state shall maintain sufficient records and supporting documents to substantiate the volumes of gas reported, the tax credit claimed, and any other pertinent data. Measuring or metering of gas used in manufacturing must be made at a point within sufficiently close proximity to the entrance point to the manufacturing establishment to eliminate non-manufacturing uses of gas. The amount used must be correlated to total purchases or production for the plant use and the point at which purchases or production are metered. Gas taken into a manufacturing establishment which is not used or consumed but is subsequently wasted, stored or delivered to another shall be measured and deducted from the total metered into the plant.

D. Tax Credit Applications

Tax credit applications must be filed on or before the applicable date prescribed above. No extension of time beyond this can be granted. The data requested on the application form must be provided in full in its proper space on the form. A separate itemization must be made on the application for each manufacturing establishment. In addition to the application form, the following data concerning the tax credit period must be furnished to the secretary before any warrants or certificates are issued:

1. A copy of each monthly gas purchase voucher or invoice showing contract pressure base and volume at 60 degrees Fahrenheit temperature; and,

2. a statement from the gas supplier showing contract pressure base and volume and total volume converted to a pressure base of 15.025 pounds per square inch absolute at 60 degrees Fahrenheit.

E. Application for Certificate of Eligibility and Warrants

Not later than the date prescribed above, the secretary will then issue a certificate of eligibility in the name of the applicant showing the total tax credit to which he is entitled. The certificate of eligibility and the tax credit warrants issued thereunder are personal in nature and may be used only for credit against taxes owed by the municipality named therein. They may not be bought, sold or transferred in any way for use by a municipality other than that designated. The applicant at the time of the original application or thereafter during the effective period of the certificate of eligibility may request that warrants be issued for the payment of particular taxes in such amounts as the applicant may specify.

When warrants are issued for only a portion of the total credit to which the applicant is entitled, a subsequent request for additional warrants under the certificate of eligibility may be made to the secretary by endorsing the certificate of eligibility and showing thereon the additional warrants requested in the appropriate space provided. If a balance remains, a new certificate will be issued showing the balance to which the applicant is entitled. R.S. 47:7 provides that tax credit warrants may be used to allow "a direct credit against any tax or combination of taxes owed by such municipality to the state of Louisiana, or any parish, other municipality, other political subdivision or any other taxing authority of the state."

The certificate of eligibility will bear an effective date which will be the date of issuance by the secretary. The certificate of eligibility and warrants issued under the certificate will expire one year from the date of the certificate and may not thereafter be used to obtain a tax credit. No accumulation of unused credit balances from year to year is allowed.

Request for warrants under a certificate of eligibility must specify the type of tax to be paid, the agency to whom payable, the taxable period, and the amount for which a credit is claimed. The applicant may then use the warrant for the payment of the tax shown on the face thereof up to the face amount of the warrant but not in excess of the amount of the particular tax against which the tax credit warrant is to be applied. No cash refunds will be made for an overpayment of a tax by means of a tax credit warrant.

Shirley McNamara
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Article 47:7

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
None. The rule changes reflect changes in the statute made during 1974, but not incorporated into the rules at that time.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
None.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
None.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
None.

Linda Denney
Director, Severance Tax

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Revenue and Taxation Severance Tax Section

The Louisiana Department of Revenue and Taxation advertises its intent to amend Article 633, relative to taxes on oil and gas. The amendments reflect tax rate changes, changes in terminology, and deletion of regulations that allowed an exemption from the severance tax of condensate produced at certain drip points.

Interested persons may submit written comments on the proposed change in the regulations to the following address: Carl L. Reilly, Assistant Director, Severance Tax Section, Box 201, Baton Rouge, LA, 70821. A public hearing for the purpose of hearing objections to and comments on these proposed changes will be held on January 5, 1987 at 9 a.m., the second floor conference room of the Department of Revenue and Taxation, which is located at 330 North Ardenwood Drive, Baton Rouge, LA.

The text of the proposed regulations is as follows:
Article 633. Rates of Tax

A. Definitions

1. *Oil* - Liquid hydrocarbons recovered by ordinary production methods from a well classified as an oil well by the Office of Conservation.

2. *Condensate* - Liquid hydrocarbons, other than natural or casinghead gasoline, referred to as condensate, distillate or other natural resources, which will remain in a liquid state, under atmospheric conditions of pressure and temperature, recovered from a gas well as classified by the Office of Conservation. This

also includes liquid hydrocarbons recovered from separators or scrubbers situated at inlets to plants, compressors, and metering stations.

3. Gas - Gaseous phase hydrocarbons recovered by separation from either an oil well or gas well.

4. *Natural or Casinghead Gasoline* - Liquid hydrocarbons recovered from gas (subsequent to the ultimate separation and/or scrubbing of the gas stream) by specifically applied mechanical processes of absorption, adsorption, compression cooling, cryogenics and refrigeration to the entire volume of gas from which these liquid hydrocarbons are recovered. This includes liquid hydrocarbons recovered from hydrex and hru units.

5. *Natural Gas Liquids* - Natural gas liquids, butane, propane, ethane and methane extracted as the result of additional processes employed in the mechanical processes as outlined in Section (A)(4) above.

6. *Low Pressure Oil Well* - A well classified by the Office of Conservation as an oil well which has been determined by the secretary to have a wellhead pressure of 50 pounds per square inch gauge or less, (under operating conditions - whether it be tubing flow or casing flow), throughout the entire taxable month. An oil well being produced by the method known as gas lift shall be presumed, in the absence of a determination to the contrary by the secretary to have a wellhead pressure of 50 pounds per square inch or less under operating conditions.

7. *Incapable Gas Well* - A well classified by the Office of Conservation as a gas well which has been determined by the secretary to be incapable of producing an average of 250,000 cubic feet of gas per day, under operating conditions, throughout the entire taxable month.

8. *Value* - With respect to oil and/or condensate, the value shall be the higher of (1) the gross receipts received from the first purchaser, less charges for trucking, barging, or pipeline fees, or (2) the posted field price. Charges for trucking, barging, and pipeline fees are the amounts actually charged the severer and withheld by the purchaser. In the event the severer transports the oil and/or condensate by his own facilities, \$.25 per barrel shall be deemed to be a reasonable charge for transportation and may be deducted from gross value received or the posted field price; provided, however, that should it become apparent that the \$.25 per barrel charge is inequitable or unreasonable, the secretary may prospectively redetermine the transportation charge to be allowed when the severer transports the oil and/or condensate in his own facilities. In the absence of both an arm's length transaction and a posted field price, the value shall be the severer's gross income from the property as determined by R.S. 47:158(C). Gross receipts shall include bonus or premium payments when made by the purchaser to the owner, all advanced payments, and all those things of value received by the owner. Advanced payments, however, are not taxable until the oil and/or condensate for which such payments are made are actually severed and delivered to the purchaser.

9. *Allocation of Value* - Inasmuch as oil and/or condensate is accounted for on a lease basis, rather than on an individual well basis, the gross value received for runs from a lease shall be allocated to the wells within the lease on the basis of the pro-rata barrels run from each well; it being the intent of this article to apportion value received to all wells in a lease without regard to the tax rate applicable to each well.

B. Tax Rates

1. Full Rate on oil and/or condensate . . . 12-1/2 percent of Value

2. Incapable Rate on oil produced from an oil well so designated by the Office of Conservation which is incapable of producing an average of 25 barrels of oil per day, and also 50 percent or more salt water. . . 6-1/4 percent of Value

3. Stripper Rate on oil produced from an oil well so designated by the Office of Conservation which is incapable of producing more than 10 barrels of oil per day . . . 3-1/8 percent of Value

4. On the vapor equivalent of natural or casinghead gasoline, and other natural gas liquids, including but not limited to ethane, methane, butane or propane when sold or disposed of as such or by analysis in "raw-make" and reported at 15.025 pounds per square inch in absolute and 60 degrees Fahrenheit . . . \$.07 per MCF

5. On gas as defined in Section (A)(3) above measured at a base pressure of 15.025 pounds per square inch absolute, and 60 degrees Fahrenheit. . . \$.07 per MCF

6. On gas produced from a low pressure oil well as defined in Section (A)(6) and measured as in Section (B)(5) above . . . \$.03 per MCF

7. On gas produced from an incapable gas well and measured as in Section (B)(5) above . . . \$.013 per MCF

8. On gas sold at a rate less than that authorized as the area ceiling rate by order of the Federal Power Commission (FPC) under a written agreement in existence before May 1, 1972 which requires seller to pay and bear all of the severance tax on gas without reimbursement of any portion thereof . . . \$.03 per MCF

9. On gas sold, at a rate less than that authorized by the FPC in Opinion Nos. 598 and 607, under a written agreement in existence prior to November 25, 1973, which requires seller to pay and bear more than 50 percent of any increase in severance tax levied in R.S. 47:633(9) after date of such written agreement. . . \$.04 per MCF (Gas sold under contracts which provide for a price increase, either directly or indirectly, as a result of severance tax increases since the date of contract execution, equal to 50 percent or more of such increased taxes shall not be subject to the reduced tax rate but shall be subject to tax rates levied in R.S. 47:633(9).)

9.1 Senate Concurrent Resolution No. 143 of the Regular Session of the 1974 Legislature suspended the tax levied by R.S. 47:633(9) and R.S. 47:633.1(B) to the sole and limited extent that:

a. the said severance tax exceeds \$.04 per 1,000 cubic feet on gas severed from the soil or water and sold into intrastate pipeline facilities which are under the jurisdiction of the Louisiana Public Service Commission or such other regulatory authority as may be hereafter designated by the legislature under the provisions of Section 2, Article IX of the Louisiana Constitution of 1975 for ultimate consumption and use within the state of Louisiana at a rate less than the base rate specified by the FPC in Opinion No. 699 under a written agreement in existence prior to November 25, 1973, which requires the seller to pay and bear 50 percent or more of any increase in severance tax levied in R.S. 47:633(9) after date of such written agreement provided, however, that any amendments to the agreement written subsequent to November 25, 1973, which effects a change in the price of gas sold or extends the term of the contract shall subject the gas to tax rates levied in R.S. 47:633(9). Gas sold under contracts which provide for a price increase, either directly or indirectly, as a result of severance tax increases since the date of contract execution, equal to more than 50 percent of such increased severance taxes, as levied in R.S. 47:633(9), shall not be taxed at the reduced tax rate provided in this resolution but shall be subject to tax rates currently levied in R.S. 47:633(9). Certified copies of such written agreements shall be filed with the secretary not later than August 31, 1974, otherwise this resolution shall not apply to gas sold under any such agreement, or

b. the said severance tax exceeds \$.04 per 1,000 cubic feet on gas severed from the soil or water and sold at a rate less

than the base rate specified by the FPC in Opinion No. 699 under a written agreement in existence prior to November 25, 1973, which requires the seller to pay and bear more than 50 percent of any increase in severance tax levied in R.S. 47:633(9) after date of such written agreement; provided, however, that any amendments to the agreement, written subsequent to November 25, 1973, which effect a change in the price of the gas sold or extends the term of the contract shall subject the gas to tax at rates levied in R.S. 47:633(9). Gas sold under contracts which provide for a price increase, either directly or indirectly, as a result of severance tax increases since the date of contract execution, equal to 50 percent or more of such increased severance taxes, as levied in R.S. 47:633(9), shall not be taxed at the reduced tax rate provided in this resolution but shall be subject to tax rates currently levied in R.S. 47:633(9). Certified copies of such written agreement shall be filed with the secretary not later than August 31, 1974, otherwise this resolution shall not apply to gas sold under any such agreement.

C. Certification for Special Rates

A taxpayer may qualify for the lesser tax rates levied in R.S. 47:633(7)(b) and (c), and R.S. 47:633(9) by certifying and reporting production, test date, etc., on forms and instructions prescribed by the secretary. Applications for reduced tax rates must be submitted to the secretary on or before the last day of the month in which production subject to reduced tax rates occurs.

D. Determination of Taxable Volume - Liquids

It is the duty of the severer to measure the stock tank barrels of oil, condensate, or similar natural resources immediately upon severance or as soon thereafter as these hydrocarbons come into being in the form on which the tax is imposed.

1. In any arm's length transaction involving oil, condensate, or similar natural resources individually or in a commingled combination, the method of measurement utilized by the first purchaser and the seller for determining the total volume involved and the volumes applicable to the properties involved is acceptable and may be used for the determination of the volumes to which the appropriate tax rates apply.

2. In the absence of an arm's length transaction or for any other reason where the secretary deems that the method of measurement is prejudicial to the state's best interests, he shall prescribe an acceptable method of measurement.

3. When liquid hydrocarbons bearing various tax rates are commingled without proper prior measurement as prescribed below, the entire commingled volume shall be deemed to be of the type of the resource forming part of the entire mass on which the highest severance tax rate is imposed and shall be taxable at that highest rate.

4. Proper measurement prior to commingling or processing oil and condensate shall be as outlined below.

a. Stock Tank Barrel Measurement -

When oil, condensate, or similar natural resources are produced into stock tanks the tanks shall be strapped on a 100 percent basis. All measurements, gravity determination, temperature corrections to 60 degrees Fahrenheit, and determinations of basic sediment and water (BS and W) shall be made in accordance with procedures outlined in the latest American Petroleum Institute (API) code covering measuring, sampling, testing of crude oil, and the American Society for Testing Materials - Institute of Petroleum (ASTMIP) petroleum measurement tables.

b. Liquid Metering Devices -

When oil and condensate are not stock tank measured but must be measured at pressure above atmospheric pressure, such liquids shall be measured by means of a liquid metering device. The meter shall be calibrated at least once every 90 days and records of calibration and all other pertinent test results shall

be kept on file for the same period of time as the prescriptive period relative to taxes and must be available for examination by representatives of the Department of Revenue and Taxation. The taxpayer may pay tax on the metered volume or allocated meter volume at the meter measurement pressure corrected to 60 degrees Fahrenheit. A flash factor is required to convert the volume at the meter measurement pressure to the volume at atmospheric pressure in order to arrive at a stock tank barrel measurement, which may be obtained by either utilizing the equilibrium-vaporization flash calculation method or by differentially liberating a measured volume of the liquid hydrocarbon at the measurement pressure to atmospheric pressure and dividing the measured remaining volume at atmospheric pressure by the original measured volume at measurement pressure.

c. Well Tests -

When crude oil/condensate are not stock tank measured or measured by liquid measuring devices, the use of well tests, split stream tests, full stream tests, or other acceptable and recognized methods of determining the liquid volume of full well stream shall be employed, for allocation purposes.

5. Measurement of Natural or Casinghead Gasoline and Other Liquids

a. Natural or casinghead gasoline, natural gas liquids, methane, ethane, propane, and butane shall be measured by means of a liquid metering device as outlined in Subsection D (4)(b) above. The taxable volume shall be the stock tank production volume or the metered volume at the delivery pressure.

b. Proper prior measurement of gasoline and/or other natural gas liquids, including ethane, methane, propane and butanes, when commingled with oil and/or condensate, shall be as outlined in Subsection D (5)(a) above and volumes must be calculated to stock tank barrel units at atmospheric pressure and temperature corrected to 60 degrees Fahrenheit.

6. When oil and/or condensate are commingled with a liquid hydrocarbon bearing a lesser tax rate, the oil and/or condensate shall be taxed on the basis of value received for the entire commingled product.

When oil and/or condensate bearing various tax rates are commingled prior to separate measurement, the commingled volume shall be taxed at the highest tax rate applicable to any oil or condensate present in the commingled volume. The separate measurement requirement is met when one of the products is properly measured prior to commingling.

7. A plant not equipped with an inlet scrubber will be required to determine the volume of condensate contained in the plant product.

8. When natural gasoline and/or natural gas liquids recovered at a plant of extraction are sent to another plant that is processing raw gas, the volume of such liquids shall be backed out by component by volume from the total volumes recovered at the second plant to determine the volumes of gasoline and natural gas liquids locally extracted at the second plant.

E. Determination of Taxable Income - Gas

It is the duty of the severer to measure the volume of gas immediately upon severance or as soon thereafter as the substance comes into being in the form on which the tax is imposed.

1. Gas produced from an individual gas well, regardless of whether the well is capable or incapable, shall be measured by means of a meter or well test acceptable to the secretary. Metering may be accomplished by the backout method, whereby the volume produced by one of two or more wells may be ascertained by subtracting from the combined metered volume the measured volumes from the rest of the wells. All measurements shall be made at a pressure base of 15.025 pounds per square inch absolute and at a temperature of 60 degrees Fahrenheit with corrections made for deviations from Boyle's law when measure-

ment pressures exceed 200 pounds per square inch gauge.

2. Gas produced from individual oil wells may be determined by an allocation of the total metered volume based on gas/oil ratios or solution oil ratios acceptable to the secretary. Records pertaining to volume determinations shall be kept on file for examination and verification by representatives of the secretary.

3. When gas volumes bearing various tax rates are commingled, the volumes bearing such different tax rate must be determined prior to commingling as outlined in Subsection E (1) or Subsection E (2) above. When such commingling occurs and it is determined by the secretary or his representative that the prescribed measurement requirements have not been met, the entire commingled volume shall be taxed at the highest rate applicable to any gas present in the commingled volume.

F. Application of the Tax on Gas

All gas other than gas expressly exempted from the tax under the provisions of R.S. 47:633.9 is subject to the tax. The determination of whether gas lift gas is taxable or exempt shall be made in the same manner as formation gas.

1. Gross gas production shall be an accumulation of the total dispositions of formation gas from a well and/or lease. Gas exhausted from a gas lift installation, commonly called "recycled gas," and commingled with formation gas shall not be included in the volume of gas produced from the underground formation. Dispositions shall include, by way of illustration but not by way of limitation, gas used for field operations, within or without the field, gas vented to atmosphere, gas used elsewhere for gas lift, gasoline, and natural gas liquids extracted (which must be converted to gas), and gas delivered to a processing plant, sales or deliveries.

2. Gas which has not previously borne tax or been subject to tax shall not be allowed as an exclusion or tax credit upon injection, but will be allowed as an exclusion when ultimately reproduced. Thus, gas produced in another state or in zones 2, 3 or 4 of the offshore area would not qualify for an exclusion or tax credit upon injection into the formation in the state of Louisiana.

3. Gas which has previously been allowed as an exclusion or tax credit at the time of injection shall be taxed at the time of reproduction, notwithstanding the fact that it may have been originally produced outside the state.

4. Gas produced without the state of Louisiana which has been injected into the earth in the state of Louisiana will be allowed as an exemption to the extent that the exemption will not exceed the production from the same formation. Adequate records must be maintained by the taxpayer so as to identify the nontax paid injected gas at the time of reproduction and qualify for the exclusion.

5. A credit claimed by a taxpayer on gas injected into a formation in the state of Louisiana will be limited to any gas severance tax liability imposed against him during the same period for gas produced by him. Credit shall not be allowed against taxes owed in taxable periods subsequent to that in which the credit occurred. A taxpayer claiming this credit will be required to submit a worksheet detailing the source of gas by company, parish, field, and lease comprising the volume on which the credit is claimed.

6. When capable and incapable gas volumes from a property(s) (or lease(s)) are commingled and gas is subsequently withdrawn from the commingled mass and used for a purpose which makes the gas exempt from the severance tax, it will be presumed that the ratio of the volumes of capable and incapable gas remaining in the commingled mass will be in the same ratio as before withdrawal.

7. Carbon Black

a. Carbon black exclusions may be allocated to leases on a contractual basis; provided, however, that such gas is physically capable of being consumed as carbon black. In the absence of contractual limitations, the allocation of plant fuel and carbon black shall be on an equitable and reasonable basis.

b. Whenever sales and/or deliveries are made for plant fuel and/or carbon black usage the consumer of such plant fuel and the transporter or seller of the gas used for carbon black shall be required to submit a report monthly to the Department of Revenue and Taxation showing 100 percent entries into its gas streams involved and an allocation of the plant fuel and/or carbon black usage withdrawn from the stream back to the sources entering the commingled mass.

8. Gas used or consumed as fuel in the operation of a recycling or gasoline plant for purposes other than the production of natural resources in the State of Louisiana shall not be exempt from the tax. The extraction and/or fractionation of liquefied petroleum gases (LPG) and/or natural/casinghead gasoline does not constitute production of natural resources.

G. FPC Area Ceiling Rates

Gas sold under contracts dated prior to October 1, 1968:

South Louisiana - \$.2375 per MCF

North Louisiana - \$.22475 per MCF

Gas sold under contracts dated on or after October 1, 1968:

South Louisiana - \$.26875 per MCF

North Louisiana - \$.26875 per MCF

H. Exclusions from the Gas Severance Tax

1. Gas injected into the formation in the State of Louisiana.

2. Gas produced without the State of Louisiana which has been injected into the earth in the State of Louisiana.

3. Gas vented or flared from oil and gas wells provided such gas is not otherwise sold. There shall be no exclusion allowed for gas flared at gasoline or recycling plants if such gas is attributable to raw gas volumes which are sold by the producer prior to plant processing.

4. Gas used for fuel in connection with the operation and development for or production of oil and gas in the field where produced provided such gas is not otherwise sold, and gas used for drilling fuel in the field where produced even though sold for that purpose.

5. Blank (statute repealed).

6. Blank (statute repealed).

7. Gas used in the manufacture of carbon black.

8. Gas attributable to United States government royalty.

9. Gas to be accounted for by working interest owner or purchaser.

10. Gas accounted for as measurement differences.

11. Gas used for the production of natural resources in the state of Louisiana.

I. Reports and Returns

1. Severance taxes on oil, condensate, gas, natural gas liquids, LPG, casinghead gasoline, and natural gasoline are due and payable on or before the last day of the month following the month in which production occurred.

2. All returns and reports shall be made on forms prescribed by the secretary and furnished by the Department of Revenue and Taxation, or on forms substantially similar which have been approved for use by the secretary. Returns and reports shall be completed and filed in accordance with instructions issued by the secretary.

3. The secretary is empowered to require any person engaged in severing natural resources, or any other person held liable for severance taxes, to furnish necessary information per-

taining thereto for the proper enforcement, and verification of taxes levied in R.S. 47:633.

Shirley McNamara
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Article 47:633**

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

There is no impact on the Department's cost of administering the severance tax as a result of these new rules.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The revisions proposed by these rules will eliminate an exemption for "drip point" and "Hydrocarbon Recovery Unit" recovery of condensate. The impact of these changes will be to increase severance revenues by some \$237,000 annually, assuming that existing operations of this type continue at current volume levels.

Other proposed changes will conform the rules to existing statutory language, and therefore have no revenue impact.

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

The repeal of this administrative exemption will impose additional severance tax costs on affected operators. There may also be additional reporting costs.

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

There is no impact on competition or employment.

Linda Denney
Severance Tax Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Revenue and Taxation
Severance Tax Section**

The Louisiana Department of Revenue and Taxation advertises its intent to amend Article 631, relative to taxes on natural resources other than oil and gas. The amendments reflect tax rate changes of gravel, sand, and shells enacted by Acts in 1984.

Interested persons may submit written comments on the proposed change in the regulations to the following address: Carl L. Reilly, Assistant Director, Severance Tax Section, Box 201, Baton Rouge, LA, 70821. A public hearing for purpose of hearing objections to and comments on these proposed changes will be held on January 5, 1987 at 9 a.m., the second floor conference room of the Department of Revenue and Taxation, which is located at 330 North Ardenwood Drive, Baton Rouge, LA.

The text of the proposed regulations is as follows:

Article 631. Severance Tax on Timber, Pulpwood and Minerals Other Than Gas and Oil

A. In General

The "severance tax" imposed by R.S. 47:631 is an excise tax upon the privilege of severing any natural resources from the soil or water. All resources found in a natural state which are of any commercial value whatsoever are natural resources and are subject to the severance tax.

Severance means the separation of the natural resource from the soil or water, or its removal from its natural position. For example, the dredging of sand from a river, the cutting of timber, the mining or removal of a mineral from its natural location,

Severance does not refer to the refinement of a natural resource after its removal.

Severer means any person engaged in the operation of severing natural resources from the soil or water, whether it be the owner of the soil or water, or other person severing from the soil or water of another, or the owner of a natural resource severing from the soil or water of another.

The tax is due by the severer, whether the natural resource is used by him or sold to another. If it is used by the severer, the tax is due by the severer. If it is sold, the tax is due by the severer, or by the purchaser, if for any reason it is not paid by the severer. If the natural resource is sold to the state or to the federal government the tax is still due, because the liability for the tax falls primarily on the severer and not on the purchaser. The tax is due on all natural resources removed from the state after severance, and must be paid to the state of Louisiana. There is no provision of the law to exempt the parish, municipality, nor any board or agency of the state of Louisiana from the payment of this tax. A town, parish, or other political subdivision of the state which engages in severing gravel, sand, or other natural resource with its own, or leased or otherwise acquired, equipment must pay the severance tax. Among the resources included are all forms of timber, pulpwood, and minerals such as sulphur, salt, coal, lignite and ores; also marble, stone, gravel, sand, shells, and other natural deposits; and the salt content in brine.

B. Reports and Payment of Tax

1. By Severers

Every person severing any natural resource from the soil or water of the state must file a report, on forms obtained from the Department of Revenue and Taxation, on or before the last day of the month following the month during which the natural resource is severed. It is necessary that the report be filed in duplicate. The tax due shall become delinquent after the last day of the month in which the tax is due and payable. For example, the tax due for products severed in October will become delinquent on the first day of December if not paid on or before November 30. Delinquent reports and tax shall be subject to penalties, interest and other additional costs. The report, together with payment for the tax due thereon, is required to be delivered (by mail or in person) to the cashier's division of the Department of Revenue and Taxation showing the following information in the spaces provided therefor:

a. parish in which resource is severed and the month during which severed;

b. the name and address of the person or corporation making the report;

c. the product severed, the quantity and amount of tax;

d. all the information in the schedules on the reverse side of the report form where applicable.

In cases where there were no operations during the month, a report should be filed indicating therein "no operations." Each report must be signed by the reporting taxpayer or officer of the corporation under declaration that it is made under the penalties imposed for perjury.

2. By Purchasers

On or before the last day of the month following the month to which the tax is applicable, purchasers and other persons dealing in any natural product severed from the soil or water in Louisiana shall deliver to the cashier's division of the Department of Revenue and Taxation a monthly report on forms procured from the department. The report must be signed under the declaration that it is made under the penalties imposed for perjury and must show on the reverse side the names and addresses of all persons from whom they have purchased any natural product during the month, together with the total quantity of

each natural product. At the time of making the report the purchaser or other dealer shall pay to the secretary the amount of tax deducted or withheld at the time of the purchase. If, for example, the seller had paid the severance tax, none would be due by the purchaser; but the purchaser must file a monthly report showing the name and address of each person from whom the purchases were made, as well as the quantity and kind of product purchased.

C. Types of Product and Tax Rates

1. Timber

Severance tax must be paid on all trees and timber severed from the soil or water in Louisiana. Timber may be cut in Louisiana and transferred to another state to be made into lumber or other products, but the severance tax must be paid to the state of Louisiana regardless of the use to which the timber is put after severance. In cases where the timber is cut by private interests in national forests the usual practice is to scale and pay for the timber prior to cutting and the purchaser or severer is thus liable for the severance tax. Whether the timber is scaled before or after cutting, the severance tax should be collected from the purchasers on timber cut by them in national forests located in Louisiana. The rate, per 1,000 board feet, is based on the average stumpage market value determined annually by the Louisiana Forestry Commission and the Louisiana Tax Commission. Because of the fluctuating market from year to year it is necessary that the taxpayer use the proper report form applicable to the year for which his monthly report is being made, which form will indicate the then current tax rate. The rate varies on the different types of timber, such as ash, cottonwood, and willow, cypress, all gums, all oaks, pine and the hardwoods, including hickory, magnolia, poplar, sycamore and other miscellaneous species.

2. Pulpwood

The severance tax must also be paid on all trees and timber classified as pulpwood, both hardwood and pine. The rate per standard cord of 128 cubic feet (or 4 feet x 4 feet x 8 feet) is based on the annual average market value as determined by the Louisiana Forestry Commission and the Louisiana Tax Commission. Like timber, the pulpwood severance tax must be reported on the proper form for the year in which the monthly report is filed because of the possible annual difference in rates.

3. Sand

Sand is a cohesionless granular material consisting of particles finer than 10 mesh, 2.00 mm, but coarser than 200 mesh, 0.074 mm, in size. For taxable purposes, sand is divided in these regulations, into three categories: (1) washed sand; (2) river sand, and (3) other sand. Sand contained in a sand-clay or pit-run gravel mixture is specifically excluded from those three categories and the provisions applicable thereto, but is dealt with below under the caption of "gravel." In the case of materials which have been blended from two or more sources, the determination as to whether the blended materials constitutes sand, as defined below, must be made separately on the basis of the materials severed from each source. The severance tax rate on sand is \$.06 per ton of 2,000 pounds. However, production records as well as sales records are normally kept on a cubic-yard basis. It is, therefore, necessary to convert cubic yards to tons for the purpose of reporting and paying the severance tax. The official conversion factors are based on 2,700 pounds per cubic yard and the factors for the three categories of sand are shown below:

	Cubic Yards to Tons Conversion Factor
Washed Sand	1.35
River Sand (8% by weight allowance included)	1.24
Other Sand (8% by weight allowance included)	1.24

Computation of tax:

Cubic yards x conversion factor = tons x rate = tax.

a. Washed Sand

In the case of washed sand the entire weight will be considered to be taxable without any allowance for foreign substances.

b. River Sand

River sand or fill material removed from the Mississippi River, or batture, or other rivers and bodies of water will be deemed to be taxable in the absence of the submission of written proof that more than 15 percent by weight of such material consists of foreign substances, (silt and other foreign matter). An exclusion from the tax of eight percent of the entire weight severed will be allowed for silt without the necessity of supporting such allowance with representative samples or other proof. However, an exclusion in excess of eight percent by weight will not be allowed without submission of proof that the foreign substances contained in the material severed exceeds eight percent by weight.

c. Other Sand

Other sand will be considered to be subject to tax if it constitutes 85 percent by weight or more of the materials extracted, as defined under "sand" above. An exclusion from the tax of eight percent of the entire weight severed will be allowed for foreign substances without the necessity of supporting such allowance with representative samples or other proof. However, an exclusion in excess of eight percent by weight will not be allowed without submission of proof that the foreign substances contained in the material severed exceeds eight percent by weight.

It is the responsibility of the severer, purchaser, and user, to establish to the satisfaction of the secretary that soil on which the sand severance tax is not being paid does not constitute sand as defined above. For this purpose the secretary may require the submission of representative samples from each separate source and such other data as he may consider appropriate. It is also the responsibility of the severer, purchaser, and user to maintain adequate records as to the quantity, quality and taxable status of such materials by source.

4. Gravel

Gravel, a natural resource, in its broad sense is considered to be loose, rounded fragments of rock, such as pebbles, durable and of high resistance to abrasion. All types of gravel are taxable under the severance tax law, including the native pit-run gravel (in some cases referred to as pit-run iron ore used on farm to market roads). Sand-clay gravel is generally composed of a mixture of sand, clay and gravel found in a natural state. The washed or screened gravel is composed of hard, durable particles of stone graded from coarse to fine and reasonably free of sticks and other deleterious matter. The severance tax on gravel is \$.06 per ton of 2,000 pounds. Since production and sales records are usually maintained on a cubic-yard basis it is necessary to convert cubic yards to tons for the purpose of reporting and paying the severance tax. The weight determination and conversion factors are shown below.

		Conversion factor
Gravel (washed)	2700 lbs. per cu. yd.	1.35
Gravel (sand-clay or pit-run)	3000 lbs. per cu. yd (* less than 20% clay content)	1.20*

Computation of tax:

Cubic yards x conversion factor = tons x rate = tax.

5. Shells

The two principal kinds of shell are clam, and reef or oyster. The shells shall be reasonably free from objectionable matter such as sticks, mud, clay lumps or other foreign materials. Severance tax on shells shall be paid on actual weight including moisture and foreign matter up to but not in excess of 12 percent. The rate of tax is \$.06 per ton of 2,000 pounds. For the

purpose of reporting and paying the severance tax, where the production and sales records are kept on a cubic-yard basis, it is necessary to utilize the conversion table shown below.

	Conversion factor
Shells (reef or oyster) 1500 lbs. per cu. yd.	.75
Shells (clam) 1750 lbs. per cu. yd.	.875

Computation of tax:

$$\text{Cubic yards} \times \text{conversion factor} = \text{tons} \times \text{rate} = \text{tax.}$$

6. Stone

Generally crushed stone is recognized as consisting of clean, tough, sound, durable particles of stone. The severance tax rate on stone is three cents per ton of 2,000 pounds. Where production and sales records are kept on a cubic-yard basis it is necessary to convert to tons for severance tax reporting and paying purposes. The conversion table is shown below.

	Conversion factor
Stone (crushed) 2700 lbs. per cu. yd.	1.35

Computation of tax:

$$\text{Cubic yards} \times \text{conversion factor} = \text{tons} \times \text{rate} = \text{tax.}$$

7. Marble

Generally, marble is defined as any limestone, granular to compact in texture, capable of taking a polish or of being used for fine architectural work. Marble (proper) differs from common limestone in being more or less crystallized by metamorphism. The severance tax rate on marble is \$.20 per ton of 2,000 pounds.

8. Minerals

There is a severance tax on the salt content in brine (commonly referred to as salt brine) extracted or produced in solution from the soil or water, when the same is used in the manufacture of other products and is not marketed as salt. The severance tax rates for the minerals in this article, are as follows:

Sulphur	- \$1.03 per long ton of 2,240 pounds.
Salt	- \$.06 per ton of 2,000 pounds
Salt content in brine	- \$.005 per ton of 2,000 pounds.
Coal	- \$.10 per ton of 2,000 pounds
Ores	- \$.10 per ton of 2,000 pounds.

Shirley McNamara
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Article 47:631

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

None. The changes are to update the regulations to reflect statutory changes made in 1984.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

None

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

None

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

None

Linda Denney
Severance Tax Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Transportation and Development Office of Highways

In accordance with the applicable provisions of the Administrative Procedure Act R.S. 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the following rule to apply to outdoor advertising permits, all in accordance with the provisions of R.S. 48:461.3.

Outdoor Advertising Permit Renewal

If the applicant for an outdoor advertising permit fails to erect a completed outdoor advertising device within 180 days after the date on which the permit was issued, the permit will be void, and the department will not issue a permit to that applicant for a sign located within the minimum spacing distance of the original location for a period of 180 days after the date on which the original permit became void.

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this Notice of Intent to: Chris A. Orillion, State Traffic Engineer, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245.

Robert G. Graves
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Outdoor Advertising Regulation

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

N/A

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

N/A

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

This proposed rule will disrupt the sign site inventorying practices of the larger outdoor advertising sign companies in the state, the fiscal impact of which cannot be determined.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Possibly increased competition

Robert G. Graves
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employee Group Benefits Program intends to amend the Plan Document as follows:

Add the following:

Article 4, Section XVII - CONTRACT AMENDMENTS

The State of Louisiana, Board of Trustees of the State Employees Group Benefits Program has the statutory responsibility of providing health and accident and death benefits for Covered Persons to the extent that funds are available for such

benefits. The Board specifically reserves to itself the unilateral right to amend the eligibility and benefit provisions of its contracts from time to time as it may deem necessary to prudently discharge its duties. Any such modifications shall be promulgated subject to the applicable provisions of law, and nothing contained herein shall be construed to guarantee or vest benefits for any participant, whether active or retired.

Comments or objections will be accepted, in writing, by the Executive Director of the State Employees Group Benefits Program until 4:30 p.m. on February 9, 1987, at the following address: Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804

James D. McElveen
Executive Director

**Fiscal and Economic Statement
For Administrative Rules
Rule Title: Amend Art. 4 Sec. XVII**

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

Implementation of this proposed change in plan document language will not generate any savings or additional cost to state or local governmental units.

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

The revenue collections of state or local governmental units will not be effected.

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

There will be no actual cost or savings to directly affected persons or non-governmental groups as a result of the implementation of this rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be effected by this rule change.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend the Plan Document as follows:

Article 1, Section I(H):

The term *Covered Person* as used herein shall mean an active or retired Employee or his eligible dependent, or any other individual eligible for coverage under the provisions of Article 1, Section III for whom the necessary application forms have been completed and for whom the required contribution is being made.

Article 3, Section I(A) (2):

Family Unit as used herein shall mean a covered Employee or Retiree or other covered individual eligible for coverage under the provisions of Article 1, Section III, and all of his covered dependents. Comments or objections will be accepted,

in writing, by the Executive Director of the State Employees Group Benefits Program until 4:30 p.m. on February 9, 1987, at the following address: Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804

James D. McElveen
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Define Covered Person and Family Unit**

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

This proposed rule change will not impact costs or savings of local governmental units.

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

Revenue collections of State or Local Governmental Units will not be effected by this rule change.

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

Costs and/or economic benefits of those persons directly affected by this rule change, will not be impacted.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be effected by this rule change.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend its Plan Document in accordance with rules mandated by the federal Tax Reform Act of 1986 retroactive to July 1, 1986, as follows:

J. Dependents of non-Continuing Employees

In the event a covered active employee no longer meets the definition of an employee as defined in Article 1, Section I (E) or coverage pursuant to the provisions of Article 1, Section III (A) has expired and the employee has not elected to continue coverage under the provisions of Section III (E), the covered spouse and/or covered dependent children may elect to continue coverage AT THEIR OWN EXPENSE. Such coverage shall be subject to the notification and termination provisions of Section III (E). In the event a dependent child, covered under the provisions of the preceding paragraph no longer meets the definition of an eligible covered dependent as defined in Article 1, Section I (1) (2) and (3) or Article 1, Section I (J), such child may elect to continue coverage AT HIS OR HER OWN EXPENSE. Such coverage will be subject to the notification and termination provisions of Section III (H), but in no event, however, may coverage be extended beyond thirty-six months from the date coverage would have terminated for the employee in the absence of Section III (E).

Comments or objections will be accepted, in writing, by the executive director of the State Employees Group Benefits

Program until 4:30 p.m. on February 9, 1987 at the following address:

James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Amend Art. 1 Sec. III "J"**

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

Implementation of this proposed change in plan document language will not generate any savings or additional cost to state or local governmental units.

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

The revenue collections of state or local governmental units will not be effected.

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

There will be no actual cost or savings to directly affected persons or non-governmental groups as a result of the implementation of this rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be effected by this rule change.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend its Plan Document in accordance with rules mandated by the federal Tax Reform Act of 1986 retroactive to July 1, 1986, as follows:

Article 1, Section III, E - Active Employees

Coverage under this Section III (E) will continue until the earliest of the following events occurs:

1. failure to pay the applicable premium;
2. coverage under another group health plan;
3. eligibility for Medicare; or
4. eighteen months from the date coverage would have terminated in the absence of this Section III (E).

Article 1, Section III, F - Surviving Dependents

Coverage for the surviving spouse under this Section III (F) will continue until the earliest of the following events occurs:

1. failure to pay the applicable premium;
2. coverage under any group health plan; or
3. death of the surviving spouse.

Coverage for a surviving dependent child under this Section III (F) will continue until the earliest of the following events occurs:

1. failure to pay the applicable premium;

2. coverage under any group health plan; or
3. thirty-six months beyond the date coverage would otherwise have terminated under the provisions of Article 1, Section I (1) (2) and (3), and Article 2, Section II (C).

Article 1, Section III, G - Divorced Spouse

Coverage for the divorced spouse under this Section III (G) will continue until the earliest of the following events occurs:

1. failure to pay the applicable premium;
2. coverage under any group health plan; or
3. eligibility for Medicare; or
4. thirty-six months beyond the date coverage would otherwise have terminated under the provisions of Article 1, Section I (1) (2) and (3), and Article 2, Section II (C).

Article 1, Section III, H - Dependent Children

Coverage for a Child under this Section III (H) will continue until the earliest of the following events occurs:

1. failure to pay the applicable premium;
2. coverage under any group health plan; or
3. eligibility for Medicare; or
4. thirty-six months beyond the date coverage would otherwise have terminated under the provisions of Article 1, Section I (1) (2) and (3), and Article 2, Section II (C).

Comments or objections will be accepted, in writing, by the executive director of the State Employees Group Benefits Program until 4:30 p.m. on February 9, 1987, at the following address: Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804

James D. McElveen
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Amend Art. 1 Sec. III "E, F, G, & H"**

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

Implementation of this proposed change in plan document language will not generate any savings or additional cost to state or local governmental units.

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

The revenue collections of state or local governmental units will not be effected.

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

There will be no actual cost or savings to directly affected persons or non-governmental groups as a result of the implementation of this rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be effected by this rule change.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group

Benefits Program intends to amend its Plan Document in accordance with rules mandated by the federal Tax Reform Act of 1986 retroactive to July 1, 1986, as follows:

Article 1, Section III, F - Surviving Dependents

"...It shall be the responsibility of the Participant Employer or surviving Dependent to notify the Program within 60 days of the death of the Employee or Retiree and the Program shall notify the surviving Dependents of their right to continue coverage..."

Article 1, Section III, G - Divorced Spouse

"...It shall be the responsibility of the divorced spouse to notify the Program within 60 days from the date of divorce and the Program shall notify the divorced spouse within 14 days of his or her right to continue coverage..."

Article 1, Section III, H - Dependent Children

"...It shall be the responsibility of the Employee or Retiree to notify the Program within 60 days of the date coverage would have terminated due to the dependent child's loss of eligibility and the Program shall notify the Employee or Retiree within 14 days of his or her right to continue coverage with respect to that child..."

Comments or objections will be accepted, in writing, by the Executive Director of the State Employees Group Benefits Program until 4:30 p.m. on February 9, 1987 at the following address: Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804

James D. McElveen
Executive Director

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

Rule Title: Amend Art. 1 Sec. III "F, G, H"

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

This rule change will not effect the costs or savings of local governmental units.

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

Revenue collections of state or local governmental units will not be impacted by this rule change.

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

Costs and/or economic benefits to directly affected persons or non-governmental groups will not be effected by this rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be impacted.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend its Plan Document in accordance with rules mandated by the federal Tax Reform Act of 1986 retroactive to July 1, 1986, as follows:

I. Surviving Dependents of Continuing Employees

In the event a covered active employee has elected to continue coverage pursuant to the provisions of Section III (E) and if, during the period of such continuation the covered spouse or a covered dependent child becomes ineligible for coverage due to:

- 1. death of the employee;
- 2. divorce from the employee; or
- 3. for a dependent child, no longer meeting the definition of an eligible covered dependent as defined in Article 1, Section I (1) (2) and (3) or Article 1, Section I (J)

The spouse and/or dependent child may elect to continue coverage AT THEIR OWN EXPENSE pursuant to the provisions, as applicable, of Section III (F), (G) or (H). In no event, however, may coverage be continued beyond 36 months from the date coverage would have terminated for the employee in the absence of Section III (E).

Comments or objections will be accepted, in writing, by the executive director of the State Employees Group Benefits Program until 4:30 p.m. on February 9, 1987 at the following address: James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen
Executive Director

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

Rule Title: Amend Art. 1 Sec. III "I"

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

Implementation of this proposed change in plan document language will not generate any savings or additional cost to state or local governmental units.

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

The revenue collections of state governmental units will not be effected.

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

This rule change will not effect costs or economic benefits to directly affected persons or non-governmental groups

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be effected by this rule change.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to comply with directives of Act 919 by defining excessive killing of fish, defining methods to assign a fair market value to fish and to implement these provisions. Excessive killing shall be defined as "the killing resulting from taking or attempting to take any fish in excess of what the possessor thereof can process, utilize or transport from the fishing grounds. Shrimp and shrimping operations are excluded."

Market value of fish shall be determined by: (1) ascertain-

ing a price per pound from at least three Louisiana fish buying establishments, or (2) ascertaining a price per pound from NMFS Market News Reports, or (3) any other published source of information.

Interested persons may submit written comments on the proposed rule until 4:30 p.m., January 5, 1987 to the following address: J. Burton Angelle, Secretary, Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Defines Excessive Killing of Fish**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
None
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
None

Mary Mitchell
Chief Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

It is the intent of the Louisiana Wildlife and Fisheries Commission to adopt the following terms and language which designates menhaden and herring-like species which may be legally taken with purse seines in Louisiana waters. Those fish designated as menhaden or herring-like species are included in the family Clupeidae (herrings).

Clupeidae-herrings

Blueback herring (*Alosa aestivalis*)
Alabama shad (*Alosa alabamae*)
Skipjack herring (*Alosa chrysochloris*)
Hickory shad (*Alosa mediocros*)
Ohio shad (*Alosa ohioensis*)
Alewife (*Alosa pseudoharengus*)
American shad (*Alosa sapidissima*)
Finescale menhaden (*Brevoortia gunteri*)
Largescale menhaden (*Brevoortia patronus*)
Yellowfin shad (*Brevoortia smithi*)
Altanic menhaden (*Brevoortia tyrannus*)
Atlantic herring (*Clupea harengus harengus*)
Pacific herring (*Clupea harengus pallasii*)
Gizzard shad (*Dorosoma cepedianum*)
Threadfin shad (*Dorosoma petenense*)
California round herring (*Etrumeus acuminatus*)
Atlantic round herring (*Etrumeus sadina*)
False pilchard (*Harengula clupeiola*)
Redear sardine (*Harengula humeralis*)
Scaled sardine (*Harengula pensacolata*)

Flatiron herring (*Harengula thrissina*)
Dwarf herring (*Jenkinsia lamprotaenia*)
Pacific thread herring (*Opisthonema libertate*)
Atlantic thread herring (*Opisthonema oglinum*)
Spanish sardine (*Sardinella anchovia*)
Pacific sardine (*Sardinops sagax*)

This authority is granted under R. S. 56:3, 56:5, and 56:313, either wholly or in part.

These terms are established as being universally applied and understood in: A List of Common and Scientific Names of Fishes From the United States and Canada; The American Fisheries Society, special publication No. 12, 1980.

Interested persons may comment or submit written comments until January 6, 1987 at 4:30 p.m., to the following address: J. Burton Angelle, Secretary, Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Define Herring Like Species**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
None
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
None

Mary Mitchell
Chief Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

As per its authority under R.S. 56:433 E and F the Wildlife and Fisheries Commission reinstates the three-inch size limitation as it pertains to the commercial harvesting of oysters on the public oyster seed grounds.

Additionally, the oyster seed ground areas of the "Bay Gardene Oyster Seed Reservation" and the area adjoining it in the area referred to as Bay Crabs be closed beginning 12:01 a.m. January 1, 1987 for the remainder of the season.

The department secretary is hereby authorized to close the remaining ground if the oysters become threatened with depletion.

This action is in concordance with the Administrative Procedure Act.

J. Burton Angelle
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Readjustment to the
LA Oyster Season Public Grounds**

petition; however, as stated before there is little fishing activity occurring in these areas to be closed anyway.

Mary Mitchell
Chief Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation cost of this commission action due to the fact that there are already regularly schedule patrols on these areas.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is very little oyster production presently occurring in these areas closed; however, there are young oysters appearing in these areas which if protected should provide seed oysters in the future. Since there is presently limited production there will be limited effects on the oyster severance tax collected for the early part of 1987; however, improved production should increase severance taxes in the near future.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This management decision should provide some seed oysters during the 87/88 oyster season thus providing the oyster fishermen of this state additional revenues in the future.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Any reduction of fishing area will certainly increase com-

Potpourri

POTPOURRI

Department of Natural Resources Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56:700.1 through 56:700.5, and regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980, notice is given that 49 claims amounting to \$61,855.13 were received during the month of November, 1986. During the same month 216 claims, amounting to \$463,724.36 were paid.

No hearings are scheduled during the month of January, 1987.

B. Jim Porter
Secretary

CUMULATIVE INDEX
(Volume 12, Number 12)

1986

<i>Pages</i>	<i>Issue</i>
1— 80	January
85— 147	February
153— 200	March
209— 273	April
281— 352	May
361— 405	June
413— 466	July
477— 576	August
585— 643	September
653— 736	October
749— 805	November
817— 896	December

AGRICULTURE AND FORESTRY DEPARTMENT

Agricultural and Environmental Sciences, Office of

- Advisory Commission on Pesticides, 87R
- Agricultural Commodities Commission, 120N
 - Commission administration, 120N, 287R
 - Definitions, 120N, 287R
 - Fees, 120N, 287R
 - Financial statement, 120N, 287R
 - Grading/sampling commodities, 120N, 287R
 - Grain dealers, 120N, 287R
 - Grain inspections, 120N, 287R
 - License suspension/revocation, 120N, 287R
 - Self-insurance fund, 586ER
- Dairy Stabilization Board, 122N, 498R, 604N, 825R
- Horticulture Commission
 - Floristry exams, 143P, 460P, 468P, 804P
- Quarantine Programs (State Entomologist)
 - Apiary, 568P
 - Quarantined areas, 189P, 269P
- Seed Commission, 603N, 825R, 848N
- Structural Pest Control Commission
 - Constructive recycling by commercial applicators of unused portions of pesticides and/or rinsate, 37N, 5ER, 285R
 - Containment system, 37N, 85ER, 285R
 - Management of unused portions of pesticides and/or rinsate of pesticides, 37N, 85ER, 285R
 - Pesticide containers, 37N, 85ER, 285R
 - Pesticide waste requirements, 37N, 85ER, 285R
 - Wood infestation, 37N, 85ER, 285R

Agricultural Finance Authority

- Production Loan Program, 209ER

Agro-Consumer Services, Office of

- Dairy Stabilization Board, 122N, 498R, 604N, 825R
- Market Commission, 826R
- Weights and Measures, 817ER

Animal Health Services, Office of

- Diseases, 249N
- Livestock Sanitary Board, 123N, 498R
 - Brucellosis Test, 123N, 289R
 - Brucellosis Test, cattle reacting to, 123N, 289R
 - Cattle sale by livestock dealers, 372N, 498R

- Definitions, 123N, 289R, 598R
- LAC Title change, 123N, 289R
- Quarantine period, 123N, 289R
- Pet Turtles, 7ER, 37N, 224R

Fertilizer Commission

- Fertilizers, sale of, 331N, 493R

Forestry, Office of

- Stumpage values, 568P, 772N, 819ER

Management and Finance, Office of

- Agricultural Industry Board
 - Central Registry, 693N, 826R
 - Ethanol production, 368N, 503R, 753ER, 772N

Marketing, Office of

- Agricultural Products Processing Develop. Law, 588ER
- Fruits and Vegetables, 538N
- Market Commission
 - Ag products processing development, 771N
 - Farm Youth Loans, 539N, 826R

CIVIL SERVICE DEPARTMENT

Civil Service Commission

- Classification and pay, 331N
- Classification system transition, 775N
- Commuting area, 363ER, 375N
- Displacement rights, 375N
- Funeral leave, 373N
- Furloughs, 414ER, 447N
- Holiday compensation, 373N
- Layoff measures, 332N
- Leave cancellation/continuance, 373N
- Order of layoffs, 363ER, 375N
- Pay rate upon employment, 373N
- Preferred employment list, 375N
- Probationary period, 373N
- Resignations, 373N
- Service ratings, unsatisfactory, 375N

Ethics for Elected Officials, Board of

- Overtime compensation, 169N
- Pay reductions, layoff procedures, 124N
- Personal Financial Disclosure Form, 9R

COMMERCE DEPARTMENT

Architectural Examiners, Board of

- Examination applications, 124N, 760R
- Per diem, 124N, 760R

Certified Public Accountants, Board of

- Amendments to LAC 46:XIX, 87R
- CPE credit, 776N
- Certificate, license, prohibited acts, 776N
- Educational requirements, 776N
- Fee Assessment, 776N

Commerce and Industry, Office of

- Capital Companies Tax Credit, 479ER, 547N, 664R
- Corporate Headquarters Tax Equalization, 483ER, 540N, 659R
- Enterprise Zone, 480ER, 541N, 660R
- Industrial Tax Equalization, 480ER, 542N, 661R
- Industrial Tax Exemption, 481ER, 544N, 662R
- Industry Assistance, 482 ER, 545N, 663R
- Local Economic Devel. Support, 483ER, 546N, 664R

CR—Committee Report

- E—Errata EO—Executive Order ER—Emergency Rule**
L—Legislation N—Notice of Intent P—Potpourri
PPM—Policy and Procedure Memorandum R—Rule

Minority business, 819ER
Restoration Tax Abatement, 484ER, 548N, 665R
Small business loan, 822ER, 850N
Tax exemption/energy conservation property, 484ER,
549N, 666R

Contractors, Licensing Board for

Additional classification, 604N, 760R
Contractor, definition, 606N, 761R
Federal Projects, 605N, 606N, 761R, 761R
License fee, 604N, 761R
License requirements, 606N, 761R

Racing Commission

Cancelled claiming race, 11R
Day, 607N, 827R
Drug which affects performance: guarding horse, 11R
Duties/responsibilities, 693N
Examinations, 40N, 289R
Horsemen's bookkeeper, 11R
Jockey fee schedule, 12R
Licensing of other employees, 39N, 290R
Maximum daily doubles per race card, 39N, 289R
Medication: reporting to stewards, 11R
No medication in two-year olds, 11R
Pre-race testing, 154ER, 173N, 211ER, 332N, 419R
Super Six, 11R
Twin Trifecta, 211ER, 251N, 285ER, 419R
Use of appliance to start, 694N

Real Estate Commission

Broker license, 376N, 509R
Escrow accounts, 376N, 509R, 827R
Escrow deposits, 694N, 827R
License transfers/terminations, 376N, 509R
Real estate schools, 376N, 509R, 827R
Timeshares, 376N, 509R

CULTURE, RECREATION AND TOURISM DEPARTMENT

Black Culture, Division of

Grant guidelines, 88R

Cultural Development, Office of

Arts Program, 607N, 762R

State Museums, Office of

Accessions/Deaccessions, 89R
Admission fees, 89R, 777N
Building rental, 777N

State Parks, Office of

Amendments, 89R
Basis for assistance, 695N, 828R
Commercial boats, 695N, 828R
Facility projects, 695N, 828R
Outdoor recreation, 695N, 828R
Procedures and Fees, 90R, 695N, 697N, 828R, 829R
Repromulgates rules, 90R
Reservation/rates, 695N, 828R

Tourism, Office of

Matching Funds, 13R

EDUCATION DEPARTMENT

Elementary and Secondary Education, Board of

Bulletin 741, 13R, 550N, 697N, 698N, 698N, 762R
Bulletin 996, 155R
Bulletin 1706, Teacher aids, 551N, 763R
Certification, foreign teachers, 363ER, 379N, 598R
Child nutrition, 251N, 420R
Comp Ed, 251N, 420R

Computer literacy, 333N, 511R
Curriculum standards, 252N, 420R
Driver Education, 552N
ECIA repayments, 447N
Elementary program of studies, 448N, 552N, 667R, 762R
English lang. arts, math, curriculum guide, 551N, 762R
Environmental Science, World/American History,
W. Civilization, MAP Supplement Curriculum
Guides, 779N
Librarian certification, 91R
Migrant Education State Plan (FY '87), 253N, 420R
NTE Education Administration/Supervision Test, 415ER,
448N, 667R
Noncertified school personnel, 90R, 485ER, 553N, 763R
Nonpublic school standards, 40N, 125N, 225R, 290R
Nutrition and Training, 851N
Nutrition Program Managers, 251N, 420R
Piano instruction, 550N
Policy 5.00.50. f, 378N, 598R
Psychologists guidelines, 851N
RIF policy, 125N, 290R
School bus loading/unloading, 333N
Severe/profound impairment certification, 91R
Special Education Plan, FY87, 127N, 290R
Summer school standards, 212ER, 253N, 420R
Teacher Aides, 551N, 763R
Teacher aide/paraprofessional salary, 853N
Temporary employment, 485ER, 554N, 763R
Textbook adoption time frame, 14R
Textbook publishers, 14R
Transfer high school students to adult ed., 254N, 421R
Transportation handbook, 449N, 598R, 667R
Tuition fees expenditure, 823ER, 851N
Vo-tech bus transportation, 485ER, 551N, 763R, 779N
Vo-Tech fee, extension courses, 609N, 830R
Vo-Tech fee schedule, 254N, 415ER, 449N, 667R, 781N
Vo-Tech, funds raised by students, 853N
Vo-Tech, instructors to establish dept. head, 608N
830R
Vo-Tech nonresident fees, 780N
Vo-Tech regional coordination, 780N
Vo-Tech residency requirements, 780N
Vo-Tech sabbatical leave, 449N, 668R
Vo-Tech student suspension/expulsion, 14R
Vo-Tech tuition, 91R
World geography curriculum guidelines, 14R

Southern University Board of Supervisors

Bylaws, 128N, 290R
Fees, 306R

ELECTIONS AND REGISTRATION DEPARTMENT

Elderly/handicapped voting, 128N, 225R

ENVIRONMENTAL QUALITY DEPARTMENT

Air Quality and Nuclear Energy, Office of

Air Quality Division
Asbestos Abatement entity certification, 609N, 830R
Asbestos from demolitions/renovations, 189CR, 229R
Dispersion techniques, 174N, 306R, 350CR
Fee schedule, 173N, 306R, 350CR, 450N, 638CR,
668R
Nuclear Energy Division
Fee schedule, 450N, 638CR, 674R

Solid and Hazardous Waste, Office of

- Ground Water Protection Division
- Underground storage tanks, 854N
- Hazardous Waste Division
- Alternate Technologies Research/Development Trust Fund, 40N, 175N, 318R, 350CR
- Clarifies regulations, 855N
- Fee schedule, 451N, 638CR, 676R
- Generation site, 610N, 802CR
- Manifest fees, 176N, 319R, 350CR
- Solid Waste Division
- Fee schedule, 452N, 638CR, 676R, 781N

Water Resources, Office of

- Fee schedule, 452N, 638CR, 677R
- Pollution control fee system, 177N, 321R, 351CR
- Public hearing, 460P

EXECUTIVE ORDERS

- EWE 85-88—Grants private activity bond allocations, 1
- EWE 85-89—Grants private activity bond allocations, 1
- EWE 85-91—Grants private activity bond allocations, 1
- EWE 85-92—Amends Executive Orders EWE 85-51, 85-53, 85-65, 85-89, 85-70, 85-71, 85-72, 85-73, 85-74, 85-76, 85-77, 85-81 and 85-84, 2
- EWE 85-93—Method for allocation of private activity bonds subject to a volume limitation, 3
- EWE 85-94—Application for private activity bonds, 6
- EWE 86-1—Rescinds EWE 85-41, directing National Guard to assist in protective action against Southern Pine Beetle, 6
- EWE 86-2—Amends EWE 85-92, 85
- EWE 86-3—Appoints member pro tem in place of secretary of Department of Environmental Quality, 85
- EWE 86-4—Surplus of all under-utilized state vehicles, 153
- EWE 86-5—Grants private activity bond allocations, 153
- EWE 86-6—Budget cuts effective March 1, 1986, 153
- EWE 86-7—Amends EWE 85-30, Ad Valorem Taxation Study Commission, 154
- EWE 86-8—Directs state officers or employees against whom a suit is filed to comply with R.S. 13:5108.1, 209
- EWE 86-9—Modifies method for allocation of private activity bonds, 281
- EWE 86-10—Directs Office of Telecommunications Management to coordinate and supervise procurement of telecommunications and communications systems, 284
- EWE 86-11—Grants private activity bond allocations, 284
- EWE 86-12—Directs the restoration to sale certain properties, 361
- EWE 86-13—Grants private activity bond allocations, 361
- EWE 86-14—Rescinds EWE 85-60, Establishing the Governor's Louisiana Housing Commission, 361
- EWE 86-15—Grants private activity bond allocations, 362
- EWE 86-16—Grants private activity bond allocations, 362
- EWE 86-17—Grants private activity bond allocations, 413
- EWE 86-18—Directs Department of Natural Resources to disburse overcharge funds from the judgment of United States vs. Exxon Corporation, 413

- EWE 86-19—Grants private activity bond allocations, 413
- EWE 86-20—Grants private activity bond allocations, 414
- EWE 86-21—Community Development Block Grant Program, 477
- EWE 86-22—Housing development grants, 477
- EWE 86-23—Grants private activity bond allocations, 478
- EWE 86-24—Creates Governor's Commission on Black on Black Crime, 478
- EWE 86-25—Appoints Concordia Bank and Trust Co. corporate trustee of the Harry S. Moss Trust for prevention and cure of heart diseases, 585
- EWE 86-26—Directs the restoration to sale certain state land, 585
- EWE 86-27—Provides energy crisis intervention to eligible low-income households, 585
- EWE 86-28—Members to be appointed to Governor's Hispanic - American Affairs Commission, 653
- EWE 86-29—Directs the promotion of an Awareness Campaign to maintain the state's natural beauty, 653
- EWE 86-30—Members to be appointed to Governor's Commission on Black on Black Crime, 653
- EWE 86-31—Reduces state agency spending 10 percent; reduces Minimum Foundation Program, vo-tech and special schools and colleges and universities spending five percent, 749
- EWE 86-32—Extends the Governor's Commission on Louisiana's Outdoors for one year, 749
- EWE 86-33—Grants private activity bond allocations, 749
- EWE 86-34—Modifies allocation of bonds subject to private activity bond volume limits for calendar year ending December 31, 1986, 750
- EWE 86-35—Authorizes state employees in certain parishes to participate in October 29, 1986 rally, 752
- EWE 86-36—Authorizes the commissioner of administration to distribute undrawn general fund balances, 752
- EWE 86-37—Reduces public, private and parochial lunchroom employee funds, 817

GOVERNOR'S OFFICE

Architects Selection Board

- Application procedure, 15R

Division of Administration

- Contractual Review, 857N
- Equipment lease-purchase, 128N, 231R
- Facility Planning and Control, 755ER, 782N
- Fee schedule for copies, 132N, 229R
- PPM 33, Request for positions, 131N, 229R
- PPM 40, State group insurance, 132N, 230R
- PPM 53, Risk management - Responsibilities/rights, 133N, 230R
- Payroll deductions, 611N, 763R
- Property Assistance Agency, 92R, 334N, 334N, 677R
- Purchasing
- Bidder lists, 858N
- Vendor fees, 554N, 654ER, 700N, 833R
- Repeals Policy and Procedure Memoranda, 15R

CR—Committee Report

- E—Errata** **EO—Executive Order** **ER—Emergency Rule**
- L—Legislation** **N—Notice of Intent** **P—Potpourri**
- PPM—Policy and Procedure Memorandum** **R—Rule**

Risk Management, Office of, 43N, 234R, 699N, 782N, 832R

State Planning, Office of,
LCDBG, 699N, 786N, 832R, 858N
Telecommunications Management, 15R

Elderly Affairs, Office of

GOEA Policy Manual, 415ER, 453N, 599R, 788N
Program income, 255N, 366R
State Plan on Aging, 255N, 364ER, 366R, 511R

Governor's Special Commission on Education Services

Application fee, 654ER
Carl D. Perkins Scholarship, 787N
Education majors, 702N
Governor's Scholars Program, 787N
Rockefeller Scholarship, 704N
Student Incentive Grant, 786N
T.H. Harris Scholarship fee, 615N

Law Enforcement and Administration of Criminal Justice, Commission on

Crime Victim Assistance, 42N
Juvenile, justice, delinquency prevention, 92R

Minority Business Enterprise

Goods and services procurement, 701N
Set aside bid, 701N

Veterans Affairs, Department of

Fees, 855N

Women's Services, Office of

Family violence standards, 335N, 677R

HEALTH AND HUMAN RESOURCES DEPARTMENT

Cancer and Lung Trust Fund Board

Proposal deadlines, 639P

Chiropractic Examiners, Board of

Disciplinary procedures, 705N
Fees, 705N
General Practice, 705N

Dentistry, Board of

Administrative procedures, 706N
Complaints disposition, 706N
Dental specialist listing, 706N
Prescription records, 706N
Prohibits re-use of toothbrush, 706N

Electrolysis Examiners, Board of

Meetings scheduled, 144P

Embalmers and Funeral Directors, Board of

Examination, 144P, 568P
Penalty, 555N, 677R

Examiners for Speech Pathology and Audiology

Application period, 615N

Family Security, Office of

AFDC Program
Aid reduction, 861N
Grant reduction, 755ER
Married or emancipated child, 557N, 678R, 731P
Need Standard, 617N, 768R
Work referral policy, 115R
Enrolled Dentists, 460P
Food Stamp Program
Categorical eligibility, 755ER, 861N
Definitions, 486ER, 618N, 768R
Increased earned income, 285ER, 337N, 423R, 824ER
Interest income annualization, 222ER, 336N, 423R
Job search, 256N, 366R
Mental health centers, 222ER, 257N

Policy changes, 486ER, 618N, 768R
Self-employment losses, 222ER, 257N, 366R
Student's level of benefits, 756ER, 863N
Utility allowance, 486ER, 618N, 768R
Voluntary quit, 8ER, 115R

Medical Assistance Program

Adoption subsidy, 338N, 421R
Bed reservation limits, 134N, 243R
Carve Out Units capped, 137N, 243R
Case management, 593ER, 709N, 834R
Clinical laboratory services, 417ER, 561N, 679R
Dental Program, 870N
Dispensing fee survey, 789N
Drug formulary, 876N
Durable medical equipment, 47N, 155R, 871N
EPSDT services, 416ER, 558N, 678R
Eyeglass Program, 619N, 656ER, 769R
Hemodialysis clinic, 864N
Home leave provider payment, 824ER, 875N
Hospital days extension, 757ER, 865N
Hospital Program rate freeze, 558N, 678R
Inpatient hospital services, 418ER, 867N
Inpatient per diem, 758ER, 865N
Leave days (ICF), 866N
Leave days, (ICF) Handicapped, 866N
Lock-in, 135N, 244R
Long Term Care/Home and Community Based Services
CAP rate, 47N, 155R
Medicaid crossover coverage, 868N
Medicaid for disabled Widows/Widowers, 657ER, 788N
Medically needy income eligibility, 869N
Medically Needy Program, 869N
Neonatal/Pediatric/burn/transplant inpatient service
reimbursement, 8ER
O, F, V, and I coverage, 757ER, 863N
Optional ICF I and H, 871N
Optional ICF II, 872N
Optional state supplementation (Adult day health), 872N
Optional state supplementation (personal care), 757ER, 873N
Personal care needs allowance, 22R
Pharmacy dispensing fee, 415ER, 563N
Pharmacy Program, 594ER, 620N, 679R, 769R
Pharmacy Program, MAC override, 868N
Physical therapy, 758ER, 873N
Physician, osteopath, optometrist, midwife fee, 758ER, 874N
Physician reimbursement, 621N
Physician visits/extensions, 875N
Rescinds rate freeze for skilled nursing/intermediate care facilities, 404P
SNF, ICF/I and ICF/II, 418ER, 559N, 679R
SSI maximum resource limits, 22R
Standards for payment, 48N, 155R, 340N, 385N, 424R, 529R, 619N
Third party liability claims, 416ER, 561N, 679R
Transportation-non-emergency, 560N, 679R
Transportation program, 384N, 416ER, 417ER, 417ER, 528R, 619N
Transportation provider choice, 562N, 680R
Transportation provider, rates, 563N, 680R
Statewide Income/Eligibility Verification Systems, 454N, 599R
Support Enforcement Program
IV-D application fee, 115R
IV-D IRS full service application fee, 115R

IV-D Medical support, 134N, 245R

Third party liability, 144P

Human Development, Office of

Adoption Subsidy, 338N

Deaf Commission, 710N

Division of Rehabilitation Services, 460P

Income exemption, 877N

Interpreter service, 345N

Management and Finance, Office of

Insurance carrier requirement, 594ER, 792N

Section 1122

Capital expenditure review, 385N, 529R, 877N

Cost containment criterion, 178N, 321R

Guidelines, 191P

Review criteria, 23R, 564N, 680R, 711N, 835R

State Health Plan, 387N, 530R, 878N

Medical Examiners, Board of

Athletic trainers, 335N, 522R

Midwives, 213ER, 336N, 513R

Physical therapist, 616N, 804P

Physician/surgeon licensing, 212ER, 336N, 485ER,

528R, 555N, 616N, 767R

Occupational therapist licensing, 555N, 767R

Respiratory therapist licensing, 556N, 767R

Mental Health, Office of

Adult group homes, 24R

**Mental Retardation/Developmental Disabilities,
Office of**

Payment system, 345N, 425R

Voting rights, 178N, 321R

Nursing, Board of

Complex/non-complex tasks, 364ER

Delegation of functions, 454N, 677R

Faculty organization, 454N, 678R

Nursing Home Administrators, Board of Examiners for

Administrator-in-training, 380N, 511R

Education requirements, 115R

Licensing, 256N, 366R

Optometry, Board of

Rules of Practice, 617N

Written examination, 22R

Pharmacy, Board of

Adjudication, 238R

Examinations, 238R

Practical Nurse Examiners, Office of

Adjudication, license suspension/revocation, 654ER

Education and licensure, 709N

Staffing, 256N, 678R

Prevention and Recovery from Alcohol and Drug Abuse

ADAMS Block Grant, 138N, 245R

Preventive and Public Health Services, Office of

Birth certificate copies, 712N, 836R

Birth rosters, 25R

Epidemiology Program

Corpse disposition, 790N

Family Planning Program

Fee schedule 622N, 769R

Fluoridation, 712N, 836R

Genetic diseases, 179N, 322R

Handicapped children services, 223ER

Milk pasteurization, 713N, 836R

Public hearing, 351P

Sanitary Code

Fees, 790N

Sewerage treatment plants, 623N, 769R, 880N

Vital records, 390N, 681R

Psychologists, Board of Examiners for

Disciplinary action, 381N, 707N, 833R

Graduate program, 859N

Supervised practice, 859N

Secretary, Office of

Anatomical gifts, 713N, 836R

Controlled substances, 179N, 258N, 258N, 322R, 599R

Council on the Purchase of Products and Services of

Severely Disabled, 342N, 425R

Equal delivery of services, 716N, 839R

LAC reference system, 191P

Licensing fee collection, 791N

Life safety licensing code, 259N, 367R

Maternal/Child Health Block Grant (FY '87), 259N, 367R

Residential Care, 418ER, 455N, 599R

Sheltered workshops, 223ER

Substance abuse, licensing standards, 26R

Senior Citizens Trust Fund Board

Bylaws, 556N, 685R

Grants, 461P

Veterinary Medicine, Board of

Examination notice, 71P

HOUSE OF REPRESENTATIVES

Legislative Research Library

Reports, 191P

JUSTICE DEPARTMENT

Attorney General, Office of

Video bingo machines, 180N, 267-268CR, 322R

LABOR DEPARTMENT

Barber Examiners, Board of

Due Process, 792N

Examinations, 795N

Shops, 797N

Labor, Office of

Appeals referee, 246R

Apprenticeship, 49N, 346N, 428R, 533R

Average weekly wage, 569P

Job training Partnership Act, 346N, 439R

Plumbing Board

License exam, 880N

LEGISLATION

Louisiana Administrative Procedure Act, 1986 Changes,
638

LOUISIANA ADMINISTRATIVE CODE UPDATE

January - March, 1986 changes, 268

October 1985 to December 1985, 71

Title 35, Horse Racing

Supplement changes, 189

April - June, 1986 changes, 459

July - September, 1986 changes, 730

CR - Committee Report

E - Errata EO - Executive Order ER - Emergency Rule

L - Legislation N - Notice of Intent P - Potpourri

PPM - Policy and Procedure Memorandum R - Rule

NATURAL RESOURCES DEPARTMENT

Conservation, Office of

Adjudicatory hearing, 394N, 600R, 686R
Injection and Mining Division
Public hearing, 269P, 351P, 466P, 805P
Statewide Order 29-B, 26R, 71CR
Statewide Order 29-N-1, 26R, 71CR
Statewide Order 29-O-1, 26R, 71CR
Tertiary Recovery, 624N, 770R, 802CR
LEAP, 623N, 840R
Pipeline Division
Carbon dioxide pipelines, 115R
Intrastate natural gas pipelines, 455N, 638CR

Fishermen's Gear Compensation Fund

Claims, 72P, 144P, 192P, 269P, 351P, 405P, 461P,
569P, 639P, 731P, 804P, 896P
Fees, 456N, 602R, 638CR
Limits claims, 759ER, 798N

Secretary, Office of

Coastal Management Division, 192P, 717N
Severance tax, 624N, 771R

State Lands, Division of

Fees, 798N
Reclamation/Encroachments permits, 180N, 347N, 440R

PUBLIC SAFETY AND CORRECTIONS DEPARTMENT (Corrections Services)

Adult Services, Office of

Adult offender furlough, 32R
Attorney visits, 138N, 246R
Escorted inmates absent from community rehabilitation
centers, 33R
Escorted inmates absent from confines of institution, 34R
Escorted inmates absent from parish jail or multi-parish
prison, 35R
Medical furloughs, 36R

Pardons, Board of

Applications, 657ER, 721N

Private Security Examiners, Board of

Company requirements, 486ER
Firearms qualification course, 487ER
Guard armament, 487ER
Guard registration, 487ER
Guard trainer qualifications, 488ER

Secretary, Office of

Searches of visitors/employees, 223ER, 347N, 443R

PUBLIC SAFETY AND CORRECTIONS DEPARTMENT (Public Safety)

Alcoholic Beverage Control, Office of

Permit renewal, 139N, 247R
Shelf stocking, 799N

Firemen Supplemental

Pay, 139N

Liquefied Petroleum Gas Commission

Fuel use, 723N, 841R

Motor Vehicles, Office of

Commercial driving schools, 50N, 154ER, 446R
Hardship license, 456N, 602R
Inspection stations, 881N
Liability coverage, 488ER
U. S. Veteran license plates, 50N, 156R

State Fire Marshal, Office of

Boiler inspections, 140N, 327R

Child Care Food Program Homes, 418ER

Corrected date, 273E

New building specs, 116R

State Police, Office of

Bingo pull-tab, 51N, 157R

Charitable gaming, 488ER, 799N

Criminal Records Unit

Screening applicants, 116R

Hazardous materials unit

Hazardous chemicals, 184N, 327R, 351CR

Transporting of Hazardous Materials, 261N, 446R,
625N, 771R

Training/Education Section

User fee, 116R

REVENUE AND TAXATION DEPARTMENT

Excise Taxes Section

Fuels tax, 261N, 688R

Hazardous waste disposal tax, 184N, 726N

Inspection/supervision fee, 187N

Sales Tax Section

Adopt/rescind/repromulgate rules, 882N

Mardi Gras purchases, 626N, 841R

Out of state purchases/importations, 882N

Severance Tax Section

First use tax (47:11), 882N

First use tax (647-1—647-4), 883N

First use tax (47:1302-1305), 883N

Municipal mfg./electric generating plants, 883N

Oil and gas, 885N

Other Natural Resources, 889N

Tax Commission

Appraisals/Assessment, 352P

Hearing, 200P

Meeting scheduled, 576P

Stumpage values, 568P, 772N, 819ER

Value of property guidelines, 36R, 626N, 802CR

STATE DEPARTMENT

Secretary, Office of

Fees, 457N, 492ER, 689R, 759ER, 800N

TRANSPORTATION AND DEVELOPMENT DEPARTMENT

Highways, Office of

Aircraft use fee, 726N

Escort vehicle registration, 800N

New Orleans Bridges, tolls, 565N, 595ER, 690R

Outdoor Advertising, 458N, 602R, 891N

Overweight permit, 263N

Permit fee, 263N, 627N, 759ER, 802CR

Vending services at rest areas, 628N, 802CR

Marine Operations

Ferry tolls, 564N, 595ER, 690R

Mississippi River Bridge Authority

New Orleans Bridge Tolls, 565N, 595ER, 690R

Public Works, Office of

Engineering service fee, 658ER, 727N

Flood control, 395N, 533R

Registration for Professional Engineers and Land Surveyors, Board of

Re-examination, 458N, 692R

Seal rules, 458N, 692R

Systems Management, Office of
Flight manual, 116R

LCDBG (FY 1986) final statement, 55N, 159R, 265N,
368R

TREASURY DEPARTMENT

Bond Commission

Fee increase, 365ER, 401N, 538R

Interim Emergency Board

Deficit spending, 348N

Emergency appropriations, 348N, 446R

State Employees Group Benefits Program, Board of Trustees

Article 3, Section VIII (J), 801N

Cardiac rehabilitation, 53N, 248R

COBRA, 1985, 364ER, 396N, 533R, 567N, 692R

Contract amendments, 891N,

Covered person/family unit, 892N

Dependent coverage termination date, 727N, 841R

Election procedures, 728N, 842R

Eligible expenses, 729N, 843R

Eligibility provisions, 264N, 367R

Health maintenance organizations, 397N, 535R

Increases accident and health coverage, 8ER

Ineligible after other group coverage, 893N

Inpatient deductible, 141N, 268CR

Lifetime maximum, 54N, 249R

Meeting notice, 273P

Member responsibility, 893N

Non-continuing employee dependents, 892N

Plan document of benefits, 188N

Retiree benefits, 347N, 404CR

Surviving dependent, 894N

Veterans health care, 459N, 602R

URBAN AND COMMUNITY AFFAIRS DEPARTMENT

Planning and Technical Assistance, Office of (See Office of the Governor, Division of Administration for additional entries)

LCDBG (FY 1984) final statement, 141N, 249R

LCDBG (FY 1985) final statement, 54N, 142N, 159R
249R

WILDLIFE AND FISHERIES DEPARTMENT

Wildlife and Fisheries Commission

Alligator hunting season, 492ER, 629N

Anacoco and Vernon Lakes netting prohibition, 629N,
803CR, 843R

Calcasieu Lake Oyster Season, 597ER, 630N

Caney Creek netting prohibition, 403N, 603R

Cross Lake netting, 349N, 603R

Cypremort Pt. State Park netting prohibition, 493ER,
630N, 803CR, 843R

Dredging, 730N

Experimental Fisheries, 71CR, 119R, 154ER, 168R

Fish, excessive killing, 894N

Fountainebleu State Park hunting season, 401N, 603R

Freshwater fish species, 631N, 803CR, 844R

Gamefish fingerlings, 70N, 189CR

Goose hunting methods, 631N, 803CR

Grand Isle netting prohibition, 365ER, 402N

Herring-like species, 895N

Lake Bruin commercial fishing, 36R, 825ER

Migratory seasons other than waterfowl, 492ER

Migratory birds, season and bag limit, 597ER

Oyster fisheries, 632N, 844R

Oyster season, 895N

Oyster seed grounds, 143N, 268CR, 331R

Paddlefish, 87ER, 266N, 368R, 404CR

Pompano/black drum harvesting permit, 634N, 846R

Resident game species, hunting seasons/bag limits, 403N

Seismic fee, 801N

Shrimp harvest, reduced, 224ER, 349N, 349N

Shrimp seasons, 36R, 143N, 224ER, 331R, 825ER

Sister (Caillou) Lake Oyster Seed Reservation, 266N,
404CR

Spanish Mackerel, 142N

Toledo Bend netting prohibition, 402N, 603R

Trapping season, 635N

Underutilized species harvesting permits, 636N, 847R

CR—Committee Report

E—Errata EO—Executive Order ER—Emergency Rule

L—Legislation N—Notice of Intent P—Potpourri

PPM—Policy and Procedure Memorandum R—Rule

