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This public document was published at a total cost of \$5,638.25. 1,300 copies of this public document were published in this monthly printing at a cost of \$3,638.25. The total cost of all printings of this document including reprints is \$5,638.25. 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.

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Executive Orders

EXECUTIVE ORDER NO. BR 88-1

WHEREAS, it has been reported to me by the commissioner of administration that receipts of the Treasury appear likely to fall short of revenue estimates for the fiscal year 1987-88; and

WHEREAS, continued maintenance of the appropriated levels of expenditure is likely to result in a deficit;

NOW, THEREFORE, I, BUDDY ROEMER, governor of the State of Louisiana, do hereby order and direct as follows:

SECTION 1. Appropriations for expenditures shall be reduced for the following budget units in the amounts as shown below:

Executive Department, Division of Administration
Budget Unit: 01-8107

- 1) Delete funding for legal services for the Attorney General \$18,000
- 2) Delete funding for testing for generic drugs 5,000

Executive Department, Office of Women's Services
Budget Unit: 01-8114

- 1) Reduction in Other Charges for the Displaced Homemakers 23,622
- 2) Governor's Commission for the Needs of Women 47,000

Executive Department, Board of Tax Appeals
Budget Unit: 01-8126

- Reduction in Operating Services 1,157

Executive Department, Dept. of Veterans Affairs
Budget Unit: 01-8130

- Insurance Savings 1,358

Executive Department, Office of Elderly Affairs
Budget Unit: 01-8133

- 1) Insurance Savings 33,000
- 2) Reduce unexpended Action Match 130,000
- 3) Reduce unobligated homemaker program 51,194

Department of Justice, Attorney General
Budget Unit: 04-8141

Interagency transfers to Public Safety for gasoline 25,000

Lieutenant Governor
Budget Unit: 04-8146

Reduction in the number of unclassified employees 16,048

Department of the Treasury,
Office of the State Treasurer
Budget Unit: 04-8148

Eliminate two incumbent positions and related expenses in the Division of Social Security 20,000

Department of Insurance,
Commissioner of Insurance
Budget Unit: 04-8165

Eliminate Professional Services for enhanced computer programming 15,000

Department of Commerce, Office of the Secretary
Budget Unit: 05-8251

- 1) Reduction in Legal Professional Services 4,147
- 2) Insurance Savings 476
- 3) Deputy Secretary 3,300
- 4) Reduction in advertising 57,000

Department of Commerce, Office of Commerce and Industry

Budget Unit: 05-8252

- 1) Reduction of administrative overhead 13,900
- 2) Reduction in Women's Business Enterprise Program 21,000
- 3) Insurance Savings 1,259
- 4) Local Economic Development Support 278,064

Department of Commerce, Office of International Trade,
Finance and Development

Budget Unit: 05-8257

- 1) Insurance Savings 61
- 2) Uncommitted Professional Services 3,030

Department of Culture, Recreation and Tourism, Office of Cultural Development

Budget Unit: 06-8265

- 1) Reduction in Arts/Major Institutions Challenge Grants 24,359
- 2) Reduction in grants funded with Economic Diversification Marketing Funds/ Cultural Development 44,600

Department of Transportation and Development, Office of Public Works

Budget Unit: 07-8278

Eliminate balance of funds for repairs to Lake Bistineau Dam 20,000

Department of Transportation and Development, Office of Highways

Budget Unit: 07-8276

- 1) Remaining balance in Legal Professional Services 18,000
- 2) Remaining balance in Subsistence Payments to DOTD employees who work outside their home parish 150,000
- 3) Eliminate subsidy to St. James Parish for operation of their ferry 68,130

Department of Public Safety and Corrections, Dixon Correctional Institute

Budget Unit: 08-8409

Reduce appropriation by projected surpluses in salaries and operating expenses 260,000

Department of Public Safety and Corrections, Work Training Facility

Budget Unit: 08-8410

Reduce appropriation by projected surpluses in salaries and operating expenses 15,000

Department of Public Safety and Corrections, Elayn Hunt Correctional Center

Budget Unit: 08-8413

Reduce appropriation by projected surpluses in salaries and operating expenses 1,150,000

Department of Public Safety and Corrections, Division of Probation and Parole

Budget Unit: 08-8415

Surplus in Insurance 25,000

Department of Public Safety and Corrections, Washington
 Correctional Facility
 Budget Unit: 08-8416
 Reduce appropriation by projected surpluses in salaries
 and operating expenses 120,000

Department of Public Safety and Corrections, Public
 Safety - Administration
 Budget Unit: 08-8418
 Reduction in Operating Services 200,000

Department of Public Safety and Corrections, Office of
 State Police
 Budget Unit: 08-8419
 1) Reduce State Police automotive replacement 250,000
 2) Reduction of cleaning allowance to the former
 \$2.50 level 101,137

Department of Public Safety and Corrections, Office of
 Motor Vehicles
 Budget Unit: 08-8420
 Reduction in travel and interagency transfers 41,737

Department of Public Safety and Corrections, Office of
 Alcoholic Beverage Control
 Budget Unit: 08-8421
 Reduction in travel and interagency transfers 28,139

Department of Public Safety and Corrections, Office of
 Emergency Preparedness
 Budget Unit: 08-8423
 Reduction in interagency transfers 12,343

Department of Public Safety and Corrections, Liquefied
 Petroleum Gas Commission
 Budget Unit: 08-8424
 Reduction in acquisitions and interagency transfers 13,500

Department of Health and Human Resources, Office of
 Management and Finance
 Budget Unit: 09-8305
 1) Insurance Savings 157,337
 2) Reduction in Operating Services 600,000

Department of Health and Human Resources, E. A. Con-
 way Memorial Hospital
 Budget Unit: 09-8312
 Anticipated surpluses 680,000

Department of Health and Human Resources, Office of
 Family Security—Administration
 Budget Unit: 09-8355
 Cancel Support Enforcement contracts for Interstate Reg-
 istry 267,000

Department of Health and Human Resources, Office of
 Human Development
 Budget Unit: 09-8370
 Personal Assistance Services for the Severely Dis-
 abled 354,269

Department of Health and Human Resources, Office of
 Preventive and Public Health Service
 Budget Unit: 09-8326
 Reduction of Operating Expenses 100,000

Department of Health and Human Resources, Office of
 Mental Retardation—Administrative
 Budget Unit: 09-8340

1) Supplies 1,500
 2) Other Charges 20,000

Department of Health and Human Resources, Thibodaux
 State School
 Budget Unit: 09-8341
 Habilitation Contracts 55,000

Department of Health and Human Resources, Metropoli-
 tan Development Center
 Budget Unit: 09-8342
 1) Operating Services 60,000
 2) Habilitation Contracts 150,000

Department of Health and Human Resources, Northwest
 State School
 Budget Unit: 09-8346
 1) Operating Services 35,000
 2) Habilitation Contracts 45,000

Department of Health and Human Resources, Pinecrest
 State School
 Budget Unit: 09-8347
 1) Operating Services 25,000

Department of Health and Human Resources, Ruston
 State School
 Budget Unit: 09-8348
 Habilitation Contracts 35,000

Department of Health and Human Resources, Southwest
 State School
 Budget Unit: 09-8349
 Habilitation Contracts, Supervised Apartments, and other
 day programs 100,000

Department of Natural Resources, Office of the Secretary
 Budget Unit: 11-8431
 Deletion of various Professional Services expendi-
 tures 2,445

Department of Natural Resources, Office of Conservation
 Budget Unit: 11-8432
 1) Deletion of Legal Professional Services expendi-
 tures 32,000
 2) Insurance savings 736

Department of Revenue and Taxation, Office of Revenue
 Budget Unit: 12-8440
 Reduce wage funding by 10% 59,000

Department of Revenue and Taxation, Louisiana Tax
 Commission
 Budget Unit: 12-8441
 Reduce Tax Commission Board by two members 9,730

Department of Labor, Office of Labor
 Budget Unit: 14-8472
 Eliminate General Fund financing for the Ouachita Indus-
 trialization Program 21,631

Department of Civil Service, Ethics Administration
 Budget Unit: 17-8562
 Reduction in Operating Services 3,500

Vocational Education:
 New Orleans, Region 1, Vo-Tech Center
 Budget Unit: 19-9700 156,164

Baton Rouge, Region 2, Vo-Tech Center Budget Unit: 19-9710	265,907
Houma, Region 3, Vo-Tech Center Budget Unit: 19-9730	81,903
Lafayette, Region 4, Vo-Tech Center Budget Unit: 19-9740	157,667
Lake Charles, Region 5, Vo-Tech Center Budget Unit: 19-9750	89,015
Alexandria, Region 6, Vo-Tech Center Budget Unit: 19-9760	90,188
Shreveport, Region 7, Vo-Tech Center Budget Unit: 19-9770	154,396
Monroe, Region 8, Vo-Tech Center Budget Unit: 19-9780	96,209
Other Education:	
Board of Elementary and Secondary Education Budget Unit: 19-8666	
1) Delete state funding for Law Enforcement Academy at Bossier Community College effective 4/1/88	12,500
2) Delete SPUR program effective 4/1/88	265,713
3) Delete Professional Development Center effective 4/1/88	70,696
Department of Education, Special Education Budget Unit: 19-8692	
Reduce flow-through support to local Special Education Program providers	75,000
Department of Education, Vocational Education Budget Unit: 19-8693	
Eliminate Food Processing Center assistance effective 4/1/88	47,000
Department of Education, Special School District #1 Budget Unit: 19-8699	
Reduce staff of the District to reflect the decline in enroll- ment	132,999
Other Requirements, Industrial Development Fund Budget Unit: 21-8930	
Five percent reduction in the appropriated amount	28,520
Other Requirements, Governor's Widow's Pension Budget Unit: 21-8936	
Elimination of funding	3,576
Other Requirements, Governor's Fund Budget Unit: 21-8942	
Elimination of funding	31,792

However, as authorized by R.S. 39:55, certain appropriations will be reduced in greater amounts, and certain appropriations will be exempt from reduction, all as further directed by me and to be made known through the commissioner of administration.

SECTION 2. Budget cuts pursuant to this order shall become effective March 15, 1988 at 5 p.m.

SECTION 3. If any provision or item of this order or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this order which can be given effect without the invalid provision, item or application, and to this end the provisions of this order are hereby declared severable.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 15th day of March, 1988.

Buddy Roemer
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER BR 88-2

WHEREAS, salaries of state employees are a major component of state expenditures, and state employment in both the classified and unclassified service needs to be frozen or limited to a maximum of the number of persons actually employed November 13, 1987 subject only to reduction by normal attrition or further executive order and to prevent the enlargement of numbers of persons in state governmental service; and

NOW THEREFORE I, BUDDY ROEMER, governor of the state of Louisiana, do hereby order and direct:

SECTION 1. Except as otherwise provided and authorized by procedure herein:

No appointment in the classified or unclassified service shall be made, thereby limiting and freezing the levels of employment to a maximum of the number of persons actually employed on November 13, 1987. This maximum level shall be subject only to reduction by normal attrition and/or further executive orders, and no payment shall be made for any appointment to state service occurring on or after the effective date of this executive order.

SECTION 2. The commissioner of administration shall prepare, develop and implement a plan in order to grant exemptions from this order by a case by case review or upon blanket exemption, either by classification, department, agency, function, monetary level or such determination as the commissioner of administration may deem necessary and appropriate.

SECTION 3. Requests for exemptions from this order shall be submitted only by a statewide elected official, the secretary of each department or the head of each agency that is not within a department. Each request shall contain a description of the exemption sought along with a complete justification for the recommended action, the estimated fiscal impact and the funding source (general funds, self-generated funds, federal funds or other).

SECTION 4. The commissioner of administration may grant exemptions in such instances where human life or safety would be endangered without such expenditure or to prevent emergencies as a serious disruption of vital services.

SECTION 5. Any position which becomes vacant shall be deleted from the budget of the employing agency. Such positions may only be re-established according to procedures set forth by the commissioner of administration.

SECTION 6. The secretary of each department shall file a report with the commissioner of administration on April 1, 1988 and a monthly report thereafter through the remainder of the fiscal year. The report shall reflect a full accounting of personnel changes within the agency for the period covered. This report

shall include detail, as determined by the commissioner. This report shall include but not be limited to the type and number of personnel transactions that have occurred and their fiscal impact.

SECTION 7. Department heads who do not report to secretaries but who are in the executive branch of government are covered by provisions of this order.

SECTION 8. This order shall supersede and have the effect of rescinding all prior executive orders not consistent herewith; specifically superseded and rescinded hereby are Executive Orders EWE 87-8, EWE 87-13, EWE 87-45 and EWE 87-47.

SECTION 9. This order shall be effective upon signature.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 15th day of March, 1988.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER BR 88-3

WHEREAS, some boards, commissions, authorities, task forces and committees have been established by law or executive order with the provision for the payment of per diem to the members thereof; and

WHEREAS, continuing to pay per diem causes a drain on the state general fund; and

WHEREAS, the termination of per diem expenditures is necessary to decrease the drain on the state general funds; and

WHEREAS, the purpose of this order is to withhold appropriations and limit expenditures for per diem for members of boards and commissions in the executive branch;

NOW, THEREFORE, I, BUDDY ROEMER, governor of the state of Louisiana do order and direct:

SECTION 1. That all expenditures for per diem to members of all boards, commissions, authorities, task forces or committees in the executive branch of government which are made by the General Appropriation Act be, and the same are hereby, terminated.

SECTION 2. The commissioner of administration is hereby empowered to withhold all appropriations for the per diem expenditures subject to this order and is directed to develop procedures to terminate all such payments.

SECTION 3. The following categories of members of boards, commissions, authorities, task forces and committees are hereby exempted from the provisions of this executive order:

1. Elected members of boards, commissions, authorities, task forces and committees who are authorized by law to receive a per diem.

2. Members of boards, commissions, authorities, task forces and committees who are statutorily authorized and entitled to the payment of per diem on their own warrant.

3. The commissioner of administration is hereby authorized to grant such further exemptions as may be necessary due to extreme economic hardships which would otherwise result to

a member of a board, commission, authority, task force or committee under Sections 1 and 2 of this executive order.

SECTION 4. This order shall supersede and rescind all prior executive orders not consistent herewith.

SECTION 5. This order is effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 15th day of March, 1988.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER BR 88-4

WHEREAS, the purpose of this order is to direct and ensure that all savings resulting from executive action reducing or revising appropriations shall accrue to and be credited immediately to the state general fund;

NOW, THEREFORE, I, BUDDY ROEMER, governor of the state of Louisiana, do hereby order and direct that:

SECTION 1. Savings or reduction of expenditures in any budget unit resulting from cuts, reductions, eliminations or revisions in appropriations undertaken, ordered or directed heretofore or hereafter in any budget unit shall accrue and revert to the benefit and credit of the state general fund immediately upon such action.

SECTION 2. This order shall not apply to the balances of any fund or account which under law shall not revert to or be credited to the state general fund at the end of the fiscal year. This order shall apply to all funds, accounts or deposits in all budget units, irrespective of the source of the monies therein at any time during the remainder of the fiscal year immediately upon the realization of such savings or reduction in expenditures.

SECTION 3. The commissioner of administration is hereby empowered and directed to undertake such action as is necessary to accomplish the purposes of this order.

SECTION 4. This order shall supersede and rescind all prior executive orders not consistent herewith.

SECTION 5. This order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 15th day of March, 1988.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER BR 88-5

WHEREAS, the commissioner of administration has provided written certification that revenues for this fiscal year will be less than an amount sufficient to fund expenditures authorized by appropriations for the 1987-88 fiscal year; and

WHEREAS, the commissioner of administration has further certified, that in his opinion, the insufficiency should not be remedied solely through additional cuts in allotments, expenditure freezes or other gubernatorial actions authorized by law; and

WHEREAS, as the chief executive officer of the state it is my responsibility, pursuant to Article IV Section 5 of the Constitution, to use whatever means necessary so that total appropriations for the year will not exceed anticipated revenues for 1987-1988; and

WHEREAS, the Legislature of Louisiana has enacted certain laws at the 1988 First Extraordinary Session providing certain powers, duties and authority to me to alleviate the anticipated deficit, including but not limited to, that authority granted by House Bills 1, 2, 3, 4, 5, 8, 9, 10, 11, and 12 and Senate Bills 4 and 5, all of which I have signed into law on March 28, 1988; and

WHEREAS, I deem it necessary that a fiscal emergency be declared in order to implement certain provisions of these laws;

NOW THEREFORE I, Buddy Roemer, governor of the state of Louisiana, do hereby order and direct as follows:

SECTION 1. As of this date, March 29, 1988, a state of fiscal emergency exists in the government of the state of Louisiana.

SECTION 2. Pursuant to authority granted to me the following provisions of law shall be enforced during this fiscal emergency:

1. The commissioner of administration is authorized to delay employer contributions to certain retirement systems as provided by House Bill 12 of the 1988 First Extraordinary Session of the Louisiana Legislature.

2. The commissioner of administration is authorized to notify the treasurer that, pursuant to the authority granted me by House Bill No. 5 of the 1988 First Extraordinary Session of the Louisiana Legislature, she is to delay the payment of revenue sharing proceeds to the political subdivisions of the state until further notice by me and she is not to accrue any interest on such funds, but rather shall deposit such interest in the state general fund.

3. The commissioner of administration is authorized to notify all agencies of the state that pursuant to the provisions of House Bills Numbers 1 and 9 of the 1988 First Extraordinary Session of the Louisiana Legislature they may, upon his approval, implement or raise any fees necessary to compensate the agency for the cost of providing any service rendered by the agency and to implement such other rules or regulations necessary to aid in alleviating the deficit.

4. The commissioner of administration is hereby authorized, pursuant to the provisions of House Bills Numbers 1, 3 and 8 of the 1988 First Extraordinary Session of the Louisiana Legislature to take whatever steps are necessary to provide for me a listing of those transfers, reductions, freeze orders, rules and regulations needed to be implemented to reduce the anticipated deficit.

5. In so far as necessary I hereby authorize those officials responsible to implement the provisions of House Bills Numbers 10 and 11 of the 1988 First Extraordinary Session of the Louisiana

Legislature to provide for a short term borrowing mechanism and the creation of a special district to provide funds to alleviate any deficit existing or anticipated this fiscal year.

6. The treasurer is hereby further authorized, as may be necessary under law, to extinguish any indebtedness owed by the state to any special funds in the treasury, except those funds exempt from such extinguishment pursuant to the provisions of House Bills Numbers 1 and 4 or Senate Bill Number 5 of the 1988 First Extraordinary Session of the Louisiana Legislature.

7. The commissioner of administration is hereby authorized to borrow any funds in the state treasury deemed by him and the treasurer to be available for use or borrowing pursuant to House Bill Number 1 of the 1988 First Extraordinary Session of the Louisiana Legislature.

8. The commissioner of administration is hereby authorized to delay any payment owed by the state as necessary to alleviate the deficit. However, the delay in state employees' compensation shall be structured in accordance with the letter issued by the commissioner of administration on February 8, 1988 relative to revised pay periods.

9. The commissioner of administration is hereby authorized to notify all department heads, pursuant to House Bill Number 1 of the 1988 First Extraordinary Session of the Louisiana Legislature, that revised budgets of their respective departments showing revised budget unit expenditures shall be submitted for his approval on or before April 7, 1988. The commissioner of administration is further directed to disapprove any warrants of any department which fails to timely submit a revised budget.

10. The commissioner of administration is further authorized to approve or disapprove the revised budget of a department in its entirety or the revised budget of a budget unit of a department and to the extent that a revised budget of a department or of a budget unit is disapproved by the commissioner, no warrant shall be issued therefor.

SECTION 3. This order declaring a state of fiscal emergency shall be in full force and effect until further orders are issued by me.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 29th day of March, 1988.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER BR 88-6

WHEREAS, on this date, pursuant to the provisions of House Bill Number 1 of the First Extraordinary Session of the Louisiana Legislature, the commissioner of administration has formally and in writing issued a certification that receipts of the treasury are falling short of revenue estimates for the fiscal year and that a cash deficit is likely to be incurred; and

WHEREAS, I, Buddy Roemer, governor of the state of Louisiana pursuant to House Bill No. 1 of the First Extraordinary Session of the Louisiana Legislature and in response to the

certification of the commissioner of administration, more fully described hereinabove, have issued Executive Order No BR 88-5 on this date declaring that a fiscal emergency exists; and

WHEREAS, to avoid incurring a cash deficit certain executive actions must be instituted;

NOW THEREFORE I, Buddy Roemer, governor of the state of Louisiana, do hereby order and direct that the allotments in force as well as future allotments of appropriations to the following departments or schedules are reduced by the amounts indicated as follows:

State Department, Secretary of State
Budget Unit: 04-8139
Cut microfilm research section. 24,766
1) Elimination of 5 filled positions

State Departments
Board of Election Supervisors
Budget Unit: 04-8140
Transfer this Board. 18,234
1) Elimination of 4 filled positions

Treasury Department, Office of the Treasury
Budget Unit: 04-8148
1) Elimination of bank service fee charges 2,069,100
2) Reduction in printing and rental costs from self-generated revenue 16,500

Department of Insurance
Commissioner of Insurance
Budget Unit: 04-8165
1) Close Minority Affairs Office in New Orleans 11,079
Elimination of 2 filled positions
2) Close New Orleans Commissioner's Office 14,349
Elimination of 2 filled positions

Department of Insurance
Office of Insurance Rating
Budget Unit: 04-8167
New Orleans Commissioner's Office 11,371
1) Insurance Rating Section
Elimination of 2 filled positions

Department of Commerce
Office of the Secretary
Budget Unit: 05-8251
1) Mississippi River Deepening Project Manager 11,000
Elimination of 1 filled position
2) Research section - Elimination of 2 vacant positions 34,064

Department of Commerce
Office of Commerce and Industry
Budget Unit: 05-8252
1) Music Marketing position 1,308
Elimination of 1 filled position

Department of Culture, Recreation and Tourism
Office of State Library
Budget Unit: 06-8262
1) State Aid to Public Libraries 265,063

Department of Culture, Recreation and Tourism
Office of State Parks
Budget Unit: 06-8264

1) Administrative Reductions in the categories of personal services attrition, operating expenses, other charges and acquisitions and major repairs 371,222

Department of Culture, Recreation and Tourism
Office of Cultural Development
Budget Unit: 06-8265
1) Reduction of uncommitted balance in Arts Grants 43,564
2) Elimination of grants for the Division of Black Culture 20,000
3) Combine the Division of Black Culture with Division of Arts and eliminate 1 filled position by June 30, 1988 -0-

Department of Culture, Recreation and Tourism
Office of Tourism
Budget Unit: 06-8267
1) Elimination of promotional expenditures 38,996
2) Balance of Act 455 grant funding 63,500

Department of Transportation and Development
Office of Management and Finance
Budget Unit: 07-8273
1) Close 1 warehouse in Baton Rouge 20,000
2) Elimination of 24 miscellaneous filled positions 100,000

Department of Transportation and Development
Office of Public Works
Budget Unit: 07-8278
Public Works Field Engineer Costs 645,000
Elimination of 45 full time equivalent positions - Reallocate existing personnel to highway projects

Department of Public Safety and Corrections
Office of Corrections - Administrative
Budget Unit: 08-8400
1) Salaries category surplus 35,963
2) Elimination of 8 filled general administrative positions 11,015

Department of Public Safety and Corrections
Office of Management and Finance
Budget Unit: 08-8418
1) Elimination of 10 filled administrative positions 22,218

Department of Public Safety and Corrections
Supplemental Municipal Police Pay
Budget Unit: 08-8426
1) Implement a 15% reduction for remainder of year 574,702
2) Projected surplus 460,618

Department of Public Safety and Corrections
Supplemental Fireman's Pay
Budget Unit: 08-8427
Implement a 15% reduction for remainder of year 131,922

Department of Public Safety and Corrections
Supplemental Sheriffs' Pay
Budget Unit: 08-8428
1) Implement a 15% reduction for remainder of year 650,051

2) Projected Surplus	1,252,895
Department of Natural Resources Office of Management and Finance Budget Unit: 11-8430 Elimination of 5 filled administrative positions	
	12,985
Department of Natural Resources Office of the Secretary Budget Unit: 11-8431 Elimination of 3 filled administrative positions	
	13,114
Department of Revenue and Taxation Office of Revenue Budget Unit: 12-8440	
1) Elimination of 45 filled administrative positions	132,632
2) Reduction in printing	100,000
3) Reduction in supplies	60,000
4) Reduction in wages	100,000
Department in Environmental Quality Office of Air Quality and Nuclear Energy Budget Unit: 13-8851	
1) Elimination of 4 vacant administrative positions	34,650
Department of Environmental Quality Office of Water Resources Budget Unit: 13-8852	
1) Elimination of 3 vacant administrative positions	23,000
Department of Environmental Quality Office of Solid and Hazardous Waste Budget Unit: 13-8853	
1) Elimination of 5 vacant administrative positions	38,440
Department of Education Elementary and Secondary Budget Unit: 19-8681	
1) Projected Surplus in the PIPS program	2,000,000
Miscellaneous Agencies: District Attorneys and Assistants Budget Unit: 20-8180 Implement 15% reduction in Assistant District Attorney's salaries for remainder of year	
	131,982
Other requirements: State Bond Sales Budget Unit: 21-8933	
1) 20% Cut	18,818
TOTAL	\$ 9,584,121

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 29th day of March, 1988.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER BR 88-7

WHEREAS, a fiscal emergency has been declared pursuant to Executive Order BR 88-5 on March 29, 1988, in conformity with House Bills Numbers 1 and 9 of the First Extraordinary Session of 1988; and,

WHEREAS, executive orders have been issued reducing expenditures in allotments and positions in the executive branch of state government and further executive orders will be issued; and,

WHEREAS, emergency rules and procedures therefor are presently being formulated to offset the costs of certain governmental services rendered by the executive branch of state government; and,

WHEREAS, it is appropriate that employees and officers of the executive office, office of the governor should make sacrifices to assist in the reduction of state expenditures;

NOW THEREFORE I, Buddy Roemer, governor of the state of Louisiana do hereby order a reduction in salary of all employees and officers of the executive office, office of the governor of 10 percent to be effective for the remainder of the Fiscal Year 1987-1988.

This executive order shall become effective on March 30, 1988.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 29th day of March, 1988.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER NO. BR 88-8

WHEREAS, pursuant to the provisions of House Bill Number 1 of the First Extraordinary Session of the Louisiana Legislature, the commissioner of administration has formally and in writing issued a certification that receipts of the treasury are falling short of revenue estimates for the fiscal year and that a cash deficit is likely to be incurred; and

WHEREAS, I, Buddy Roemer, governor of the State of Louisiana, pursuant to House Bill Number 1 of the First Extraordinary Session of the Louisiana Legislature and in response to the certification of the commissioner of administration, more fully described hereinabove, have issued Executive Order Number BR 88-5 declaring that a fiscal emergency exists; and

WHEREAS, to avoid incurring a cash deficit certain executive actions must be instituted;

NOW THEREFORE I, BUDDY ROEMER, governor of the State of Louisiana, do hereby order and direct that the allotments in force as well as future allotments of appropriations to the following departments or schedules are reduced by the amounts indicated as follows:

Executive Department
Office of Women's Services
Budget Unit: 01-8114

Closing the Displaced Homemaker Center in Monroe	
1) Elimination of 1 filled position	\$ 9,000
Department of Transportation and Development	
Office of Aviation and Public Transportation	
Budget Unit: 07-8279	
Close Harry P. Williams Museum	8,000
1) Elimination of 1 filled position and 1 vacant position	
Department of Revenue and Taxation	
Office of Revenue	
Budget Unit: 12-8440	
Closure of Thibodaux District Office	
1) Elimination of 4 filled positions	5,801
Department of Public Safety	
Office of State Police	
Budget Unit: 08-8419	
1) Closure of State Troops H and K	-0-
Eliminate 16 filled positions	
Department of Health and Human Resources	
Office of Public Assistance	
Budget Unit: 09-8356	
1) Eliminate \$8 Optional State Supplement to Nursing Home residents	100,000
Department of Urban and Community Affairs	
Budget Unit: 15-8501	
1) Elimination of payments to parishes for Community Action Agencies	29,387
Miscellaneous Agencies	
Tobacco Tax Allocation	
Budget Unit: 20-8823	
1) 20% Reduction of 4th Quarter of the 8% Tobacco Tax	319,457
2) 20% Reduction of 4th Quarter of the 3% Tobacco Tax	282,185
Other Requirements	
Industrial Development Fund	
Budget Unit: 21-8930	
1) Elimination of payments	202,000
Other Requirements	
Two Percent Fire Insurance Fund	
Budget Unit: 21-8932	
1) 20% Reduction of 4th Quarter allocation	250,000
Other Requirements	
Orleans Parish Tourism	
Budget Unit: 21-9824	
1) 20% Reduction of 4th Quarter allocation	60,000
Other Requirements	
Jefferson Parish Tourism	
Budget Unit: 21-9825	
1) 20% Reduction of 4th Quarter allocation	10,000
TOTAL	\$1,275,830

However, as authorized by R.S. 39:55, certain appropriations will be reduced in greater amounts, and certain appropriations will be exempt from reduction, all as further directed by me and to be made known through the commissioner of administration.

SECTION 2. Budget cuts pursuant to this order shall become effective March 30, 1988 at 5 p.m.

SECTION 3. If any provision or item of this order or the application thereof is held invalid, such invalidity shall not affect

other provisions, items or applications of this order which can be given effect without the invalid provision, item or application, and to this end the provisions of this order are hereby declared severable.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 30th day of March, 1988.

Buddy Roemer
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER NO. BR 88-9

WHEREAS, pursuant to the provisions of House Bill Number 1 of the 1988 First Extraordinary Session of the Louisiana Legislature, the commissioner of administration has formally and in writing issued a certification that receipts of the treasury are falling short of revenue estimates for the fiscal year and that a cash deficit is likely to be incurred; and

WHEREAS, I, Buddy Roemer, governor of the State of Louisiana, pursuant to House Bill Number 1 of the 1988 First Extraordinary Session of the Louisiana Legislature and in response to the certification of the commissioner of administration, more fully described hereinabove, have issued Executive Order Number BR 88-5 declaring that a fiscal emergency exists; and

WHEREAS, to avoid incurring a cash deficit certain executive actions must be instituted;

NOW THEREFORE I, Buddy Roemer, governor of the State of Louisiana, do hereby order and direct that the allotments in force as well as future allotments of appropriations to the following departments or schedules are reduced by the amounts indicated as follows:

Executive Department	
Budget Unit: 01-8118	
Elimination of the Civil Service classification and pay plan allocation	\$ 7,900,200
Executive Department	
Budget Unit: 01-8119	
Elimination of the State Employees Group Benefits Program Rate Increase	7,606,820
Department of Labor	
Office of Employment Security	
Budget Unit: 14-8474	
Projected surplus in the Special Employment Security Administrative Fund	501,054
Department of Culture, Recreation and Tourism	
Office of Tourism	
Budget Unit: 06-8267	
Balance from the Liege, Belgium Trade Show held in February, 1988 and cancellation of the State's participation in Rouen, France's Trade Show	51,825
Department of Agriculture and Forestry	
Budget Unit: 04-8160	

Surplus funds in the Agricultural Industry Incentive Fund/ Ethanol	781,205
Total	\$ 16,841,104

However, as authorized by R.S. 39:55, certain appropriations will be reduced in greater amounts, and certain appropriations will be exempt from reduction, all as further directed by me and to be made known through the commissioner of administration.

SECTION 2. Budget cuts pursuant to this order shall become effective March 31, 1988 at 5 p.m.

SECTION 3. If any provision or item of this order or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this order which can be given effect without the invalid provision, item or application, and to this end the provisions of this order are hereby declared severable.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 31st day of March, 1988.

Buddy Roemer
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER BR 88-10

WHEREAS, The prevention of waste, inefficiencies, mismanagement, and abuse in the departments, agencies, boards, commissions, authorities, task forces, authorities and divisions (covered agencies) of the executive branch of state government is an important responsibility of the state; and

WHEREAS, The prevention of waste, inefficiencies, mismanagement, and abuse in the covered agencies of the executive branch of state government is dependent in part upon the development, implementation and enforcement of sound policies and procedures directed to that end; and

WHEREAS, There should be constant vigilance in each covered agency of the executive branch of state government as to the adequacy of such policies and procedures and as to the fact of compliance therewith; and

WHEREAS, The establishment of the Office of Inspector General in the Executive Department, Division of Administration will facilitate the carrying out the obligation of vigilance as described above:

NOW, THEREFORE, I, Buddy Roemer, governor of the state of Louisiana, by virtue of the authority vested in me by the Constitution and Laws of the State of Louisiana, do hereby establish in the Executive Department, Office of the Governor, Division of Administration, the Office of State Inspector General to examine, investigate, and make recommendations with respect to the prevention and detection of waste, inefficiencies, mismanagement, and abuse in all the state agencies, boards, commissions, authorities, task forces, departments and divisions of the executive branch of state government.

Section 1. The State Inspector General

1. The state inspector general shall be appointed by and serve at the pleasure of the governor.

2. The state inspector general shall exercise the authority as specified in this order to fulfill the duties and responsibilities as specified to establish such internal procedures and guidelines as may be necessary, including recommendations for specific corrective actions within the departments, agencies, boards, commissions, authorities, task forces, authorities and divisions of the executive branch (hereinafter referred to as "covered agencies") of state government.

Section 2. The Office of the State Inspector General

1. The state inspector general shall have the necessary staff and resources to fulfill the duties and responsibilities as specified.

Section 3. Authority of the State Inspector General

1. The state inspector general is authorized to examine and investigate the management and affairs of the covered agencies concerning waste, inefficiencies, mismanagement, and abuse and, if there exist reasonable grounds that justify further inquiry, he may conduct investigation into such areas, including but not limited to:

- misuse of state-owned automobiles, planes, watercraft and all other movable and immobile property;
- evidence of a pattern of excessive bills on state contracts;
- unauthorized use of leave;
- mismanagement of governmental operations;
- waste or abuse of things of value belonging to or used by the agencies, departments and division of the executive branch of state government.

Section 4. Duties and Responsibilities of the State Inspector General

1. The state inspector general shall help prevent waste, inefficiencies, mismanagement, and abuse in covered agencies by periodically reviewing policies and procedures and monitoring operations and making recommendations for improvement.

2. The state inspector general shall receive complaints of fraud, waste, inefficiencies, mismanagement, abuse, or corruption in covered agencies and determine whether they warrant investigation by the state inspector general or by appropriate federal, state or local agencies.

3. The state inspector general shall investigate complaints of waste, inefficiencies, mismanagement, and abuse and, when appropriate, determine whether disciplinary action, or further investigation by appropriate federal, state or local agencies is warranted and take further action as appropriate.

4. The state inspector general shall report complaints of fraud, abuse, or corruption to such federal, state or local agencies when there is evidence that non-state agency personnel have engaged in what may be criminal activity and when otherwise appropriate, and shall otherwise cooperate with them in any further action.

5. The state inspector general shall report to the governor.

Section 5. Responsibilities of Covered Agencies

1. All officers and employees in covered agencies shall extend full cooperation and all reasonable assistance to the state inspector general and his designees. No provision of this order shall be construed to diminish the responsibility of said officers and employees to be vigilant in preventing and reporting waste, inefficiencies, mismanagement, and abuse.

Section 6. Covered Agencies

All departments, agencies, boards, commissions, authorities, task forces, authorities and divisions of the executive branch of state government are covered by provisions of this order.

Section 7. Miscellaneous

Nothing herein shall be construed to impair the rights, duties and obligations of state employees covered by collective bargaining agreements or the functions, powers, and duties of the State Civil Service Commission and other pertinent federal and state laws.

Section 8. This order shall be effective on signature.

IN WITNESS THEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge on this 4th day of April, 1988.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER NO. BR 88-11

WHEREAS, pursuant to the provisions of House Bill Number 1 of the 1988 First Extraordinary Session of the Louisiana Legislature, the commissioner of administration has formally and in writing issued a certification that receipts of the treasury are falling short of revenue estimates for the fiscal year and that a cash deficit is likely to be incurred; and

WHEREAS, I, Buddy Roemer, governor of the State of Louisiana, pursuant to House Bill Number 1 of the 1988 First Extraordinary Session of the Louisiana Legislature and in response to the certification of the commissioner of administration, more fully described hereinabove, have issued Executive Order Number BR 88-5 declaring that a fiscal emergency exists; and

WHEREAS, to avoid incurring a cash deficit certain executive actions must be instituted;

NOW THEREFORE I, Buddy Roemer, governor of the State of Louisiana, do hereby order and direct that the allotments in force as well as future allotments of appropriations to the following departments or schedules are reduced by the amounts indicated as follows:

Department of Agriculture and Forestry
Budget Unit: 04-8160
Move Agricultural Industry Incentive Fund
balance from the escrow to the State Treasury and eliminate 819,803

Department of Culture, Recreation and Tourism
Office of the Secretary
Budget Unit: 06-8261
Eliminate balances of Horse Racing Dedications as follows:
Imperial Calcasieu \$ 15,000
Zigler Museum 15,000
Brimstone Historical Society 15,000
Railroad Museum 15,000
Subtotal 60,000

Department of Culture, Recreation and Tourism
Office of State Parks
Budget Unit: 06-8264
Eliminate balance of Horse Racing Dedications to Bayou Segnette State Park 75,000

Department of Transportation and Development
Office of Highways
Budget Unit: 07-8276
Reduction in authorized positions from 5,732 to 5,452 (280 positions) by July 1, 1988 741,076

Other Requirements
Horse Racing Tax Dedications Reductions:
City of New Orleans 69,700
Lafayette Parish 1,250
Town of Carencro 2,500
Jefferson Parish 17,590
City of Kenner 15,840
Calcasieu Parish 3,840
Town of Vinton 1,500
Bossier Parish 64,800
Bossier City 64,800
Subtotal 241,820

Horse Racing Tax Dedications balance eliminations:
Lafayette Communications District 100,000
City of Grand Isle 13,315
City of Westwego 17,607
City of Gretna 20,808
City of Harahan 17,090
City of Jean Lafitte 12,876
Jefferson Historical Society 15,000
Town of Vinton Road Department 30,000
Southeast Louisiana District
Livestock Show 30,000
Niblett's Bluff 15,000
Sowela Technical Institute 100,000
Jefferson Davis Vo-Tech Fund 30,000
Bossier Parish Educational Fund 500,000
Bossier Parish School Board 50,000
Subtotal 951,696

Grand Total \$2,889,395

However, as authorized by R.S. 39:55, certain appropriations will be reduced in greater amounts, and certain appropriations will be exempt from reduction, all as further directed by me and to be made known through the commissioner of administration.

SECTION 2. Budget cuts pursuant to this order shall become effective April 4, 1988 at 5 p.m.

SECTION 3. If any provision or item of this order or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this order which can be given effect without the invalid provision, item or application, and to this end the provisions of this order are hereby declared severable.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of

Louisiana, at the Capitol, in the City of Baton Rouge, on this 4th day of April, 1988.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

Policy and Procedure Memoranda

POLICY AND PROCEDURES MEMORANDUM

Office of the Governor
Division of Administration
Office of Statewide Reporting and Accounting Policy

Title 4

ADMINISTRATION

Part V. Policy and Procedure Memorandum

Chapter 39. Inter/Intra Agency Billing of Goods or Services - PPM No. 72

§3901. Billing Procedures

- A. Effective Date May 1, 1988
- B. Authorization

Title 39, Section 91: Uniform System of Accounting; The commissioner of administration shall, under authority of the governor and consistent with the provisions of this Chapter, prescribe and cause to be installed and maintained a uniform system of accounting in all state agencies. Should the legislative auditor find that these accounting procedures do not adequately reflect the financial activities of the state agencies, he shall so advise the legislature at its next regular session in a detailed report outlining said inadequacies.

C. Introduction

Pursuant to the above authority it is hereby ordered that all boards, commissions, departments, agencies, institutions and offices within the executive branch of state government shall abide by the following financial reporting procedures except where specific authority has been granted in writing by the commissioner of administration.

D. Purpose and Scope

The purpose of the Policy and Procedure Memorandum is to establish the criteria for utilization of the FACS Inter Agency Billing Process as means of reducing bank processing fees and time delays in physical check production. As of the effective date of this memorandum all boards, commissions, departments, agencies, institutions and offices within the executive branch of government operating under the centralized cash management system (TRACS) and the centralized financial accountability and control system shall utilize the FACS Inter Agency Billing Process (IABT) for all inter/intra agency billings of goods and or services

with another FACS/TRACS unit.

E. Penalties

Failure to utilize the IABT procedure will result in the offending agency being charged a fee equivalent to the average bank processing fee associated with physical check production.

F. Exceptions

The provisions of the Policy and Procedure Memorandum shall not cover imprest and petty cash reimbursement requests, nor shall it cover noncentral cash management units.

Any questions concerning this memorandum should be directed to the Office of Statewide Reporting and Accounting Policy of the Division of Administration, Box 94095, Baton Rouge, LA 70804-9095.

Brian E. Kendrick, CPA
Commissioner

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences

Notice of Emergency Quarantine
Citrus Canker

In accordance with the emergency provisions of the Administrative Procedure Act, R.S.49:953(B), and the authority of the state entomologist under the provisions of R.S.3:1652, notice is hereby given that the state entomologist for the Department of Agriculture and Forestry has established an emergency quarantine for citrus canker effective March 28, 1988, as follows:

Whereas, the bacterial pathogen disease of citrus and citrus plants parts of the Family Rutaceae known as citrus canker, *Xanthomonas campestris* pv *citri* (Hasse) Dye, including the Florida nursery strains, is established in the State of Florida; and

Whereas, there are commercial nurseries that raise citrus nursery stock located north of the Interstate 10 - Interstate 12 line;

Therefore, I, John W. Impson, State Entomologist of the state of Louisiana, by virtue of the authority provided for in LSA R.S. 3:1652 and Rule 7:9509, hereby designate all of Louisiana as a commercial citrus producing area and establish a quarantine to prevent the spread of citrus canker disease and set forth: prohibition, definitions, regulated materials, quarantined area, movement of certain regulated materials under federal certificate for interstate movement, and penalties.

1.0 Prohibition

No common carrier or person shall move any regulated materials from the quarantined area into or within the state of Louisiana except in accordance with conditions explained in the quarantine.

2.0 Definitions

Citrus canker is a disease caused by the bacterium *Xanthomonas campestris* pv *citri* (Hasse) Dye, including the Florida nursery strains.

3.0 Regulated Materials

a. Plants and any plant parts, including fruit and seeds of any of the following:

Calamondin orange (*Citrus mitis*)
Citrus citron (*Citrus medica*)
Grapefruit (*Citrus paradisi*)
Kumquat (*Fortunella japonica*)
Lemon (*Citrus limon*)
Lime (*Citrus aurantifolia*)
Mandarin orange (tangerine) (*Citrus reticulata*)
Pummelo (Shaddock) (*Citrus maxima*)
Satsuma (*Citrus reticulata*)
Sour orange (*Citrus aurantium*)
Sweet orange (*Citrus sinensis*)
Tangelo (*paradisi* x.c. *reticulata*)
Temple orange (*reticulata* x.c. *sinensis*)
Trifoliata orange (*Poncirus trifoliata*)

b. Any other product, article, or means of conveyance, of any character whatsoever, not covered by Paragraph (a) when it is determined by an inspector that it presents a risk of spread of the citrus canker and the person in possession thereof has actual notice that the product, article, or means of conveyance is subject to this quarantine.

4.0 Quarantined Area

The entire state of Florida has been designated as a quarantined area.

5.0 Movement of Certain Regulated Materials in Louisiana

a. Only regulated materials which are citrus fruit certified for interstate movement in accordance with Section 301.75-7(b) of the Federal Citrus Canker regulations may be shipped or moved from the quarantined area into Louisiana.

b. Fruit moving under a limited permit for interstate movement according to Section 301.75-7(c) of the federal Citrus Canker Regulations will not be allowed to move into Louisiana.

c. Any regulated materials from the quarantined area found in Louisiana without a federal certificate for interstate movement or found to be infested shall be confiscated and/or destroyed or shipped to the point of origin at the expense of the owner. The state entomologist shall determine, at his discretion, which course of action is most appropriate.

6.0 Penalties

Any person who violated this quarantine shall be subject to penalties provided in LSA R.S.3:1653.

7.0 Repeal of Prior Quarantine

The notice of quarantine for Citrus Canker which was published on May 20, 1985, is hereby repealed and replaced.

DATE: March 24, 1988

John W. Impson
State Entomologist

Bob Odom
Commissioner of Agriculture & Forestry

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry Office of Management and Finance Central Registry

In accordance with the provisions of R.S. 3:3651, 3:3655 and Public Law 99-198 (Food Security Act of 1985) the Department of Agriculture and Forestry has adopted the following emergency rule.

Rule 18117.A is amended to read:

Add the following to the farm products list:

CODE	PRODUCT
1005	BROCCOLI

All inquiries should be sent to Richard Allen, Assistant Commissioner, Office of Management and Finance, Department of Agriculture and Forestry, Box 44306, Capitol Station, Baton Rouge, LA 70804.

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Department of Civil Service Civil Service Commission

At its April 6, 1988 meeting the State Civil Service Commission adopted four new rules and amended five other rules on an emergency basis in accordance with the provisions of Civil Service Rule 2.10 (f). These new rules and amendments will be proposed to be adopted on a regular basis at the May 4, 1988 Civil Service Commission meeting which will be held at 8 a.m. in the twelfth floor hearing room, 5700 Florida Boulevard, Republic Tower Building, Baton Rouge, LA.

The emergency rules and amendments are as follows:

Chapter 8

8.9 Appointment of Eligibles from Certificates (Amended)

(a) Except as provided in Subsection (c) hereof, appointment from certificates must be made from one of the eligibles within the five highest final grades, except in making appointments from a department preferred reemployment list, in which case the highest ranking eligible shall be appointed, or in making appointments from the open preferred reemployment list, in which case any of the eligibles may be chosen ...

EXPLANATION

This rule is being amended to include the proposed open preferred reemployment list (Rule 17.25.1). It further provides that any eligible may be selected from such a list since all have the same ranking.

8.18 Noncompetitive Reemployment Based on Prior State Service (Amended)

(a) ...
(b) ...
(c) ...

(d) No former employee whose last separation from the classified service was by removal due to delinquency, miscon-

duct, or unsatisfactory performance, or by resignation to escape possible disciplinary action shall be eligible for noncompetitive reemployment under the provisions of this rule; nor shall any person acquire eligibility for noncompetitive reemployment through service in a position from which he was separated or demoted for delinquency, misconduct or unsatisfactory performance. When a former employee is hired from an open preferred reemployment list and is removed due to unsatisfactory work performance during the applicable probationary period, he shall retain his noncompetitive reemployment eligibility based on any position(s) he held with permanent status in accordance with the provisions of this rule.

- (e) ...
- (f) ...

EXPLANATION

Subsection (d) of this rule is being amended to allow an employee who accepts a job from the proposed open preferred reemployment list (Rule 17.25.1) and who is then separated during his probationary period because he is unable to perform satisfactorily to retain his normal noncompetitive reemployment based on any job(s) he previously held with permanent status.

Chapter 13

13.10 Appeals to the Commission (Amended and reenacted)

An appeal may be made to this commission by

- (a) ...
- (b) any person in the classified service who, having gained permanent status, alleges that he has been subjected to any disciplinary action or removal in violation of any provision of Chapter 12 of these rules.
- (c) through (l) ...
- (m) any person in the classified service who alleges that he has been subjected to any layoff or layoff avoidance action in violation of any provision of Chapter 17 of these rules.

13.11 Request for Appeal (Amended and reenacted)

A notice of appeal must:

- (a) through (c) ...
- (d) contain a clear and concise statement of the actions complained against and a clear and concise statement of the basis of the appeal. Where discrimination is alleged to be a basis for appeal, specific facts supporting the conclusion of discrimination must be alleged in detail. The specific facts required will vary depending on the nature of the appeal; however, the facts must be alleged in sufficient detail to enable the agency to prepare a defense. A conclusion of discrimination is **not** sufficient. The types of facts which must be included are:
 1. the date, time and place the discriminatory action took place;
 2. the name of the person or agency alleged to have taken the discriminatory action;
 3. a description of how appellant's action, conduct or performance was the same as that of other persons who were treated differently;
 4. the names of other persons treated differently and dates the different treatment occurred;
 5. a description of events, including the dates and circumstances thereof, which led appellant to believe that the adverse decision was based on his religious or political beliefs, sex, race, or any other non-merit factor.

Where a violation of the article or a rule is alleged to be a basis for appeal, specific facts supporting the conclusion that a

violation has occurred must be alleged in sufficient detail to enable the agency to prepare a defense. (Emphasis added to denote specific changes in this Subsection)

- (e) through (g) ...

13.19 Procedure for Hearing Appeals (Amended and reenacted)

- (a) through (t) ...
- (u) When a violation of Section 8(A) of the article or a rule in Chapter 12 is the basis for appeal, the burden of proof, as to the facts, shall be on the appointing authority. When a violation of any other section of the article or any other rule is the basis for appeal, the burden of proof, as to the facts, shall be on the employee.

EXPLANATION

A recent unpublished Court of Appeal decision interpreted Civil Service Rule 13.10(b) as allowing the appeal of a layoff even where no violation of Chapter 17 was alleged. This interpretation was contrary to the intent of the rule; therefore, the amendments to Rule 13.10 are proposed to clarify the original intent of the rule. The amendments to Rules 13.11 and 13.19 fill a hiatus in the current rules and codify the commission's interpretations concerning appeals based on rule violations.

The Court of Appeal decision became final on March 17, 1988; therefore, there was insufficient time to propose the amendments on a regular basis. Layoff avoidance measures and layoffs appear imminent as a result of the state's dire financial situation. For this reason, it was felt that clarification of the applicable rules could not be delayed until the May, 1988 meeting.

Chapter 15

15.2.1 Payroll Periods and Timely Issuance of Paychecks Due to Classified Employees (Adopted)

- (a) An appointing authority, the commissioner of administration on behalf of the Uniform Payroll System, or the head of any other payroll system responsible for issuing paychecks to classified employees, shall establish weekly, biweekly, semi-monthly, or monthly payroll periods. Use of any other pay cycles must be approved by the director.
- (b) Paychecks due to classified employees shall be issued no later than seven days following the end of the applicable payroll period unless approval is obtained from the director under conditions established by him.

EXPLANATION

There is currently no Civil Service rule which addresses the matter of payroll periods or the timely issuance of employee paychecks. In the absence of such a rule there is the potential for the establishment of unusually long payroll periods and/or lags between the end of the payroll period and the issuance of paychecks which could place an undue burden on all or a few classified employees.

Chapter 17

17.25.1 Open Preferred Reemployment Lists (Adopted)

The director shall establish open preferred reemployment lists, consisting of former permanent classified employees separated from state service as the result of a layoff action, and shall determine the eligibility criteria for such lists.

EXPLANATION

This rule is being proposed in anticipation of massive layoffs in the near future. Affected employees will be eligible for

unemployment compensation. This rule is intended to place these employees in available state jobs while at the same time cutting unemployment compensation costs.

17.25.2 Noncompetitive Reemployment from an Open Preferred Reemployment List (Adopted)

When an appointing authority determines that it is necessary to fill a position through probational appointment, noncompetitive reemployment of a former employee other than one laid off from and having department preferred reemployment rights in that department, or job appointment in excess of three months, before hiring a person from outside state classified service, he first must hire an available eligible on the open preferred reemployment list. Exceptions to this rule can be made with the approval of the director.

EXPLANATION

This rule is being proposed as parallel to Rule 17.23, and it states the permissible methods of filling positions other than the open preferred reemployment list. It further provides that, other than the stated methods, positions shall be filled from the open preferred reemployment list.

17.26.1 Status of Employee Appointed from an Open Preferred Reemployment List (Adopted)

An employee who is reemployed, other than on a temporary basis, from an open preferred reemployment list shall serve a probationary period as provided for in Chapter 9.

EXPLANATION

This rule is being proposed to require that a probationary period be served by persons employed from the open preferred reemployment list other than on a temporary basis (i.e., job appointment).

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

Herbert L. Sumrall
Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Interim Superintendent of Education's Authority

The State Board of Elementary and Secondary Education, at its special meeting of March 14, 1988, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and adopted the following as an Emergency Rule to be effective March 14, 1988:

"The interim superintendent appointed by this Board shall exercise the authority to appoint and remove personnel in the State Department of Education subject to the prior approval of the board."

This emergency adoption was necessary in order that the interim superintendent could appoint the interim staff for the

Department of Education. Effective date of this Emergency Rule is March 14, 1988.

Em Tampke
Interim Executive Director

DECLARATION OF EMERGENCY

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

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

The Louisiana Maximum Allowable Cost (LMAC) reimbursement regulations currently cover 728 multiple source drugs. Circumstances have necessitated the review of all optional Medicaid Services. As a result four drugs have been identified by the Pharmacy Program as readily available from multiple sources. Inclusion of these drugs under LMAC regulations will allow the Medical Assistance Program to maintain essential Medicaid services at reasonable and adequate reimbursement rates to meet the costs that must be incurred by efficiently and economically operated providers to provide services in conformity with applicable state and federal laws, regulations, and quality and safety standards. This rule is necessary to allow the Medical Assistance Program to continue providing essential medical services and avoid imminent peril to the welfare of Medicaid recipients statewide who depend upon current services to maintain their health.

Emergency Rulemaking

Effective April 19, 1988, Louisiana Maximum Allowable Cost Regulations (LMAC) for reimbursement under Title XIX are amended to include the following multiple source drugs:

- | | | |
|-------------------------------------|-------|------------|
| 1. Metaproterenol Sulfate | | 650 mcg/ml |
| 2. Hydrochlorothiazide/Triameterine | 25/50 | |
| 3. Nitroglycerine Adh. | Patch | 2.5mg |
| 4. Nitroglycerine Adh. | Patch | 5mg |
| 5. Nitroglycerine Adh. | Patch | 7.5mg |
| 6. Nitroglycerine Adh. | Patch | 10mg |
| 7. Nitroglycerine Adh. | Patch | 15mg |

David L. Ramsey
Acting Secretary

Rules

RULE

Department of Agriculture and Forestry Office of Animal Health Services Livestock Sanitary Board

In accordance with provisions of the LSA 49:950, et seq., the Administrative Procedure Act, and LSA 3:2095, relative to the power of the Livestock Sanitary Board to deal with diseases of animals, notice is hereby given that the Livestock Sanitary board amended and/or added to the regulations of the board:

Title 7

AGRICULTURE AND ANIMALS

Part XXI. Diseases of Animals

Chapter 117. Livestock Sanitary Board

Subchapter A. General Provisions

§11701. Definitions

Accredited herd means a herd which has passed at least two consecutive annual tuberculin tests and no other evidence of bovine tuberculosis has been disclosed.

Accredited Veterinarian means a veterinarian approved by the United States Department of Agriculture (USDA) to perform the function involved in connection with the inspection and certification of animals.

Annual test means tests conducted at intervals of not less than 10 months nor more than 14 months.

Approved slaughter establishment means any slaughter establishment that is under state or federal meat inspection.

Auction operator means a person responsible for the operation of a livestock auction market.

Auction veterinarian means an accredited veterinarian employed at an auction market and authorized to carry out the provisions of the livestock auction market regulations.

Authorized agent of the Livestock Sanitary Board means an employee of the Livestock Sanitary Board or the USDA.

Authorized buyer means (1) an employee of a USDA approved slaughtering establishment who buys livestock that move from the auction market directly to the slaughtering establishment with no period of time spent in a holding area of any kind; (2) a buyer who has a permit issued by the Livestock Sanitary Board to operate a quarantine holding area for EIA positive and "S" branded horses; or (3) a permitted livestock dealer.

Board means the Louisiana Livestock Sanitary Board.

Breeding purpose means all cattle, purebred or grade, that are sold for stocker, feeding, grazing, dairy and/or reproductive purposes.

Breeding-type cattle means all cattle 20 months of age and over for dairy breeds and 24 months of age and over for beef breeds as evidenced by the presence of the first pair of permanent incisor teeth, including animals under these ages which are parturient or post-parturient, other than steers and spayed heifers offered for sale for any purpose other than immediate slaughter. This includes dairy, stocker, feeder-grazer and purebred animals.

Brucellosis means a disease of livestock capable of being transmitted to man and caused by brucella organisms, com-

monly called "Bang's Disease" in cattle and "Undulant Fever" in man.

Brucellosis exposed herd means a herd of cattle that has intermingled with brucellosis infected cattle or otherwise been exposed to brucellosis infected animals which includes: (1) cattle separated from known infected cattle by a single fence; (2) cattle herds where there is direct drainage from brucellosis quarantined premises; or (3) cattle herds in common range with brucellosis infected herds. All herds, other than dairies, negative to the BRT and certified brucellosis free herds tested within the past 12 months, owned by an individual, partnership, corporation or association, that are within 50 miles of an infected herd owned by such individual, partnership, corporation or association.

Brucellosis infected herd means:

1. A herd will be considered infected if an official brucellosis blood test of the herd reveals one or more reactors.

2. A herd to which one brucellosis reactor in a consignment tested in the market cattle testing program (tested on the physical premises of the auction market or slaughter establishment) has been traced. The herd shall be considered infected and under quarantine until the entire herd of origin has been officially blood tested not less than 30 days from the date reactor was detected.

3. A herd to which two or more brucellosis reactors in a consignment tested in the market cattle testing program (tested on the physical premises of the auction market or slaughter establishment) has been traced. The herd shall be considered infected and under quarantine until it has passed one completely negative test no less than 30 days following the date the last reactor was removed from the herd and the premises, and in addition, a second negative herd test no less than 90 days from date of first negative herd test.

4. A dairy herd that has had a positive milk ring test. The herd shall be considered infected and handled as such until the entire herd has been officially blood tested. The status of the herd will then be determined by the results of the herd blood test.

Brucellosis herd test means a brucellosis test of all cattle in a herd over six months of age, except

1. steers,

2. spayed heifers,

3. dairy animals that are official brucellosis calfhooed vaccinates under 20 months of age, which are not parturient or preparturient (springers),

4. beef animals that are official brucellosis calfhooed vaccinates under 24 months of age which are not parturient or preparturient (springers).

Brucellosis quarantined area means an area or state that is under USDA brucellosis quarantine.

Brucellosis qualified herd means a herd located in a brucellosis quarantined area that has been tested and found negative to brucellosis within the last 12 months.

Brucellosis quarantined herd means a brucellosis infected herd that has not successfully completed the testing requirements for negative status; or an exposed herd that has been placed under quarantine to be tested until such time as it has been declared brucellosis negative.

Brucellosis reactor means any animal which is positive to one or more brucellosis tests which indicate the animal is infected with brucellosis.

Buyer means any individual, partnership, corporation or association which handles EIA positive and/or "S" branded horses.

Certificate of approval means a certificate issued to a commercial poultry producer by the Livestock Sanitary Board approving a specific method of disposing of dead poultry to be used by the commercial poultry producer.

Certified brucellosis free herd means a herd that meets the requirements as outlined in the federal Uniform Methods and Rules (brucellosis eradication).

Commercial poultry producer means any person, firm or corporation engaged in the production of broilers, pullets, turkeys, game birds, commercial eggs or hatching eggs for wholesale or retail purposes.

Complete negative brucellosis herd test means a negative brucellosis test of all cattle, as defined in "Brucellosis herd test." Such tests must be accompanied by a statement signed by the herd owner, or his representative, certifying that the provisions constituting a herd and brucellosis herd test, as defined in §11701, have been met prior to the sale of non-brucellosis vaccinated female cattle from such herds other than to slaughter or to a quarantined feedlot.

Delinquent herd means any infected herd not tested within a period of 120 days is considered delinquent.

Destroyed means condemned under state or federal authority and destroyed by slaughter or by death.

Direct to slaughter means the shipment of cattle from the premises of origin directly to a slaughter establishment without diversion to assembly points, such as auctions, public stockyards and feedlots.

Equipment means capable of delivering required temperature as a unit designed by Floyd Rush Corporation patent or comparable equipment.

Executive secretary and/or state veterinarian means an appointee representing the board to serve in said capacity.

Federal inspector means an inspector or veterinary medical officer of the Animal and Plant Health Inspection Service, United States Department of Agriculture.

Form VS 1-27 means a form which must be secured from state or federal personnel before cattle may be moved from the premises. This document will be valid for 15 days from the date of issuance.

Garbage means all animal and vegetable waste resulting from the handling, preparation and cooking of food; unconsumed food in all public and private establishments and residences; and the offal and carcasses of dead animals and poultry.

Herd means such animals of the same species (such as cattle, swine, or bison), which have been on a farm or ranch for 120 days or longer. If a farm or ranch has animals of the same species, which have been on the farm or ranch less than 120 days, none of the animals of that species, can be considered a herd or part of a herd.

Herd depopulation means the removal of all cattle in the herd direct to slaughter prior to any restocking of the premises with cattle.

Hog cholera means the contagious, infectious, and communicable disease of swine.

Individually identified means cattle identified with an official eartag, as defined in the Brucellosis Uniform Methods and Rules, individual animal registration tattoo, or individual animal registration brand.

Infectious or contagious disease means any disease capable of being transmitted from one animal to another, either directly or indirectly.

Livestock means cattle, sheep, swine, goats, horses, mules, burros, asses or other livestock of all ages.

Livestock auction market means a livestock auction in which sales are held at regular intervals. This does not apply to breeders' association sales, livestock show sales and livestock owners' sales, which are governed by other regulations.

Livestock auction market permit means an official document issued by the board annually authorizing a person to operate a livestock auction.

Livestock dealer means a person engaged in the buying and selling of livestock. Any person who resells livestock within 30 days and has engaged in five or more resell transactions within any 12-month period is presumed to be engaged in the business of buying and selling livestock.

Modified accredited area means a state or portion thereof which is actively participating in the eradication of tuberculosis and maintains its status.

Mortgage means any mortgage, lien or other security or beneficial interest held by any person other than the one claiming indemnity.

Moved means shipped, transported or otherwise moved, or delivered or received for movement, by any person, via land, water or air.

Negative herd means

1. a herd not under quarantine in which, on the initial test, no reactors were revealed;

2. a commercial dairy herd that has passed four consecutive negative milk ring tests within the last 12 months, the tests being no less than two months or more than four months apart;

3. infected herds that have passed one completely negative test no less than 30 days following the date the last reactor was removed from the herd and the premises, and in addition, passed a second negative herd test no less than 90 days from the date of the first negative herd test;

4. a herd to which one brucellosis reactor in a consignment tested in market cattle testing program (tested on the physical premises of the auction market or slaughter establishment) has been traced, and the herd of origin has been blood tested not less than 30 days from the date the reactor was detected and found negative;

5. an exposed herd which on initial test reveals no reactors and where there has been no direct contact (including across-fence contact) with the infected herd within 120 days. If contact has occurred within 120 days of the negative test (including across-fence contact) such herd must pass a second negative test no less than 90 days from the date of the first negative test.

No gross lesion (NGL) animal means an animal in which a lesion(s) of tuberculosis is not found during slaughter inspection. (An animal with skin lesions only will be considered in the same category as an NGL.)

Official brucellosis vaccinates means calfhood or adult vaccinates as outlined in LAC 7:XXI.11745.E and LAC 7:XXI.11745.F.

Official calf vaccinates means female cattle that have been vaccinated with brucella abortus vaccine at the proper age, by an accredited veterinarian, and properly reported to the state or federal office.

Official health certificate means a legible record of an animal's health recorded on an official form. These certificates are valid for 30 days only.

Official test for Equine Infectious Anemia means any test approved by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, for testing equidae for Equine Infectious Anemia.

Official tuberculin test means a tuberculin test which has

been applied by a veterinarian employed in a full-time capacity by the state, USDA (Animal and Plant Health Inspection Service), or by an accredited veterinarian. All tuberculin tests are official tests. A report of all tuberculin tests, including a record of all responses, shall be submitted in accordance with the requirements of the cooperating state and federal authorities. These officials reserve the right to supervise any tests conducted by an accredited veterinarian.

Passed herd means a herd in which no animals were classified as reactors or suspects on the herd test.

Permit means a license issued annually by the Louisiana Livestock Sanitary Board.

Person means any natural person and/or persons, partnership, corporation, unincorporated association and/or any legal entity whatsoever.

Poultry means chickens, ducks, turkeys, pigeons, guinea fowl, geese, peafowl and pheasants and other domestic feathered life, including hatching eggs.

Quarantined feedlot means a confined area under the direct supervision and control of the state livestock official who shall establish procedures for accounting of all animals entering or leaving such quarantined feedlot. The quarantined feedlot shall be maintained for finish feeding of animals in dry lot with no provision for pasturing and grazing. All animals leaving such feedlot must move only to slaughter in accordance with established procedures for handling quarantined animals.

Quarantine holding area means an area where EIA positive and/or "S" branded horses are kept and where such horses are separated by at least 440 yards from all other horses.

Recognized slaughter establishment means a slaughter establishment maintaining state or federal meat inspection.

Rendering plant means any establishment equipped to render by heat, steam or dry method any animal or fowl dead from any cause. This shall also include rendering offal from slaughtering establishments or butcher shops.

Screwworms means the communicable disease (myiasis) of livestock caused by the presence of the screwworms (cochlyomio hominivorax).

State inspector means an inspector regularly employed by the Louisiana Livestock Sanitary Board and authorized to perform the function involved in connection with the inspections and certification of animals.

State veterinarian means the executive secretary of the Livestock Sanitary Board.

State-federal quarantined feedlot means a feedlot that has obtained a permit from the Livestock Sanitary Board to operate as outlined in LAC 7:XXI.11751.

Sterilized and dehydrated foods means waste food which has been subjected to sufficient dry heat, 325°F. minimum, for the purpose of extraction of fluids, 12 percent moisture or below permissible, and for the destruction of any organism from such matter.

Surveillance means all measures used to detect the presence of tuberculosis in the cattle population.

Tuberculosis exposed herd means a herd of cattle that are intermingled with tuberculosis infected cattle or otherwise been exposed to tuberculosis infected animals which include: (1) cattle separated from known infected cattle by a single fence; (2) cattle herds on common range with tuberculosis infected herds; and (3) all herds owned by an individual, partnership, corporation or association that are within 50 miles of an infected herd owned by such individual, partnership, corporation or association.

Tuberculosis infected herds means a herd in which one or

more *Mycobacterium bovis* infected animals are found. Cattle will be considered infected with *Mycobacterium bovis* when compatible pathologic lesions are found and confirmed to be infected with *Mycobacterium bovis* organisms by bacteriological culturing at the National Animal Disease Laboratory.

Tuberculosis quarantined herd means a tuberculosis infected herd that has not successfully completed the testing requirements for negative status; or a tuberculosis exposed herd that has been placed under quarantine to be tested until such time as it has been declared tuberculosis negative.

Valid 30-day negative brucellosis test means an official brucellosis negative card test.

Valid 30-day negative brucellosis test certificate means a certificate on which the official test has been recorded. This may be an official health certificate completed by an accredited veterinarian; the official brucellosis test charts from the state-federal laboratory; an individual brucellosis test certificate issued at the auction market; or a special certificate issued by the state-federal laboratory at the request of the owner.

Veterinary medical officer and/or *supervisory veterinary medical officer* (also referred to as "area veterinarian") means a veterinarian employed by the Livestock Sanitary Board or the United States Department of Agriculture, Animal and Plant Health Inspection Service.

Veterinary services means the Animal and Plant Health Inspection Service, United States Department of Agriculture.

Waste food processor means any person, partnership, firm, corporation, institution or entity processing waste food for livestock feed. This includes all state and private institutions and commercial establishments manufacturing waste foods into livestock feed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:615 (June 1985), amended LR 12:289 (May 1986), amended LR 12:498 (August 1986), LR (April 1988).

§11711. Livestock Dealer General Requirements

A. Louisiana livestock dealers may become approved, provided the following requirements are met:

1. the facilities are adequate and maintained in a satisfactory condition;
2. the dealer agrees to clean and disinfect the facilities at least once each month with an approved disinfectant;
3. records of all sales and purchases must be maintained for at least 12 months and made available to representatives of the board upon request. Livestock dealers who are not approved will be governed by LAC 7:XXI.11733 for cattle.

B. Livestock dealers shall furnish the purchaser with the appropriate documents (health certificate, herd test, negative 30-day test record, negative Equine Infectious Anemia test), which indicate the animals meet the specific requirements stated in the regulations of the Louisiana Livestock Sanitary Board.

C. All livestock moving into the state of Louisiana must meet federal interstate requirements, the requirements of LAC 7:XXI.11705, governing the admission of livestock into the state; and the requirements of the state of destination.

D. Failure of an approved livestock dealer to meet the requirements of this and other regulations of the board, will result in the revoking of his approval and he will be subject to prosecution, as provided in R.S. 3:2096.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:562, R.S. 3:563, and R.S. 3:564.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:615 (June 1985); amended LR 14: (April 1988).

Subchapter B. Cattle

§ 11735. Livestock Auction Market Requirements

All cattle which are sold or offered for sale in livestock auction markets must meet the general requirements of LAC 7:XXI.11709 and the following specific requirements:

A. Brucellosis

1. Cattle from quarantined herds or from non-qualified herds from quarantined areas are not eligible for sale in the state of Louisiana except as provided in LAC 7:XXI.11749, which governs brucellosis quarantined herds.

2. All cattle that are offered for sale through Louisiana Livestock auction markets must be identified by a white official backtag; those animals two years of age and older, shall have this official backtag placed immediately behind the shoulder of the animal. The market shall furnish the Livestock Sanitary Board's official representative a copy of each check-in slip, showing the name and address of each consignor, the official backtag numbers applied to the consignor's livestock, and the license plate of the vehicle used to haul the livestock to the auction market. The check-in slip shall be made available to the Livestock Sanitary Board's official representative before the animals can be tested for brucellosis.

It shall be a violation of this regulation for anyone to provide a name and address of anyone other than the owner of any livestock consigned to a Louisiana livestock auction market.

3. All cattle 12 months of age and over, that are offered for sale, are to be identified by an official metal eartag and are to be tested for brucellosis.

Exceptions to LAC 7:XXI.11735.A.3. are:

- a. steers and spayed heifers;
 - b. cattle consigned from quarantined feedlots that are "S" branded and permitted prior to shipment to the auction barn;
 - c. official calfhood vaccinates less than 24 months of age for beef breeds and 20 months of age for dairy breeds, that are not pre-parturient or post-parturient.
 - d. bulls less than 18 months of age.
4. a. All non-vaccinated heifer calves, between four and 12 months of age, must be vaccinated with USDA Approved Brucellosis Strain 19 vaccine prior to being sold.

b. All heifers and cows, which were born after January 1, 1982 and are over 12 months of age, must be brucellosis tested and be official brucellosis vaccinates (calfhood or adult), or originate from a herd that has had a complete negative brucellosis herd test within the previous 12 months. A copy of the herd test record, which includes the animal(s) being tested, must accompany the animal(s) at the stockyard. All heifers and cows, older than 12 months of age, which were born after January 1, 1982, that are not official brucellosis vaccinates or have not been part of a complete negative brucellosis herd test, conducted within the previous 12 months, may be returned to the farm of origin or be brucellosis tested, "S" branded, and sold to a quarantine feedlot or an approved slaughter establishment and shall be accompanied by a VS Form 1-27. These non-vaccinated "S" branded animals must be delivered to an approved slaughter establishment, a Louisiana or USDA approved quarantined feedlot, or the premises of a Louisiana permitted livestock dealer within 72 hours of purchase. The permitted livestock dealer may hold these animals up to seven days at his approved facilities. The animals must move from the permitted livestock dealer's premises directly to an approved slaughter establishment or to a

Louisiana or USDA approved quarantined feedlot.

Exceptions to this Subparagraph are:

i. official brucellosis calfhood vaccinates under 20 months of age for dairy breeds and under 24 months of age for beef breeds, which are not pre-parturient (springers) or post-parturient;

ii. individually identified cattle, moving directly from a certified brucellosis free herd and accompanied by a copy of the last herd test record, which includes the animal(s) being offered for sale.

c. Effective January 1, 1989, all heifers and cows over 12 months of age, must be brucellosis tested and be official brucellosis vaccinates (calfhood or adult), or originate from a herd that has had a complete negative herd test within the previous 12 months. A copy of the herd test record, which includes the animal(s) being tested, must accompany the animal(s) to the stockyard. All heifers and cows older than 12 months, that are not official brucellosis vaccinates or have not been part of a complete negative brucellosis herd test conducted within the previous 12 months, may be returned to the farm of origin or may be brucellosis tested, "S" branded and sold to a quarantined feedlot or to an approved slaughter establishment and shall be accompanied by a VS Form 1-27. These non-vaccinated "S" branded animals must be delivered to an approved slaughter establishment or to a Louisiana permitted livestock dealer, within 72 hours of purchase. The permitted livestock dealer may hold the animals up to seven days at his approved facilities. The animals must move from the Louisiana permitted livestock dealer's premises directly to an approved slaughter establishment or to a Louisiana or USDA approved quarantined feedlot.

Exceptions to this Subparagraph are:

i. official brucellosis calfhood vaccinates under 20 months of age for dairy breeds and under 24 months of age for beef breeds, which are not pre-parturient (springers) or post-parturient.

ii. individually identified cattle, moving directly from a certified brucellosis free herd and accompanied by a copy of the last herd test record, which includes the animals being offered for sale.

5. Disposition of animals tested at an auction market:

a. Reactor animals vaccinated or non-vaccinated, disclosed must be branded with a three-inch hot brand on the left jaw, tagged and removed to slaughter with a properly executed VS Form 1-27.

b. Suspect animals, adult vaccinated or calfhood vaccinated, which are card test positive and rivanol test negative on the market test, can be "S" branded and sold for slaughter or, at the choice of the owner, returned to the farm of origin under quarantine for retest in no less than 30 days. Additional animals in the same consignment with the vaccinated suspect(s), which are negative on the brucellosis test, may move without restriction, provided they are in compliance with other appropriate regulations.

c. All exposed animals in a consignment must be "S" branded for removal to slaughter or, at the choice of the owner, can be returned to the farm of origin under quarantine.

6. Cattle originating from brucellosis quarantined herds shall be identified by eartag and branded with a three-inch hot "S" brand on the left jaw and accompanied by a properly executed VS Form 1-27. The branding and the issuance of VS Form 1-27 will be completed on the farm of origin prior to movement. The VS Form 1-27 will be delivered to authorized representatives at the livestock auction market. In cases where it is impractical to

have the exposed cattle branded on the farm of origin, the state veterinarian can authorize the movement of the cattle to the livestock auction market and the branding will be accomplished at this point.

a. Cattle from brucellosis quarantined areas may be moved to Louisiana livestock auction markets on a permit. These animals will be "S" branded after arrival at the Louisiana livestock auction market.

b. Cattle from quarantined areas and from brucellosis quarantined herds must be sold to approved slaughtering establishments or to approved quarantined feedlots.

Exceptions to LAC 7:XXI.11735.A.6.b. are:

i. steers and spayed heifers;

ii. heifer calves eight months of age or less, from brucellosis quarantined beef herds and heifer calves six months of age or less, from brucellosis quarantined dairy herds, provided the herd is participating in an approved herd plan to eliminate brucellosis from the herd.

iii. bull calves under six months of age, that are nursed by brucellosis reactor or exposed cows, may move from the quarantined premises under permit, provided they have been weaned for not less than 30 days immediately preceding movement.

7. When brucellosis reactors are found in a consignment, all remaining negative cattle in the consignment are considered exposed and shall be handled by one of the following ways:

a. The exposed cattle shall be identified by a three-inch hot brand on the left jaw with the letter "S" and sold directly to a recognized slaughter establishment for immediate slaughter or to a state-federal approved quarantined feedlot and shall be accompanied by a VS Form 1-27.

b. The exposed cattle may be identified by a yellow paint mark on the left ear and returned to the original owner's premises under quarantine. All such movements will be accompanied by a quarantine notice listing the eartag and auction tag identification numbers of the animals moving to Louisiana farms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093, R.S. 3:2221, and R.S. 3:2228.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Agriculture and Forestry, Livestock Sanitary Board, LR 11:615 (June 1985); amended LR 12:501 (August 1986); amended LR 12:598 (September 1986); amended LR 13: (October 1987); amended LR 14: (April 1988).

§11737. Governing the Sale of Cattle in Louisiana by Livestock Dealers

All cattle which are sold or offered for sale by livestock dealers must meet the general requirements of LAC 7:XXI.11711 and the following specific requirements:

A. Brucellosis

1. No cattle may be sold or purchased from brucellosis quarantined herds, except as provided for in LAC 7:XXI.11749.

2. a. All cattle 12 months of age and over, are to be brucellosis card tested negative 30 days prior to sale.

Exceptions to LAC 7:XXI.11737.A.2.a. are:

i. steers and spayed heifers;

ii. individually identified official brucellosis calfhood vaccinated heifers under 20 months of age for dairy breeds and under 24 months of age for beef breeds, which are not parturient or post-parturient, that originate in and move directly from, a herd known not to be infected. The vaccination tattoo must be recorded on the health certificate;

iii. individually identified cattle originating in and moving directly from a brucellosis certified free herd. The certified herd number must be recorded on the health certificate;

iv. bulls less than 18 months of age.

b. In instances where brucellosis reactors are found, the reactor animals must be branded with a three-inch hot brand on the left jaw with the letter "B" and a brucellosis reactor tag must be placed in the left ear. The branding of reactors and placement of reactor tags must be accomplished immediately after the animals are found to be brucellosis reactors. All other cattle that have been commingled with the reactor animals for more than 24 hours are considered exposed and must be branded on the left jaw or high on the tail head by a three-inch hot brand with the letter "S." The reactor and exposed cattle shall be separated from all other cattle immediately and placed in quarantine pens, identified as such by conspicuously placed signs. The movement of such cattle shall be restricted to:

i. The reactor cattle must be sold directly to an approved slaughter establishment or to an approved livestock auction market for sale to an approved slaughter establishment. These animals must be accompanied by a VS Form 1-27.

ii. The exposed cattle may be moved to an approved slaughter establishment or to a state-federal approved quarantine feedlot, or to an approved livestock auction market to be sold to an approved slaughter establishment or to an approved quarantine feedlot. These animals must move on a VS Form 1-27. The exceptions to these restrictions are steers and spayed heifers.

3. a. All heifer calves between four and 12 months of age must be vaccinated with USDA approved Brucellosis Strain 19 vaccine, prior to being sold.

b. Heifers and cows over 12 months of age must meet the following requirements before a dealer can purchase and resell these animals:

i. Heifers and cows over 12 months of age, born after January 1, 1982, must be official brucellosis vaccinates (calfhood or adult), be from a producer's herd (not a herd owned by the dealer), that has had a complete negative brucellosis herd test conducted in the past 12 months, be negative to the brucellosis card test within 30 days prior to, or at the time of, purchase by the dealer, and the animals do not come in contact with animals other than those from the herd of origin. The dealer must keep a copy of the complete negative brucellosis herd test with his records to show that the animals have met the above requirements.

ii. Effective January 1, 1989, all heifers and cows over 12 months of age must meet the requirements of A.3.b.(i.) above, before a dealer can purchase and resell these animals.

c. All livestock dealers must do the following with all of their cattle herds in order for them to be in compliance with this regulation and before they can sell any heifers and cows over 12 months of age from cattle herds owned by them.

i. All livestock dealers must identify and record with the Livestock Sanitary Board all of their cattle herds.

ii. All livestock dealers must test all of their cattle herds annually.

iii. All permitted livestock dealers must maintain records and appropriate documents to show that purchased heifers and cows added to their herds met the brucellosis testing requirements in effect at the time of purchase.

4. Cattle over six months of age, originating in brucellosis quarantined areas must originate from a qualified herd (known not to be infected), and must pass a negative card test for brucellosis, not less than 30 days from the date of herd qualification and within 30 days of the date of sale. The date and results of the test and individual identification of each animal must be recorded on the official health certificate.

5. All cattle 12 months of age and over must be negative to the brucellosis card test within 30 days prior to purchase from herds not under quarantine for brucellosis. The official test chart, health certificate, or a certificate of veterinary inspection, or an individual brucellosis test record, must be kept for a period of 24 months following the purchase of any brucellosis tested cattle.

Exceptions to this Paragraph are:

- a. steers and spayed heifers;
- b. individually identified official brucellosis calfhood vaccinated heifers under 20 months of age for dairy breeds and under 24 months of age for beef breeds;
- c. individually identified cattle originating in and moving directly from a certified brucellosis-free herd.
- d. test eligible cattle may be moved from a producer's premise to a dealer's premise enroute to an approved stockyard or approved slaughter establishment without being tested for brucellosis, provided the test is completed within 72 hours of movement from the producer's premises and records are maintained to identify the animals and identify the herd of origin. Contact with other cattle is not permitted.

B. Tuberculosis

No cattle shall be purchased from tuberculosis quarantined herds unless moving directly to slaughter and must be "S" branded and accompanied by a VS Form 1-27.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:562, R.S. 3:2221, and R.S. 3:2228.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:651 (June 1985); amended LR 12:502 (August 1986); amended LR 13: 558 (October 1987); amended LR 14: (April 1988).

§11745. Governing the Sale and Use of Brucella Abortus Vaccine

A. The sale and use of Brucella abortus vaccine shall be restricted to Louisiana accredited veterinarians and to Livestock Sanitary Board approved non-veterinary personnel who administer the vaccine under the supervision of state-federal veterinarians.

B. Biological supply houses and their distributors are hereby required to send to the Livestock Sanitary Board a copy of the invoices on all shipments of Brucella abortus vaccine into and within, the state of Louisiana.

C. Veterinarians, drug stores, biological houses, and all other wholesale and retail distributors of Brucella abortus vaccine, who sell Brucella abortus vaccine to persons other than Louisiana accredited veterinarians, shall be prosecuted as prescribed by state law.

D. Brucella abortus vaccine will be administered in accordance with the method approved by the United States Department of Agriculture.

E. All heifer calves between four and 12 months of age must be official brucellosis calfhood vaccinated, prior to being sold.

F. Adult Vaccination of Cattle

1. Adult vaccination of female cattle 12 months old or older, for brucellosis, may be performed on an individual herd plan by state or federal veterinarians, provided the owner signs the official agreement to comply with the following provisions:

- a. test of entire herd and removal of brucellosis reactors with brucellosis vaccination completed within 10 days following herd test and removal of brucellosis reactors;

- b. all animals vaccinated as adults will be identified with an official AV tattoo in the right ear, preceded by the quarter of the year and followed by the last digit of the year, as well as the

official metal eartag (or individual animal registration tattoo or individual animal registration brand) and plastic bangle tag, which are to be correlated on test records with the official eartag.

- c. Animals so vaccinated will be quarantined and tested on the schedule established in the herd plan. The quarantine will be released when the herd has a negative test, at least 180 days after the last reactor is removed from the herd. Exceptions to this regulation are steers and spayed heifers over six months of age.

2. Guidelines to conduct a referendum which would make brucellosis testing and brucellosis vaccination of all adult cows mandatory on a parish-wide basis:

- a. The referendum shall be conducted by the Livestock Sanitary Board, in conjunction with the cattle producers' organizations. The referendum will be held within 90 days after issuance of the call for the referendum. All producers of cattle in the affected area shall be eligible to participate in the referendum.

- b. The referendum would give all producers of cattle in the parish an opportunity to vote for or against the referendum, which would require all cattle to be tested for brucellosis and any herd which has one or more reactors, on more than one herd test, would have to be adult vaccinated for brucellosis and tested according to the herd plan and adult vaccination agreement. In the absence of a herd plan, the herd would have to be tested at intervals of 180 days or less.

- c. If a majority of the eligible cattle producers vote in favor of the referendum, all producers of cattle in the area shall be required to test all their cattle and adult vaccinate any infected herds as described in LAC 7:XXI. 11745.F.1.

- d. The following herds would be exempt from the testing requirements:

- i. certified brucellosis free herds; and
- ii. dairy herds identified as having negative brucellosis ring test.

- e. The following infected herds would be exempt from mandatory adult vaccination:

- i. herds of registered cattle; and
- ii. herds of cattle comprised of all calfhood vaccinated cows.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:615 (June 1985), amended LR 12:289 (May 1986), amended LR 14: (April 1988).

Subchapter C. Horses, Mules, and Asses **§11759. General Requirements Governing Admission of Horses, Mules, and Asses**

All horses, mules, and asses, imported into the state, must meet the general requirements of LAC 7:XXI.11705 and the following specific requirements:

All horses moving into Louisiana to be accompanied by a record of a negative official test for Equine Infectious Anemia, conducted at an approved laboratory within the past 12 months.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2053.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:615 (June 1985), amended LR 14: (April 1988).

§11761. Admission of Horses, Mules and Asses to Fairs, Livestock Shows, Breeders Association Sales, Rodeos and Racetracks

All horses, mules and asses consigned to fairgrounds, livestock show grounds, sale grounds, rodeos and racetracks

must meet the general requirements of LAC 7:XXI.11707 and the following specific requirements:

A. It is recommended that all owners have their animals vaccinated against equine encephalomyelitis with bivalent (eastern and western type) vaccine within 12 months prior to entry. It is also recommended that owners have their animals vaccinated against Venezuelan equine encephalomyelitis (VEE) before entry.

B. Representatives of the Livestock Sanitary Board will inspect horses at the shows periodically, and any animals showing evidence of a contagious or infectious disease shall be isolated and/or removed from the show.

C. All horses, mules, and asses to be accompanied by a record of a negative official test for Equine Infectious Anemia, conducted at an approved laboratory within the past 12 months, when moving into Louisiana to fairs, livestock shows, breeders' association sales, rodeos, racetracks, or any other location where horses, mules, and asses are brought together.

D. All horses, mules, and asses to be accompanied by a record of a negative official test for Equine Infectious Anemia, conducted at an approved laboratory within the past 12 months, when moving within Louisiana to fairs, livestock shows, breeders' association sales, rodeos, racetracks, or any other location where horses, mules, and asses are brought together.

E. Horses, mules, and asses reacting to an official test for Equine Infectious Anemia within the state, will be identified by regulatory personnel by hot brand, cold brand, freeze brand, or tattoo "72A." Positive horses will be rebled upon request, by state employed veterinarians and samples submitted to the laboratory for reconfirmation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:615 (June 1985), amended LR 14: (April 1988).

§11763. Governing the Movement of Horses in Louisiana by Livestock Dealers

All horses, mules, and asses, which are sold or offered for sale by livestock dealers, must meet the general requirements of LAC 7:XXI.11709 and the following specific requirements:

All horses, mules, and asses sold or offered for sale by permitted Louisiana livestock dealers, must be accompanied by a record of a negative official test for Equine Infectious Anemia, conducted at an approved laboratory, within the past 12 months. The record must include the case number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:502.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:615 (June 1985), amended LR 14: April 1988).

§11765. Governing Equine Infectious Anemia and Livestock Auction Market Requirements

A. Equine Required to be Tested

1. Equine moving into the state of Louisiana for any purpose, other than immediate slaughter, must be accompanied by a record of a negative official test for Equine Infectious Anemia, conducted within the past 12 months. The test must be conducted at an approved laboratory and the name of the laboratory, the case number, and date of test must appear on the health certificate, as required in LAC 7:XXI.11761.

2. Horses moving within the state to fairs, livestock shows, horse shows, breeders association sales, rodeos, race-tracks, or other concentration points, must be accompanied by a

record of a negative official test for Equine Infectious Anemia, conducted within the past 12 months. The test must be conducted at an approved laboratory and the name of the laboratory, the case number, and the date of test must appear on the official record.

3. Horses reacting to the official test within the state, will be identified by regulatory personnel by hot brand, cold brand, freeze brand, or tattoo "72 A." Positive horses will be rebled upon request by state-employed veterinarians and samples submitted to the laboratory for confirmation.

4. All out-of-state horses offered for sale at Louisiana Livestock auction markets, must be accompanied by a record (original, VS Form 10-11) of a negative official test for Equine Infectious Anemia, conducted within the past 12 months. The test must be conducted at an approved laboratory and the case number must appear on the health certificate.

5. All Louisiana horses offered for sale at Louisiana auction markets must be accompanied by a record (original, VS Form 10-11) of a negative official test for Equine Infectious Anemia, conducted by an approved laboratory within 12 months of the date of sale.

Exceptions to this Subsection are:

a. Horses consigned and/or sold for slaughter shall be sold to authorized buyers only. Such animals shall be branded with the letter "S" on the left shoulder, prior to leaving the auction market and shall be accompanied by a VS Form 1-27 permit.

b. Untested horses, arriving at livestock auction markets, may be sold for purposes other than slaughter if a blood sample is drawn for Equine Infectious Anemia testing at buyer's expense before the animal leaves the livestock auction market. This sample must be collected by a private practitioner and submitted to an approved laboratory. Horses may then move from the livestock auction market to the purchaser's premises under quarantine issued by Livestock Sanitary Board personnel, until results of the official test are received. If the animal is found to be positive, it must be properly identified by a permanent identification and will remain under quarantine until sold for immediate slaughter.

B. Collection and Submission of Blood Samples

1. All blood samples for Equine Infectious Anemia testing must be drawn and submitted to an approved laboratory by an accredited veterinarian.

2. Blood samples will be accompanied by a VS Form 10-11, "Equine Infectious Anemia Laboratory Test Report," with completed information as to owner's name and address and identification of animal(s).

3. Only serum samples in sterile tubes will be accepted for testing.

C. Testing of Samples Collected

1. Only laboratories approved by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, shall be authorized to conduct the official test for Equine Infectious Anemia in Louisiana.

2. Such laboratories must also receive approval by the Livestock Sanitary Board.

3. Approved laboratories must submit a copy of a VS Form 10-11 at the end of each week to the Livestock Sanitary Board office. (White copy of positive samples and green copy of negative samples.)

4. A fee shall be charged to the accredited veterinarian for conducting the official test at state laboratories. Invoices will be forwarded to the veterinarian monthly for these charges.

D. Identification and Quarantining of Animal(s) Positive to the Official Test

1. Animal(s) positive to the official test will be quarantined to the owner's premises and kept a minimum distance of 200 yards between the positive equidae and equidae owned by other individuals. If the positive animal(s) is sold, it must be sold for slaughter and a VS Form 1-27 permit must be issued by state personnel to move the animal(s) from the premises to slaughter.

2. Confirmation tests of positive animal(s) will be conducted by state-employed veterinarians upon request of the owner, prior to identification.

3. All animal(s) positive to the official test will be properly identified by state personnel with either a "72 A" cold brand, hot iron brand, or freeze brand on the left shoulder, or be tattooed "72 A."

E. Requirements for Permit for Operation of Quarantine Holding Area

1. Any buyer desiring to operate a quarantine holding area must file an application for approval of the facility on forms to be provided by the Livestock Sanitary Board.

2. The facility to be operated as a quarantine holding area, must have an area where Equine Infectious Anemia positive and/or "S" branded horses are kept and where such horses are separated by at least 440 yards from all other horses.

3. The facility must be approved by the Livestock Sanitary Board in an inspection of the premises prior to the issuance of the permit.

4. The buyer desiring to operate a quarantine holding area, must agree in writing to comply with the rules and regulations of the Livestock Sanitary Board.

5. No other horses, except horses consigned for slaughter, may be kept in a quarantine holding area.

6. No horses can be kept in the quarantine holding area longer than 60 days.

7. All permits must be renewed annually.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:615 (June 1985), amended LR 14: (April 1988).

Subchapter D. Poultry

§11767. Health Requirement Governing Admission of Poultry

All poultry entering the state must meet the general requirements of LAC 7:XXI.11703 and the following specific requirements:

A. All poultry or poultry eggs for hatching, shall not be imported into Louisiana unless they originate in negative tested flocks under the supervision of the National Poultry Improvement Plan or in flocks that have passed a negative blood test for pullorum disease, under the supervision of the proper state Livestock Sanitary Board official, within 30 days prior to entry.

B. Poultry consigned to a recognized slaughter establishment may enter the state on a waybill, which must include the name and address of the consignee, the number of birds, and the name and address of the slaughter establishment. If, in the opinion of an authorized agent of the Livestock Sanitary Board, poultry consigned to a recognized slaughter establishment is of questionable health, the entire shipment will be quarantined immediately, and consigned to a poultry establishment maintaining federal inspection for wholesomeness, or be returned to the state of origin.

C. The state veterinarian may prohibit the entry of birds, eggs, or poultry by-products into Louisiana from any state which has an area under quarantine due to a contagious and/or infectious disease in the state which, in his opinion, may seriously threaten the health of Louisiana poultry.

D. Psitticine birds and mynah birds may be imported into Louisiana under permit issued by the state veterinarian. All birds imported into Louisiana will be quarantined at destination for 90 days.

E. No permits will be issued for importation into Louisiana of psitticine birds or mynah birds that have been vaccinated for newcastle disease.

F. Birds determined to be infected with, or exposed to, exotic newcastle disease, shall be destroyed without compensation to the owner.

G. All poultry brought into Louisiana shall be accompanied by a VS Form 9-2, indicating the flock of origin is under the National Poultry Improvement Plan and is free of salmonella pullorum (pullorum) and salmonella gallinarum (typhoid). If the flock of origin is not under the National Poultry Improvement Plan, the birds must be accompanied by a test report from an approved laboratory indicating the birds were tested negative for salmonella pullorum/typhoid within 30 days prior to entry into Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:615 (June 1985), amended LR 14: (April 1988).

Bob Odom
Commissioner

RULE

**Department of Commerce
Office of Financial Institutions**

Under authority granted by R.S. 6:902(B) and 6:903, the commissioner of financial institutions intends to adopt the following rule for the purpose of providing a means by which state chartered savings and loan associations may have authority consistent with that granted federal associations by the Competitive Equality Banking Act of 1987 enacted by the Congress of the United States on August 7, 1987, and all other authority previously granted by federal law affecting federal associations.

Notwithstanding any limitations imposed by R.S. 6:701, et seq., state chartered savings and loan associations may organize savings and loan holding companies as authorized by the Competitive Equality Banking Act of 1987 enacted by the Congress of the United States on August 7, 1987, and all other authority previously granted by federal law affecting federal associations.

This rule will become effective upon being published in the *Louisiana Register*.

Title 10

BANKS AND SAVINGS AND LOANS

Part III. Homestead and Building and Loan Associations

Chapter 45. Powers of Homesteads and Building and Loan Associations

Subchapter A. Mortgages

§4501. - 4535. . . .

Subchapter B. Savings and Loan Holding Companies

§4541. Definitions

A. 1. *Savings and loan holding company* means any company:

a. which directly or indirectly owns, controls, or has power to vote 25 percent or more of any class of the voting shares of any savings and loan association;

b. which controls in any manner the election of a majority of the directors of any savings and loan association;

c. for the benefit of whose shareholders of which 25 percent or more of the voting shares of any savings and loan association or any savings and loan holding company is held by trustees;

d. which includes, but is not limited to the following types of holding companies: unitary savings and loan holding company, multiple savings and loan holding company, diversified savings and loan holding company and non-diversified savings and loan holding company.

2. For the purposes of this Chapter, any successor to a savings and loan holding company shall be deemed to be a savings and loan holding company from the date as of which such predecessor company became a savings and loan holding company.

3. Notwithstanding Paragraphs 1 and 2:

a. No company shall be deemed to be a savings and loan holding company by virtue of its ownership or control of shares acquired in connection with its underwriting of securities, provided such shares are held only for such period of time as will permit the sale thereof upon a reasonable basis;

b. No company formed for the sole purpose of participating in a proxy solicitation shall be deemed to be a savings and loan holding company by virtue of its control of voting rights of shares acquired in the course of such solicitation;

c. No company shall be deemed to be a savings and loan holding company by virtue of its ownership or control of shares acquired in securing or collecting a debt previously contracted in good faith, provided such shares are disposed of within a period of two years from the date on which they were acquired. The commissioner is authorized upon application by a company to extend, from time to time for not more than one year at a time, the two-year period referred to herein, under such terms and conditions as required by the commissioner, but no such extension shall in the aggregate exceed three years;

d. No company shall be deemed to be a savings and loan holding company by virtue of its ownership or control of shares acquired in a fiduciary capacity except where such shares are held for the benefit of the shareholders of such company.

B. *Company* means any corporation, business trust, partnership, association, or similar organization including a savings and loan association but shall not include any corporation the majority of the shares of which are owned by the United States or by any state.

C. *Subsidiary* with respect to a specified savings and loan holding company means the following:

1. any company 25 percent or more of the voting shares of which, excluding shares owned by the United States or by any

company wholly owned by the United States, is directly or indirectly owned or controlled by such savings and loan holding company or is held by it with power to vote;

2. any company the election of a majority of the directors of which is controlled in any manner by such savings and loan holding company;

3. any company 25 percent or more of the voting shares of which is held by trustees for the benefit of the shareholders of such savings and loan holding company.

D. *Successor* includes any company which acquires directly or indirectly from a savings and loan holding company shares of any savings and loan association, when and if the relationship between such company and the savings and loan holding company is such that the transaction effects no substantial change in the control of the savings and loan association or beneficial ownership of such shares of such savings and loan association.

§4543. Formation

A. The procedure for formation by either a mutual savings association or a capital stock association of a savings and loan holding company shall follow the provisions in this Section.

1. The board of directors of the association shall adopt a plan of organization for the formation of a savings and loan holding company.

2. The board of directors shall submit an application which includes the proposed plan of organization to the commissioner of financial institutions for his approval.

3. After the commissioner has approved the plan of organization it shall be submitted to the members or stockholders for their adoption. The plan shall be adopted at a special or regular meeting of members or stockholders entitled to vote as defined by the association Articles of Incorporation and bylaws. The notification of the meeting to the members or stockholders shall include a statement that the members or stockholders will be requested to vote on a proposed plan of organization into a savings and loan holding company.

4. The plan must be approved by a majority vote of the total number of votes cast unless a larger percentage vote is required by the plan, but in no instance can the vote be less than a majority of votes cast. Evidence of member or stockholder approval of the proposed plan shall be submitted to the commissioner.

5. That any association whose members, stockholders or board of directors have adopted a plan of organization prior to the effective date of this rule shall not be required to submit said plan to the commissioner for his approval.

B. The commissioner may approve the proposed plan if the following criteria are met:

1. The plan would not constitute an unsafe or unsound banking practice.

2. The financial and management resources of the association warrant approval.

3. The association furnishes all the information required by the commissioner.

4. The association pays the fees prescribed by this Paragraph which shall be paid at the time of initial application and are non-refundable.

a. A holding company application shall be \$250 if there is no merger involved.

b. An application for a new interim association filed solely for the purpose of organizing a holding company for an existing association shall be \$250 in addition to the fee in Subparagraph a.

c. An application fee for a new association that will conduct savings and loan association business in connection with organizing into holding company form shall be \$1,500.

C. In addition to the procedures set forth in Subsections A and B of this Section, the following procedures shall be followed for the formation of a savings and loan holding company by a mutual savings association.

1. a. A majority of directors of a mutual association, after receiving approval of the commissioner and its shareholders, shall charter a stock savings institution, the stock of which shall be wholly owned by the mutual institution.

b. The mutual association shall then transfer the substantial part of its assets and liabilities, including all of its insured liabilities, to the subsidiary stock savings association, or

2. A majority of the directors of a mutual association, after receiving approval of the commissioner and its shareholders, shall:

a. Charter a stock corporation that will be the holding company.

b. Charter an interim stock savings institution, the stock of which is to be wholly owned by the newly created holding company.

c. Merge the existing mutual institution with the interim savings institution whereby all or substantially all of the assets and liabilities, including all of the insured liabilities of the mutual institution are exchanged for stock in the stock institution, or

3. Any other method, approved in advance and in writing by the commissioner, that accomplishes the same objective.

4. All shareholders having ownership, liquidation or voting rights in the mutual savings association pursuant to any provision of law or articles or bylaws of the association shall after the transfer, have the same rights in the mutual holding company.

D. In addition to the procedures set forth in Subsections A and B of this Section, the following procedures shall be followed for the formation of a savings and loan holding company by a capital stock association.

1. A corporation, upon the prior written approval of the commissioner, may purchase the required number of shares of stock of an existing stock savings association, or

2. a majority of the directors of a stock association, after receiving approval of the commissioner and its shareholders, shall:

a. charter a new stock savings institution;

b. the original stock association shall then transfer the substantial part of its assets and liabilities, including all of its insured liabilities, to the new stock savings association in exchange for the stock of the new savings association, or

3. a majority of the directors of a stock association, after receiving approval of the commissioner and its shareholders, shall:

a. charter a stock corporation that will be the holding company;

b. charter an interim stock savings institution, the stock of which is to be wholly owned by the holding company;

c. merge the existing stock association with the interim stock association and exchange shares of stock of the holding company with the association stockholders for shares of stock in the existing stock association as previously agreed in the plan of organization, or

4. any other method, approved in advance and in writing by the commissioner that accomplishes the same objective.

§4545. Administration

A. The commissioner of financial institutions shall admin-

ister and carry out the provisions of this Chapter and may issue such regulations and orders as may be necessary to discharge this duty and to prevent evasions of this Chapter.

B. The commissioner may promulgate reporting, examination, and regulations for savings and loan holding companies in accordance with the Administrative Procedure Act. Such regulations may include, but shall not exceed, the requirements established herein:

1. Reports. Each savings and loan holding company shall provide the office of financial institutions with a copy of its annual report.

2. Examinations. The office may examine annually a savings and loan holding company which has as its subsidiary or subsidiaries only state chartered savings and loan associations. The office may examine a savings and loan holding company having more than one savings and loan association subsidiary, one of which is a federally chartered savings and loan, whenever the commissioner knows or has reasonable cause to believe that an unsafe or unsound practice or condition exists or is likely to occur in any state chartered savings and loan association subsidiary of such savings and loan holding company.

3. Fees. Each savings and loan holding company examined by the office shall pay an examination fee not to exceed \$500.

Fred C. Dent
Commissioner

RULE

Department of Commerce Racing Commission

Title 35 HORSE RACING

Part I. General Provisions

Chapter 13. Health Rules

§1304. Coggins Test

No horse shall be allowed to race in Louisiana unless it has had a Coggins test taken within 12 months of the date of the race in question, with a negative result. Record of the negative test shall be attached to registration papers of the horse, or such results shall be recorded on said registration papers by an employee of the commission, prior to the running of the race. The trainer of the horse is responsible for insuring that a negative Coggins test result is in the racing secretary's office as required by this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 142.

HISTORICAL NOTE: Promulgated by the Louisiana Racing Commission.

Albert M. Stall
Chairman

RULE

**Department of Commerce
Racing Commission**

**Title 35
HORSE RACING
Part XIII. Wagering**

Chapter 112. Twin Trifecta

§11201. Twin Trifecta

A. - H. ...

I. After the official declaration of the first three horses to finish in the first race of the twin trifecta, each bettor holding a ticket combining the first three horses in the exact order of finish must, prior to the running of the second twin trifecta race, exchange such winning tickets for both the monetary value established by the mutuel department and a twin trifecta exchange ticket at designated windows and at such time shall select the first three horses to finish in the second race of the twin trifecta in the exact order of finish as officially posted. No further money shall be required of the holder of winning tickets in order to make the exchange. When the official finish of the first twin trifecta race requires application of Paragraph H to determine the winning combination, no exchange tickets shall be issued on the second twin trifecta race, and the second race pool shall be treated in accordance with Paragraph N.

J. - R. . . .

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission L.R. 12:419 (July, 1986).

Albert M. Stall
Chairman

RULE

**Department of Commerce
Real Estate Commission**

In accordance with the notice of intent published in the February 20, 1988 issue of the *Louisiana Register*, the Real Estate Commission announces the adoption of the following rule effective April 20, 1988:

Title 46

**PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXVII.**

Chapter 65. Real Estate Schools

§6529. Causes for Suspension or Revocation of School Certificate of Authority

C. In addition to causes for suspension or revocation outlined in this Chapter, the Commission may suspend or revoke a school's Certificate of Authority if, in the opinion of the commission, the school, through its owner(s), director(s) or instructor(s) is performing or attempting to perform or has performed or has attempted to perform any of the following acts:

1. Falsely certifying hours of attendance for any student.
2. Recruiting students for any brokerage firm or knowingly allowing others to use school classroom facilities to discuss sponsorship of potential licensees for any brokerage firm.

3. Failure to inform instructors on License Law changes or rule and policy changes of the Commission.
4. Refusal of the school owner(s) or director(s) to appear or testify under oath when subpoenaed to do so at any hearing held by the Commission.
5. Any school owner having been convicted of a felony or entered a plea of guilty or nolo contendere to a felony charge.
6. Failure to enter into a written contract with any of its students.

Anna-Kathryn Williams
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published January 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below: Rule 4.01.50(6)

The board adopted amendments to the Nonpublic School Standards as recommended by the Nonpublic School Commission. See page 52 of January, 1988 issue of the *Louisiana Register* for complete text of amendments.

Em Tampke
Interim Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to Notice of Intent published January 20, 1988 and under the authority contained in Louisiana Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below: Rule 3.01.51.qq

The board adopted the following amendment for addition to Bulletin 741 as Standard 1.026.15: "Child welfare and attendance personnel shall maintain an accurate school census on all school-age children based on information obtained from the schools within their system."

Em Tampke
Interim Executive Director

RULE

Board of Elementary and Secondary Education

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

January 20, 1988 and under the authority contained in Louisiana Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 3.01.88.a

The board adopted the following plan to comply with Act 349 (1987) as submitted by the Department of Education:

1. During the months of February 1 through May 31, Louisiana School for Math, Science and the Arts and other local school boards with gifted programs will be allowed, on an ad hoc basis, to review and evaluate textbooks not on the state approved textbook list to recommend to the Board of Elementary and Secondary Education for approval for use only in the gifted program.

2. The Board of Elementary and Secondary Education would receive the recommendations and forward them to the Textbook and Media Advisory Council and the Textbook and Media Committee to review to make recommendations to the full board (this would take place during the month of June).

3. For those books that the Board of Elementary and Secondary Education approves, a State Textbook Contract will be entered into with the publishers effective July 1.

4. The Board of Elementary and Secondary Education will waive specifications for the manufacturing of those books with the stipulation that the publisher be responsible for replacement up to four years, providing the book has not been negligently abused. (Replacement, if under normal use, the book does not hold up for four years.)

5. All other procedures will be followed as they now exist in the ordering, delivery, and payment for textbooks.

Em Tampke
Interim Executive Director

RULE

Board of Elementary and Secondary Education

[*Editor's Note:* This rule was printed on page 146 of the March, 1988 *Louisiana Register* in accordance with the Notice of Intent published in December, 1987 (p. 768). It is being republished to include one of the universities that was inadvertently omitted.]

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

Rule 5.00.80

The board adopted the following regulations for the Tuition Exemption Continuing Education Program for teachers:

I. INTRODUCTION

The Louisiana Legislature, during the Regular Session of 1986, passed Act 1010 (R.S. 17:7.3 (a) and (c)). This statute provides a continuing education program at Louisiana colleges and universities under which degreed teachers may take courses in their fields or disciplines.

Regulations for the Tuition Exemption Program, adopted by the Board of Elementary and Secondary Education, are subject to administrative interpretation by the Louisiana Department of Education, Continuing Education Office, Box 94064, Baton Rouge, LA 70804-9064, telephone (504) 342-3414 or toll-free 1-800-272-9872.

II. APPLICATION FORMS

A. DISTRIBUTION

-The Louisiana Department of Education prepares and distributes the forms.

-Participating parish or city school systems obtain forms from the Department of Education.

-Participating schools obtain forms from either the parish or city school board office.

-Participating applicants obtain forms from either the employing school or school board office. Regulations are to be posted at the employing school.

B. COMPLETION

-Read the directions on the application.

-Complete Section I and sign.

-Have employing authority complete Section II and sign.

-Have university official complete Section III and sign.

-Present application to appropriate university officials at the time of official university registration. (You must inquire at the Registrar's office at the university in which you plan to enroll as to the specific university official to whom this form is submitted.)

C. If the application form is incomplete, inaccurate, or submitted to the university past the deadline date, the applicant will be declared ineligible and must pay the tuition costs.

III. DEADLINES

A. APPLICATIONS AND COURSES

1. Regular Semester or Quarter

-Application forms must be submitted to the specific university official no later than the fifth official university class day.

-Courses to be reimbursed shall be courses for credit that begin and end within a regular semester or quarter session and that meet the time requirements established by the Board of Trustees for the state's colleges and universities.

2. Summer Session

-Application forms must be submitted to the specific university official no later than the fifth official university class day.

-Courses to be reimbursed shall be courses for credit that begin and end within a regular summer or quarter session and that meet the time requirements established by the Board of Trustees for the state's colleges and universities.

3. Application forms for classes for which registration is held at a time later than regular registration must be submitted during registration or on the first day of the class. Universities will submit these application forms as a supplemental billing.

B. UNSUCCESSFULLY COMPLETED COURSES

1. By the end of the semester, applicants who do not successfully complete the course for which tuition exemption was applied must pay the tuition as determined by the college or university in which the applicant was enrolled.

2. Applicants who drop, withdraw, or resign from courses will be billed the tuition amount as determined by the university by the Louisiana Department of Education.

IV. ELIGIBILITY

A. PARTICIPANTS

Any full-time, degreed, elementary or secondary classroom teacher who is regularly employed or on approved leave from a state-approved public or nonpublic elementary or secondary school, listed on the annual school report as a member of the faculty of a state-approved public or nonpublic elementary or secondary school under the jurisdiction of the State Board of Elementary and Secondary Education, is eligible.

B. COLLEGES AND UNIVERSITIES

Tuition reimbursement shall be limited to the following Louisiana colleges and universities:

Delgado College	Northeast Louisiana University
Grambling State University	Northwestern State University
Louisiana State University	Southeastern Louisiana University

Louisiana Tech University
McNeese State University
Centenary College
Dillard University
Louisiana College
Xavier University

Southern University
University of New Orleans
Our Lady of Holy Cross College
Tulane University
Loyola University
Southwestern Louisiana University

APPLICATION FOR ADMISSION TO COLLEGES AND UNIVERSITIES MUST BE IN COMPLIANCE WITH THE COLLEGES' OR UNIVERSITIES' REGULATIONS, ENTRANCE REQUIREMENTS, DEADLINES, AND ANY OTHER CONDITIONS FOR ADMISSIONS.

C. COURSES

1. Credit courses in the applicant's area of certification or job assignment, or courses outside these areas, specifically in the area(s) of critical shortage, as approved in writing by the superintendent of that city or parish school system. Final review/approval of courses shall be the responsibility of the Louisiana Department of Education, Office of Continuing Education.

2. Course load shall not exceed one regular semester or quarter course offering for each fall or spring session nor two course offerings in the summer session.

3. Course load for applicants who are on approved sabbatical leave for educational purposes shall not exceed three course offerings for each fall/spring session that the applicant is on such leave.

4. Any course work required of an applicant as a result of an unsatisfactory evaluation pursuant to direction from his employing school board.

D. TUITION

1. Tuition, for the purposes of this program, is defined as the building use fee per semester hour. The state will not reimburse for student activity fees. Tuition exemption shall be limited to the amount of tuition assessed for on-campus courses.

2. Reimbursement shall be made to the colleges and universities by the State Department of Education from state-appropriated funds.

3. Public and nonpublic teachers are eligible to receive a waiver for tuition (registration fee and building use fee per semester hour). The amount paid by the state for any tuition imposed by or applicable to the nonpublic college shall be equal to but not greater than the highest tuition charged by a public college or university in this state.

V. INELIGIBILITY

Reimbursement shall not be paid on the following:

1. Courses that are not successfully completed by the end of the semester or quarter.

2. Non-credit courses or audit courses

3. Non-instructional credit courses such as examination courses

4. Courses in theology or divinity

5. Correspondence courses

6. Dropped, incomplete, or failed courses

7. Courses for which application forms were submitted to the university past the deadline date

8. Courses for which application forms were incomplete or inaccurate

9. Courses for applicants who are declared ineligible to participate

10. Courses for which funds are not appropriated

11. Courses for applicants who are receiving retirement funds from a state retirement system

12. Courses that do not meet the time/class meeting requirements set forth by the Board of Trustees for the state's col-

leges and universities

13. Courses taken by independent study

14. Courses for which the participant is not eligible under these guidelines

15. Courses involving infractions of the Tuition Exemption regulations or university policy

16. Courses taken by teachers who are in default to the state of Louisiana for the Professional Improvement Program (PIP) or the Tuition Exemption Program as it existed prior to July 1, 1985.

VI. APPEALS

1. Any applicant who is denied tuition exemption for a college course may appeal to the Louisiana Department of Education, Bureau of Continuing Education, Box 94064, Baton Rouge, LA 70804-9064, no later than 15 days following the date of notification of denial.

2. Any applicant who is denied tuition exemption by the Department of Education for a college course shall have a right to a due process appeal before the State Board of Elementary and Secondary Education. The applicant should contact the executive director of the State Board of Elementary and Secondary Education, Box 94064, Baton Rouge, LA 70804-9064, no later than 15 days following the notification of denial from the Department of Education.

VII. COLLEGE AND UNIVERSITY PROCEDURES

A. At the time of registration, the applicant shall be exempt from paying tuition for eligible course work covered in this program.

B. The last date for the colleges and the universities to accept applications for tuition exemption shall be the fifth official university class day of a regular semester or quarter or summer session.

C. Each college and university shall submit to the Department of Education, on the first day of class of each fall/spring/summer session, an invoice equal to one-half of the amount of tuition assessed for an on-campus course \times the number of applications submitted to that university. As soon as possible after the close of the semester, the college/university shall submit a final billing together with (a) an alphabetical list of the names of applicants who successfully completed course work, and (b) an alphabetical list of the names and addresses of applicants who received a W, F, or I grade. Tuition claimed by individuals who failed to successfully complete course work shall be deducted from the final payment to the university.

Em Tampke

Interim Executive Director

RULE

**Office of the Governor
Office of Women's Services**

TITLE 4

**Administration
Part VII. Governor's Office**

The Office of Women's Services amends the following guidelines for allocation of marriage license surcharge fees from the Programs for Victims of Family Violence Fund.

Chapter 17. Women's Services

§1737. Guidelines for Application of Additional Marriage License Fees

E. Application Process

1. Notification of the availability of funds for family violence programs for fiscal year 1988-89 will be given through the Office of Women's Services.

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

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

4. The applications must be received by the Office of Women's Services by May 25, 1988.

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

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

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 46: 2121.1(1), R.S. 46: 2126, R.S. 45: 2127 and R.S. 46: 2128

Glenda Parks
Executive Director

RULE

Department of Health and Hospitals

Previously Department of Health and Human Resources

Office of Community Services

(Previously Office of Human Development)

Division of Rehabilitation Services

Effective April 20, 1988, the Department of Health and Hospitals (previously Department of Health and Human Resources), Office of Community Services (previously Office of Human Development), Division of Rehabilitation Services, is changing its Policy Manual separating procedures from policy. The original notice of intent was published in the August 20, 1987, issue of the *Louisiana Register* and was republished in the December 20, 1987, issue of the *Louisiana Register*.

The Louisiana Department of Health and Hospitals (previously Department of Health and Human Resources) has conducted public hearings on this change in September, 1987, and January, 1988, in four major metropolitan areas of the state.

Copies of the Policy Manual are available at the Division of Rehabilitation Services' Offices statewide.

David L. Ramsey
Acting Secretary

RULE

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

The Medical Assistance Program is adopting the following rule which was published as a notice of intent in the *Louisiana Register* Vol. 14, No. 2, dated February 20, 1988.

The following sanctions may be imposed against Medicaid recipients who abuse the medical transportation program by utilizing transportation for a medical appointment and not keeping that appointment.

1. Letter of warning to the recipient which would specify additional actions that could be taken if further violations occur.

2. A monetary recoupment of the value of the transportation received.

3. Refer to the State Special Investigations Unit for possible prosecution under state laws relating to theft or fraud.

David L. Ramsey
Acting Secretary

RULE

**Department of Health and Human Resources
Office of the Secretary
Division of Licensing and Certification**

Effective upon publication, the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification established rules for the adding of a drug to those contained in the Louisiana Controlled Dangerous Substances Act, R.S. 40:964: Schedule II, Opiates, Alfentanil

Alfentanil HCl is a relatively new analgesic (pain relieving) adjunct used in the maintenance of general anesthesia and as a primary anesthetic in certain instances. Alfentanil fits into the class of drugs in Schedule II. Also, it has been placed in Schedule II by the Federal Drug Enforcement Agency. It is presently manufactured by Janssen Pharmaceuticals under the trade name "Alfenta".

This addition of Alfentanil to Schedule II is necessary to provide appropriate standard of care to patients at this time. This is brought about by the need to provide optimal care for the growing number of patients who now require surgery as an outpatient.

Alfentanil is a drug with many similarities to the other opioid analgesic drugs. Its unique feature is its short duration of action. This means that patients undergoing major surgery can be provided with the safety and efficacy of an opioid analgesic without having suffered the prolonged sequelae which are associated with all of the other opioid analgesic drugs.

David L. Ramsey
Acting Secretary

RULE

**Department of Labor
Office of Labor**

In accordance with the Notice of Intent advertised in the January 20, 1988, issue of the *Louisiana Register*, this is to re-

promulgate LAC 40:XV.123.A.4 to include a portion of a sentence that was omitted in the rule published March 20, 1988.

Title 40
LABOR AND EMPLOYMENT
Part XV. Private Employment Services

Chapter 1. General Provisions
§123. Private Employment Services Contract

- A. Guideline Applicant Contract
1. - 3. ...
 4. Schedule of fees: (rate of professional service charges based on projected annual compensation at time of acceptance). The method of computing applicant's projected annual compensation shall be 52 times applicant's weekly compensation, or 12 times applicant's monthly compensation, or as outlined in Paragraph 7 of this contract. These estimates are for the purpose of computing service charges and in no way guarantee the procured employment for a year.
 5. - 13. ...

Phyllis Mouton
Secretary

RULE

Department of the Treasury
Bond Commission

Rule No. 1

The following has been adopted concerning meeting dates: Regular meetings shall be held at 10 a.m. on the third Thursday of each month, provided that: (a) any meeting at which bids are to be received for the sale of bonds may be held at either 10 a.m. or 11 a.m., any meeting held during Legislative Sessions will be held at 8 a.m. unless bids are to be received for the sale of bonds, and (b) any meeting held in lieu of a regular meeting date due to state holidays shall be deemed a regular meeting, and such new meeting date shall be determined by the chairman of the commission; special meetings may be called by the chairman of the commission on any date.

Annette R. Seng
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 rules to implement the following rate increase, effective May 1, 1988. The listed COBRA rates are for part-time employees only. There is no state contribution for other COBRA participants.

	Current Rates	Revised Rates Eff. 5/1/88	Employer Cost Increase	Employee Cost Increase	Total Increase
Employee Only	\$96.40	\$119.52	\$11.56	\$11.56	\$23.13
Emp. w/Medicare	50.28	62.32	6.02	6.02	12.04
COBRA Participant	98.32	121.88	11.56	12.00	23.56
Emp. & 1 Dep.	\$167.28	\$207.40	\$20.06	\$20.06	\$40.12
One w/Medicare	119.44	148.08	14.32	14.32	28.64
Two w/Medicare	110.28	136.72	13.22	13.22	26.44
COBRA Participant & One Dependent	170.60	211.52	\$20.06	\$20.86	40.92
COBRA Participant, One w/Medicare	170.60	211.52	\$20.06	\$20.86	40.92
Employee & Family	\$221.92	\$275.16	\$26.62	\$26.62	\$53.24
One w/Medicare	167.08	207.16	20.04	20.04	40.08
Two w/Medicare	154.64	191.72	18.54	18.54	37.08
COBRA Participant & Family	226.32	280.64	\$26.62	\$27.70	54.32
COBRA Participant, One w/Medicare	226.32	280.64	\$26.62	\$27.70	54.32

Rates for surviving spouses are the same as those listed above. However, the surviving spouse must pay the entire premium amounts as there is **no** state contribution.

Sponsored dependent rates will be \$101.28 per person without Medicare, and \$56.20 per person with Medicare. There is **no** state contribution for sponsored dependent parents.

James D. McElveen
Executive Director

Notices of Intent

NOTICE OF INTENT

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

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:1891 - 1907, notice is hereby given that the Department of Agriculture and Forestry, Feed Commission, has approved the amendment of Section 10757 in the rules and regulations in regards to probationary status of registrants and sampling requirements necessary to remove a company from probation. The amended changes are as follows:

Subchapter D. Probation of Registrants
§10757. Probationary Status of Registrants

A. A registrant shall be placed on probation by the commission whenever 25 percent of the official samples taken from a single registrant during one complete fiscal year are found to be

deficient, provided that a minimum of six samples and at least two percent of the total tonnage sold for that fiscal year is sampled.

B. Notification shall be given, in writing, to any registrant placed on probation within 30 days of the date on which the commission took action to place the registrant on probation.

C. The commission may assess a civil penalty of not more than one thousand dollars for any violation other than those found in Subsection A of Section 1900 in the Louisiana Feed Statutes. Each day on which a violation occurs shall be considered a separate offense.

D. The commission shall not waive any penalty imposed under the provisions of Chapter 14, Commercial Feeds.

E.

1. A registrant who is placed on probation shall be subject to an increase of sampling up to 20 percent of the total tonnage of products offered for sale during the fiscal year of probation, or until probation is terminated by the commission.

2. In order to be removed from probation, a minimum of nine samples and three percent of the total tonnage sold must be taken and analyzed during the year of probation. The deficiency rate of samples taken must be less than 20 percent.

F. If a registrant continues to introduce products, of which the official samples' deficiency rate exceeds 20 percent, into the stream of commerce for one year, the registrant shall be summoned before the Feed Commission immediately after the end of the year of probationary status to determine whether registration shall be cancelled or renewal of registration shall be denied for cause.

G. The registrant shall be notified, in writing, by the commissioner when probationary status is terminated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1900 and R.S. 3:1892.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Feed Commission, Amended LR 14: (June 1988)

Interested persons may submit comments on the amended changes and/or additions, in writing, until 4:30 p.m., June 8, 1988 to the following address: Department of Agriculture and Forestry, Box 25060, University Station, Baton Rouge, LA 70894-5060, Attention: Hershel F. Morris, Jr.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Louisiana Feed Program**

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

The adoption of these rule changes will not cause any state or local government unit to incur any additional costs or savings.

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

It is estimated that the assessment of civil penalties up to \$1,000 will generate revenue. During this fiscal year, the assessment of civil penalties by the Feed Commission has generated \$400 in self-generated funds.

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

There will not be any costs and/or economic benefits with the adoption of these rule changes nor will it be any additional costs to the feed manufacturers or consumers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These rule changes will not have any effect on competition or employment in the Feed Industry.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950, et seq.) and R.S. 3:1433, notice is hereby given that the Department of Agriculture and Forestry, Seed Commission, intends to amend the following rules and regulations:

(1) Mandatory transit inspection of certified Seed Irish Potatoes;

(2) Isolation requirements in rice certification standards; and

(3) Noxious weed lists

A copy of the proposed rules and regulations detailed above may be obtained from Eric Gates, Director, Department of Agriculture and Forestry, Box 18190-B, University Station, Baton Rouge, LA 70893. Mr. Gates will accept comments from any interested parties through Friday, June 10, 1988.

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)

Changing the mandatory irish potato transit inspection to an inspection only at request will free inspectors to devote their work to other responsibilities. Currently, mandatory transit inspections require inspectors to work overtime and consequently earn a nominal amount of compensatory time.

Amending the noxious weed list and the rice isolation distance will not involve implementation costs or savings.

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

These regulations will not have any effect on revenue collections.

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

These regulations will not cost 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 Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Civil Service
Civil Service Commission**

Notice is hereby given that the State Civil Service Commission, under the authority conferred by Article X, Section 10(A)(1) of the Constitution of Louisiana, will conduct a public hearing on May 4, 1988 at 8 a.m. in the hearing room on the twelfth floor of the Republic Tower Building at 5700 Florida Boulevard in Baton Rouge, Louisiana, to consider the following amendments to Civil Service Rules 13.10, 13.11 and 13.19:

Proposed Amendments

13.10 Appeals to the Commission (Amended and reenacted)

An appeal may be made to this commission by

(b) Any person in the classified service who, having gained permanent status, alleges that he has been subjected to any disciplinary action or removal in violation of any provision of Chapter 12 of these rules.

(m) Any person in the classified service who alleges that he has been subjected to any layoff or layoff avoidance action in violation of any provision of Chapter 17 of these rules.

13.11 Request for Appeal (Amended and reenacted)

A notice of appeal must

(d) Contain a clear and concise statement of the actions complained against and a clear and concise statement of the basis of the appeal. Where discrimination is alleged to be a basis for appeal, specific facts supporting the conclusion of discrimination must be alleged in detail. The specific facts required will vary depending on the nature of the appeal; however, the facts must be alleged in sufficient detail to enable the agency to prepare a defense. A conclusion of discrimination is not sufficient. The types of facts which must be included are:

1. the date, time and place the discriminatory action took place;
2. the name of the person or agency alleged to have taken the discriminatory action;
3. a description of how appellant's action, conduct or performance was the same as that of other persons who were treated differently;
4. the names of other persons treated differently and the dates the different treatment occurred;
5. a description of events, including the dates and circumstances thereof, which led appellant to believe that the adverse

decision was based on his religious or political beliefs, sex, race, or any other non-merit factor.

Where a violation of the article or a rule is alleged to be a basis for appeal, specific facts supporting the conclusion that a violation has occurred must be alleged in sufficient detail to enable the agency to prepare a defense.

13.19 Procedure for Hearing Appeals (Amended)

(u) When a violation of Section 8(A) of the article or a rule in Chapter 12 is the basis for appeal, the burden of proof, as to the facts, shall be on the appointing authority. When a violation of any other section of the article or any other rule is the basis for appeal, the burden of proof, as to the facts, shall be on the employee.

Written comments should be addressed to Laura D. Holmes, Appeals Section, Department of State Civil Service, Box 94111, Baton Rouge, LA 70804-9111. Comments received on or before May 3, 1988 will be considered. All interested persons will be afforded an opportunity to submit data, views or arguments orally at the public hearing.

Herbert L. Sumrall
Director

NOTICE OF INTENT

Department of State Civil Service

The State Civil Service Commission will hold a public hearing on Wednesday, May 4, 1988 to consider amending Civil Service Rule 8.9, and 8.18, and adopting Rules 17.25.1, 17.25.2, and 17.26.1 on a regular basis. These amendments and Rules were adopted on an emergency basis at the Commission's April, 1988 meeting and the text of these amendments and rules can be found under the Emergency Rules section in this *Register*.

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

Herbert L. Sumrall
Director

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt LAC 35:XV.12338 "State Fee," as follows:

**Title 35
HORSE RACING
Part XV. Off-Track Wagering**

**Chapter 123. General Rules
§12338. State Fee**

Pursuant to R.S. 4:218, a license fee of one and one-half percent of the total amount wagered at each off-track wagering facility is imposed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:211-222, particularly R.S. 4:218.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Judy A. McGinity, Executive Director or Tom Trenchard, Administrative Services Assistant at (504) 568-5870 or LINC 621-5870, holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Friday, May 6, 1988 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Albert M. Stall
Chairman

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 35:XV.12338 "State Fee"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no cost to implement this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The effect on revenue collections could be either positive or negative. If patrons begin attending OTB facilities instead of the tracks, then the amount received by the state will decrease (3 to 5% to state at host track; 1.5% to state at OTB facility). Should OTB simply generate new patrons at OTB facilities (and track patrons continue attending at the host track), then state revenue will increase.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Benefits are to everyone, except possibly to the state as mentioned in II. Patrons have more places to wager; the handle will increase; the tracks will get additional funds; purses will increase, benefitting horsemen (trainers, jockeys, owners, etc.).
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This proposed rule shall have no direct effect on competition nor employment.

Albert M. Stall
Chairman

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Board of Elementary and Secondary Education
Annual Financial and Statistical Report**

In accordance with the Louisiana Revised Statutes, the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following amendment to Standard 2.027.02 and addition of Standard 1.027.02 to Bulletin 741:

Add Standard 1.027.02 as follows:

ANNUAL FINANCIAL AND STATISTICAL REPORT

On dates specified by the State Department of Education, the local superintendent shall forward the information required for the completion of the Annual Financial and Statistical Report to the State Department of Education, on forms provided for that purpose. Refer to R.S. 17:22.7

Amend Standard 2.027.02 as follows:

ANNUAL FINANCIAL AND STATISTICAL REPORT

Information required for the completion of the Annual Financial and Statistical Report shall be recorded on report forms furnished by the local education agency. Refer to R.S. 17:22.7

A completed form shall be sent to the local superintendent's office and a copy shall be filed in the principal's office, the local superintendent's office, and shall be available to the State Department of Education upon request.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., May 9, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Dr. James Meza, Jr.
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Bulletin 741, Standard 2.027.02**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The net effect of the rule change is a savings for the Research and Development budget of \$2,000. The Principal Session Report will no longer be required and the department will discontinue this service for a savings of approximately \$8,000. The Annual Financial and Statistical Reporting forms are being incorporated in Bulletin 741 at a cost of approximately \$6,000.
Local schools systems will incur costs due to the requirement that they will furnish reporting forms to their schools for the information required for the Annual Financial and Statistical Report.
- 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 no estimated costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition or employment.

Graig A. Luscombe
Interim Deputy Superintendent
for Management and Finance

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Board of Elementary and Secondary Education
Amend Bulletin 741 - Child Protection Act**

In compliance with the Louisiana Revised Statutes, the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved an amendment to Bulletin 741, page 14 in order to comply with the mandates of BESE relative to the Child Protection Act (Act 760 of 1986 as amended by Act 735 of 1987) to add Policy 1.014.00 for the public sector and Policy 6.014.00 on page 3.1 of the Nonpublic School Standards as follows:

EMPLOYMENT OF PERSONNEL

1.014.00

No person who has been convicted of or has plead nolo contendere to a crime listed in R.S. 15:587.1(c) shall be hired by a public school system for a position of supervisory or disciplinary authority over school children unless approved in writing by a district judge of the parish and the district attorney.

Any employee hired after September 30, 1987, must request in writing, a criminal history review through the Department of Health and Human Resources on the form prepared by the Bureau of Criminal Identification.

All costs for providing the information required shall be borne by the individual applicant.

6.014.00

Same wording as above, except change "public school system" to "nonpublic".

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., June 9, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Executive Director

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

**Rule Title: Child Protection Act
(Act 735, 1987) Bulletin 741)
Policy 1.014.00 (Public Schools)**

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

It is estimated that approximately \$50 would be needed to reprint the pages of Bulletin 741 and to disseminate this information to local school systems.

The costs to the local education agency for employee screening are estimated to be less than \$10 per employee/

prospective employee and will vary depending upon

(a) the number of employees, and

(b) the availability and cost of the fingerprinting service and will be borne by employee/prospective employee.

The cost of processing the criminal record history information through DHHR and the Bureau of Criminal Identification and Protection in the Department of Safety and Corrections are estimated between \$0 and \$3 per employee/prospective employee and will be borne by the employee/prospective employee.

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

Local education agencies and state agencies will be reimbursed for all costs resulting from processing of applicants' criminal record history information. The cost to State Agencies is estimated to be between \$0 and \$3 per applicant and the cost to the local education agencies (LEAs) will vary from \$0 to \$10 dollars per applicant. Both costs will be reimbursed.

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

Implementation of the Child Protection Act will better secure the safety and well being of children in Louisiana by screening job applicants for specified crimes. The cost of processing employee/prospective employees' criminal records history information will be borne by the employee/prospective employee.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No person who has been convicted of or plead nolo contendere to a crime outlined in R.S. 15:587.1(c) shall be hired in the public or private school systems as a teacher, bus driver, cook, janitor, or other position involving the supervision or the discipline of children.

Graig A. Luscombe
Interim Deputy Superintendent,
Management and Finance

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Environmental Quality
Air Quality Division**

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:1051 et seq., and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated as follows:

1. Include certain changes to various sections of LAC 33:III in order to embody PM₁₀ particulate monitoring in the State Implementation Plan.

2. Adopt new source performance standards (NSPS) regulated by the EPA but not yet promulgated by Louisiana.

3. Adopt new test methods included with the NSPS mentioned in item 2 above. Also adopt certain test methods to be included with the NSPS regulations already promulgated.

4. Amend certain NSPS regulations already adopted.

The proposed amendments and adoptions are to become

effective on June 20, 1988 or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held at 10:00 a.m. on Thursday, May 5, 1988 in the Mineral Board Hearing Room of the State Land and Natural Resources Building in Baton Rouge. Interested persons are invited to attend and submit oral comments on the proposed amendments and adoptions.

All interested persons are invited to submit written comments concerning the amendments and adoptions to the regulations. Such comments should be submitted, no later than May 5, 1988, to Earle Clayson, Technical Services Coordinator. Mr. Clayson may be contacted at the Baton Rouge, LA address below, or by telephone at (504) 342-5944. A copy of the regulations may be viewed at the Air Quality Division addresses provided, from 8:00 a.m. until 4:30 p.m. Monday through Friday, inclusive.

State Land and Natural Resources Building
8th Floor
625 North Fourth Street
Baton Rouge, Louisiana

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

Dept. of Environmental Quality
1155 Ryan Street
2nd Floor
Lake Charles, Louisiana

Dept. of Environmental Quality
804 31st Street
Monroe, Louisiana

Dept. of Environmental Quality
State Office Building
1525 Fairfield Avenue
Shreveport, Louisiana

Dept. of Environmental Quality
100 Eppler Road
Lafayette, Louisiana

Paul H. Templet, Ph.D.
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Air Quality Regulations**

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

Implementation costs to the State Government will amount to \$25,000, initially, for the purchase of five PM₁₀ monitors for FY 88-89. In subsequent years, the DEQ estimates that approximately \$3500 will be necessary for annual maintenance to the PM₁₀ monitors. These costs will be accommodated by the existing state fee system. There will be no fiscal impact on local governments as a result of these proposals.

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

No fees are being assessed; thus there will be no effect on revenue collections of state or local governmental units as a result of these proposals.

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

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups. These New Source Performance Standards (NSPS) are already in effect under EPA and companies must already comply with them. In order for the state to assume enforcement

duties, the state must readopt the NSPS because they cannot be enforced by reference.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Paul H. Templet, Ph.D.
Secretary

David W. Hood
Legislative Fiscal Analyst

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 particular Sections 1139 and 1141 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 Rules of Procedure of the Secretary.

These regulations are intended to preclude further environmental damage and the endangerment to the citizens of the state. It is the purpose to provide for restrictions and incentives designed to encourage alternative methods of hazardous waste disposal, destruction and reduction; to lessen the possibility of hazardous waste releases from existing land disposal sites; and to provide for the eventual prohibition of land disposal of hazardous waste.

The proposed regulations are to become effective on June 20, 1988, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be held at 10 a.m. on May 6, 1988, 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 regulations.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than June 6, 1988 to Joan Albritton, Assistant Administrator, Hazardous Waste Division, Department of Environmental Quality, Box 44307, Baton Rouge, LA 70804-4307. She may be contacted at the above address or telephone (504) 342-4685. A copy of the proposed regulations may be obtained from the Hazardous Waste Division at the address provided. In addition, copies of the proposed regulations 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 31st Street, Monroe, LA.

Department of Environmental Quality, 2945 North I-10 Service Road, Metairie, LA.

Paul H. Templet, Ph.D.
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Land Ban Regulations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The estimated costs to the State (LDEQ) to implement the Land Ban Restrictions; Prohibitions program is on the order of approximately \$324,033 annually beginning fiscal year 88-89. DEQ estimates that an equivalent of an additional seven employees will be necessary to implement the proposed rules. In subsequent years, DEQ anticipates that federal funds will replace all or a portion of necessary funding requirements. These proposed rules will presently have no impact on local government.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
As the law allows for the assessment of penalties, they may be up to \$100,000/violation. The state could receive revenues in the form of penalties from those members of the regulated community that fail to comply with the "Land Ban Restrictions; Prohibitions." Since it is unknown as to the number of sites that will be in non-compliance, it is difficult to project the effect on state revenues collections. The decrease in dedicated funds based on a loss of tonnage fees at land disposal facilities to reach a zero point by 1991 and loss of fees at land disposal facilities that will close as a result of the implementation of this program is projected to total \$450,000. This decrease could possibly be offset due to collection of additional permitting fees (minimal portion) as a result of the implementation of these proposed regulations; however it is difficult to determine the fiscal impact due to unknown alternatives the regulated community may pursue.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
R.S. 1073 E.2. provides the department with the ability to assess civil penalties for non-compliance. Should a person or non-governmental group operating a hazardous waste facility fail to comply with the "Land Ban Restrictions; Prohibitions," a penalty could be assessed. State law provides for assessment of penalties up to \$100,000 per violation. Since it is unknown as to the number of sites that will be in non-compliance, it is difficult to project the fiscal effect on directly effected persons or non-governmental groups. These proposed rules require alternatives to land disposal, the regulated community "may" incur additional cost due to the alternatives they may choose. (Tanks, Incinerators, etc.) The cost to the regulated community can not be determined due to unknown options they may choose.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No additional effects on competition and employment should be experienced as everyone subject will be affected equally.

Paul H. Templet, Ph.D.
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Division of Administration
Office of Risk Management**

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

**Title 37
INSURANCE
Part I. Risk Management**

**Subpart 2. Insurance and Related Matters
Chapter 32. Risk Analysis and Loss Prevention
§3201. Risk Analysis and Loss Prevention**

- A. R.S. 39:1543(1)(C) requires the development of a comprehensive loss prevention program for implementation by all state agencies, including basic guidelines and standards of measurement.
- B. In order to fully comply with this statute a comprehensive loss prevention plan has been developed and the following are to be implemented by every state department, agency, board or commission that employs 15 or more employees.
1. Management Policy Statement - An expression of management, philosophies and goals toward safety.
 2. Responsibility for Safety in an Organization - A written document to clearly define supervisory responsibilities at all levels.
 3. Inspections Program - A program to maintain a safe work environment and control unsafe acts.
 4. Job Safety Analysis - A procedure to be used to review job methods and hazards that relate to the work environment. The job safety analysis should be performed on all tasks or processes that have a higher than normal rate of producing bodily injury or property damage.
 5. Investigation Program - A program to thoroughly investigate and identify as soon as possible the actual causes and contributing factors of losses in an attempt to prevent recurrences.
 6. Safety Meetings - Meetings to be conducted by supervisors with employees on a quarterly basis unless otherwise specified by ORM to educate, inform, motivate and examine work practices for potentially unsafe acts that could produce bodily injury and provide a method to preclude recurrences.
 7. Safety Rules - General instructions developed by agencies regarding the employees' responsibilities.
 8. Employee Training - Training to establish a systematic method of training employees to perform the required tasks in a safe and efficient manner and to insure all employees receive periodic refresher training.
 9. Record Keeping - Records to establish a procedure for the uniform development and maintenance of loss prevention and control documents to be retained for one year. This will include inspection reports, accident investigation reports, minutes of safety meetings, training records, boiler and machinery maintenance records.
 10. First Aid - Adoption of a first aid program which will provide a trained first aid person at each job site and shift. This policy covers all facilities and crews.
 11. Housekeeping Program - Program to provide a

method for systematically inspecting and eliminating safety and fire hazards that result from uncontrolled sources. To establish clearly defined areas of responsibility for orderliness and cleanliness through each state-owned or operated grounds and facilities.

12. Hazard Control Program - Program to establish a systematic method of recognizing, evaluating, and controlling hazards, prior to them producing injury, illness, or property damage.

13. Boiler and Machinery Program - Written Loss Prevention maintenance program to include but not limited to, a history of each piece of equipment, designated responsibility, schedule of when maintenance is to be performed, list of equipment to be maintained, how maintenance is to be performed.

14. Driver Safety Program - Program to provide a systematic method of screening, training and accountability for employees and supervisors required to assign or drive state-owned vehicles or personal vehicles in the course and scope of their employment.

15. Water Vessel Operator Safety Program - Program to provide a systematic method of screening, training and accountability for employees and supervisors required to assign or operate state-owned water vessels in the scope of their employment.

16. Any other loss prevention program developed by the Office of Risk Management, Bureau of Risk Analysis and Loss Prevention in conjunction with the Interagency Advisory Council for the prevention and reduction in accident events that may cause injury, illness, or property damage.

C. The minimum requirements are in no way intended to require revisions of existing safety plans which meet or exceed these minimum requirements. However, these existing plans are to be submitted to the Bureau of Risk Analysis and Loss Prevention for review and acceptance.

D. The Bureau of Risk Analysis and Loss Prevention will audit each department, agency, board or commission to insure compliance of the development, implementation, and adherence to the program. Audits will be conducted once a year or more often upon written request of the department, agency, board or commission. The deadline for certification will be June 30 of each year for insurance premiums for the following fiscal year. If an agency, board or commission is determined to be in compliance, the bureau will issue a certificate of compliance which will result in a five percent credit in the calculation of premiums. Such compliance will be certified by major risk groups as follows:

- a. Workers Compensation - Regular
- b. Workers Compensation - Maritime
- c. General Liability
- d. Auto Liability and Auto Physical Damage
- e. Property and Inland Marine
- f. Boiler and Machinery
- g. Bond and Crime Risk
- h. Aviation
- i. Marine

Interested persons may present their views on the proposed rules, in writing, until April 30, 1988 at the following address: J. Douglas Higley, State Risk Director, Office of Risk Management, Box 94095, Baton Rouge, LA 70804-9095. He is the person responsible for responding to inquiries about the proposed rules.

J. Douglas Higley
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Risk Analysis and Loss Prevention**

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

The estimated fiscal impact to state governmental units is projected to be \$2.6 million annually in direct savings. Additionally, the Office of Risk Management estimates that \$13 million in indirect savings/opportunity cost will occur as a result of adopting these proposed rules. These savings will be realized by greater compliance with existing safety standards and programs. These rules will have no impact on local governmental units.

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

The proposed rule will have no effect on revenue collections of state or local governmental units because no additional assessments are anticipated.

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

Adopting the proposed rule will have no estimated costs or economic benefits to directly affected persons or non-governmental groups; however, the proposed rule will reduce accidents involving state employees due to increased compliance with safety programs established by the Loss Prevention Unit of the Office of Risk Management. While the dollar savings of this reduction are difficult to calculate, it is certain that severe injury, dismemberment, or death poses severe economic and emotional stress to the employee and/or dependents.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule would have no effect on competition. While employment would neither increase nor decrease, productivity would be enhanced by reducing the number of trained workers leaving state employment due to accidents. As a result, hiring and retraining costs incurred to replace injured employees would be reduced and short term productivity declines due to untrained replacement employees could be avoided.

J. Douglas Higley
State Risk Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

**Title 4
ADMINISTRATION**

**Part V. Policy and Procedure Memoranda
Chapter 27. Printing Procedures – PPM No. 64
Subchapter A. Introduction
§2701. Repeal of Prior Rules**

This Policy and Procedure Memorandum rescinds, supersedes, and cancels revised Policy and Procedure Memorandum

No. 64 dated February 1, 1984. This memorandum also cancels all previous delegation of authority, delegated under 43:1(B)(2), and special exemption previously granted prior to December 29, 1987, for any printing under R.S. 43:31(A).

Subchapter B. R.S. 43:1 Purchase of Printing and Engraving; Central Purchasing; Louisiana Procurement Code; Power and Authority of Chief Procurement Officer

§2703. Provisions

A. All administrative boards, commissions, departments, agencies, institutions, and offices within the executive branch of the state government shall purchase all requirements of printing and engraving through a central purchasing agency in the division of administration, which hereafter in this Chapter is referred to simply as the purchasing agent. This provision, however, shall not apply to Louisiana State University and Agricultural and Mechanical College, the Department of Transportation and Development, the port authorities of the state, the legislature, the office of state bond commission in the Department of the Treasury, or the judiciary, except that it shall apply to the office of the attorney general. All procurement of such printing and engraving for the executive departments of state government shall be done under and in accordance with the provisions of the Louisiana Procurement Code.

B. In order to carry out the duties and functions imposed upon him by this Chapter, in conjunction with the Louisiana Procurement Code, the chief procurement officer shall have the power and authority:

1. to consult, review, and make recommendations with regard to all printing requirements in order that the best and most economical methods may be employed;
2. to delegate the purchase of printing to any instrumentality covered by this Chapter whenever in his written opinion the best interests of the state will be served thereby;
3. to use any and all powers and authority granted to him by law or otherwise delegated to him by competent authority.

Explanation (43:1)

C. All requirements for printing and engraving shall be submitted directly by the agency to State Purchasing, Division of Administration, and shall not be handled at the agency level through the printing vendors or their representative.

Act 306 of 1983 requires Central Purchasing to procure all printing and engraving in accordance with the provisions of the Louisiana Procurement Code. All printing requests are to be forwarded to State Purchasing and the following procedures will be used in handling small purchases:

1. If the item requested can be produced by the Administrative Services Print Shop it will be forwarded to them for processing and no purchase order will be issued by the State Purchasing Office. Otherwise, if the item requested is covered under a contract the requisition will be assigned to that contract and State Purchasing will issue a purchase order.

a. Administrative Services (Division of Administration's Print Shop). If a state agency is certain their printing will be handled by Administrative Services, they can fill out an Administrative Services printing request DA-200 (Rev. 3/86). This form, along with an original sample, may be sent directly to Administrative Services; a DA 101 or FACS 101 does not have to be included with this request. The state agencies may request form DA-200 (Rev. 3/86) from Administrative Services which can be reached at 504-925-6518 or LINC 427-6518.

b. Forms Management. Forms that are warehoused by the state for state agencies are ordered on a warehouse requisition

(DA FM 1). These requisitions are sent directly to Forms Management. If you do not have a forms register or the warehouse requisition, request these from Forms Management at 504-922-0160 or LINC 427-0160.

c. Classes of Printing. The state printing contracts cover approximately 23 categories of printing and engraving. State Central Purchasing, Division of Administration, reserves the right to assign each request for printing to the proper contractor, to the Administrative Services Section of the Division of Administration, or to award to a commercial printer as a result of competitive bids taken by the state printing agent.

2. If the item requested is not covered under contract it will be competitively bid by the State Purchasing Office or the requisition may be returned to the agency with State Purchasing's approval to process at agency level in accordance with all laws, rules and regulations, and executive order. The dollar level at which this delegation will take place will be described by the director in writing.

3. In all printing contracts, the right shall be reserved for all state boards, commissions, departments, institutions, and offices to obtain any printing, mimeographing, copying, and similar work from any state agency which has existing facilities to produce such materials instead of utilizing one of the printing contracts.

E. Requisition

1. All items of printing, and engraving shall be requisitioned on a Purchase Requisition (Form DA 101 for Non Facs Agencies and FACS 101 for Facs Agencies). Keep the same types of printing on one requisition. Do not combine printing items from any two or more of the following categories:

- a. Printed letterheads
- b. Engraving (letterheads, envelopes, business cards)
- c. Flat forms
- d. Snap sets (Same general size)
- e. Continuous forms (excluding mailers)
- f. Card Forms, Posters and Folders
- g. Envelopes (Kraft)
- h. Envelopes (Sulphite Commercial, standard size, white and color)
- i. Leaflets
- j. Books (6" × 9" and smaller)
- k. Books (larger than 6" × 9")
- l. Certificates
- m. Mailers
- n. Business Cards (Printed)

2. Each requisition must be accompanied by complete specifications (size, color, and kind of paper, construction, numbering information, etc.) and two original samples or clean layouts. A copy of a sample or a reference to a previous order only will not be acceptable. Agencies are also required to reference the previous requisition number and state the previous vendor that supplied the requested item in order to prevent delays in requesting negatives.

3. In order to minimize waste in obsolete printed materials the following guidelines are to be strictly adhered to by all agencies unless special exemption is granted.

a. Should the printed material contain the agency's name and address it is to be the post office box address only (no street address).

b. Any executives, officers, officials, etc., shall not have their individual names imprinted on the printed material unless required by law or granted special exemption.

4. When preparing a requisition, the agencies must use a

14-digit requisition number (first three digits agency number, next five agency cost center, next five requisition number, final digit will be last number of the fiscal year in which money is to be encumbered).

5. If your requisition does not have all the above information the requisition may be returned to the agency or your order could be delayed until the information is obtained.

F. Delegation of Authority

1. The state director of Purchasing may delegate the purchase of printing to any instrumentality whenever the best interest of the state will be served; however, the delegation of this authority does not preclude the procurement of these items through the Purchasing Section when the state director of Purchasing deems it more desirable or practical to do so.

2. Where unusual problems are encountered, and an agency considers additional delegated authority necessary, an application for this authority may be submitted to the state director of Purchasing, or his designated representative. However, application for such exceptions must be in writing and must present detailed information in support of such request.

3. Authority is delegated to all agencies covered by this Act to purchase the following items without prior approval by the printing office.

a. Agencies have unlimited authority to purchase publications such as textbooks, newspapers, subscription or foreign publications, WHEN PURCHASED DIRECTLY FROM THE PUBLISHER. All files must have documentation that the contractor is the publisher. (Subscription services MUST be bid).

b. Agencies may purchase within their designated purchasing authority and in accordance with proper procurement procedures the following types of items:

- i. blueprints
- ii. plaques, name plates, award pins, etc. (Class 080)
- iii. imprinted novelty items such as pencils, caps, balloons, pot holders, key chains, etc. (Class 080)
- iv. stock item labels - These are pre-printed stock items which are inventoried by suppliers; not custom printed
- v. standard sizes of computer paper which are stock items (check to see if item is available from Division of Administration - Forms Management before bidding). Any requests for customized sizes should be forwarded to the State Purchasing Office.

4. All purchases, whether made by the division or by the agency under the delegated authority provision, shall be made in compliance with R.S. 43 and the Louisiana Procurement Code.

Subchapter C. Suspension

§2705. R.S. 43:31 - Printed Matter Prohibitions; Uniform Standards; Election Material

A. 1. No branch, department, agency, official, employee, or other entity of state government for which a budget has been approved and for which an appropriation has been made or a transfer of funds effected pursuant to law shall print or cause to be printed any bulletin, leaflet, Christmas card, personalized memorandum stationery, or other similar communication, house organ, circular, book, report or similar publication, except those required by law.

2. All printed matter so required shall be effected in a uniform manner as to basic content, size, quality of paper, and use of color as contained in standards to be established by the Division of Administration, the legislative budgetary control council, and the judicial budgetary control council. The Division of Administration, legislative budgetary control council, and the judicial budgetary control council shall be empowered to make such exceptions affecting their respective branch of government

to the provisions of this Subsection as may be in the best interest of the state of Louisiana.

3. In addition, the provisions of this Subsection shall not be construed to prohibit the printing or publication of any printed matter required by any federal law or regulation in order that the state or any department or agency thereof may obtain or receive federal funds, grants, or assistance. The provisions of this Section shall apply to printed matter printed pursuant to any such federal law or regulation to the extent that this Section does not conflict with any such law or regulation.

Explanation [43:31 (A)]

B. Agencies seeking to print public documents not required by state or federal law must send copies, facsimiles, or descriptions of these documents with a detailed justification of need for printing and distributing these documents to their respective undersecretaries.

C. The public document printing requests that pass the undersecretary's screening process shall be sent to Division of Administration, State Purchasing, Box 94095, Baton Rouge, LA 70804-9095 along with a signed copy of the Public Document Printing Request Form (see Exhibit A) for review and forwarding to the commissioner's office for approval. (Note: This does not apply to forms, letterheads, internal memorandums, envelopes, etc.)

D. **Important** - when submitting a printing request to Central Purchasing the following information **must** be included on the requisition:

1. The federal or state law that requires you to print this material;
2. Division of Administration special exception documentation.

§2707. Uniform Standards

A. All printed matter, except documentation in connection with proceedings of the executive, legislative, and judicial branches of state government, printed or caused to be printed by any branch, department, agency, official, employee, or other entity of state government, shall contain the following statement, with required information inserted, printed on the publication adjacent to the identification of the agency responsible for publication:

"This public document was published at a total cost of \$_____. (Number) copies of this public document were published in this (number) printing at a cost of \$_____. The total cost of all printing of this document including reprint is \$_____. This document was published by (name and address of person, firm or corporation or agency which printed the material) to (statement of purpose) under authority of (citation of law requiring publication or of special exception by Division of Administration, the legislative budgetary control council, or the judicial budgetary control council as provided in Subchapter C, §2705.A.). This material was printed in accordance with the standards for printing by state agencies established pursuant to R.S. 43:31." If the printing of the material was not done by a state agency, the above statement shall include the following additional language: "Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes." This statement shall be printed in the same size type as the body copy of the document and shall be set in a box composed of a one-point rule. The provisions of this Subsection shall not apply to printed matter used by the following entities: the Department of Commerce for the purpose of attracting new industry to locate within the state of Louisiana; the Office of Tourism of the Department of Culture, Recreation and Tourism.

relative to new promotional materials; and public colleges and universities, and vocational technical schools.

The following three factors shall be utilized in computing cost data:

1. Preparation of the public document for publication;
2. Printing, including all expenditures for reproduction, whether on bid or in-house;
3. Circulation, including all estimated expenditures for postage and distribution of the public document.

Explanation [43:31 (B) (C)]

B. Printed Matter

1. All printed matter referred to in Subsection A is assumed by the Division of Administration to refer to types of printing material described in R.S. 43:31(A).

2. The required cost statement can be placed on the title page of books. On leaflets, brochures and other publications, it should be placed below the agency name. Preparation of the cost statement is enumerated below:

This public document is published at a total cost of \$ _____ . _____ copies of this public document were published in this _____

printing at a cost of \$ _____. The total

cost of all printings of this document including reprints is \$ _____. This document was

published by _____

_____ to _____

_____ under authority of _____. 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.

a. This figure should reflect a total of the three factors listed in 43:31 (c)

i. preparation cost of the public document for publication;

ii. printing cost, including all expenditures for reproduction, whether acquired through bid or in-house;

iii. circulation cost, including all estimated expenditures for postage and distribution of the public document.

b. Number of copies you are printing in this issue.

c. Number of times exact document has been published. (First, third, or tenth, etc.)

d. This figure should reflect only the printing cost for this printing.

e. This figure should include a total of all factors set forth in 43:31c for all printings. (If this is the first printing the figures for (a) and (c) should be the same. If this is a reprint then this figure should include the total cost for all publications from the beginning, example: total of first, second and third printing). A reprint would be a publication that is reprinted with no changes. Publications that are printed yearly with changes would not be considered a reprint.

f. Printing company name and address or if printed in-

house, then agency's name and address.

g. The reason for publishing this document.

h. The law that authorized you to print or if there is no state or federal law you would get special permission. Then you would state "under special exception by the Division of Administration."

i. To be used if not printed in-house by state agency.

C. The cost statement shall be set in same size type as the body copy and shall be set in a box composed of a one-point rule.

D. If the printed matter is a book, print this statement on the title page and if there is not sufficient space on the title page then it should be printed on the inside front cover.

E. If this document is a single page or a fold down leaflet then the statement should be printed under the agency's name.

F. The Division of Administration assumes that the intent of the Legislature was not to either increase administrative or printing costs with the passage of R.S. 43:31, therefore in computing cost data estimated costs may be used. The estimated costs should include:

1. an estimated portion of the salaries of agency personnel involved in preparing document;

2. printing costs should be given by printer, whether in-house, administrative services, or printing contract on quantity ordered;

3. estimated postage or freight for distribution.

§2709. Election Material

No funds appropriated for printing purposes or otherwise shall be used to urge any elector to vote for or against any candidate or proposition on an election ballot nor shall such funds be used to lobby for or against any proposition or matter having the effect of law being considered by the legislature or any local governing authority. This provision shall not prevent the normal dissemination of factual information relative to a proposition on any election ballot or a proposition or matter having the effect of law being considered by the legislature of any local governing authority.

§2711. Violations

Any administrative head of any branch, department, agency, or entity who violates any provision of this Section and any employee who, without the authorization of his administrative supervisor, violates any provision of this Section shall be personally liable for the cost of any printing in violation of this Section. Any state funds expended on any printing in violation of this Section may be recovered by the state in a civil action instituted by the attorney general or any taxpayer. In addition, any such person who violated the provisions of this Section shall be assessed a fine by the court of not more than \$500.

Subchapter D. Standard Specifications

§2713. State Publications [43:31 (A)(2)]

A. Books, Booklets, Pamphlets, and Brochures

1. Size: 5 1/2" x 8 1/2", 6" x 9", 8 1/2" x 11", or 9" x 12"

2. Paper

a. Text - 50 lb. or 60 lb. white offset, 60 lb. or 70 lb. enamel (gloss and dull)

b. Cover - 65 lb. No. 1 Antique cover (white and standard colors), 65 lb. embossed cover (white and colors), or 65 lb. or 80 lbs. coated covers (white only)

3. Ink

a. Text - one color

b. Cover - one or two color

4. Binding

Saddle, side stitch, perfect bind, etc. on individual basis

5. Copy

Can be typeset composition or camera ready copy.

B. Newsletters, Leaflets, etc.:

1. Size: 8 1/2" x 11", 17" x 11" or 25" x 11"

2. Stock

a. 15 lb. to 20 lb. Bond, (white and color)

b. 50 lb. to 80 lb. offset text, (white and color)

c. 60 lb. to 70 lb. enamel text, gloss and dull (white)

d. 65 lb. cover stock (white and colors)

e. 60 lb. to 80 lb. coated covers (white)

3. Ink

One or two colors (both sides)

4. Fold

Fold to meet agency's need.

5. Copy

Can be typeset composition or camera ready.

C. Agency may select type face and size from those available. Size of type will depend on amount of copy and the number of photographs that will be used in the newsletter, leaflet, etc. Photographs should be held to a limited number.

D. Alteration Requirement Procedures

1. Any document that warrants printing warrants the efforts necessary to present that document to the printer properly compiled, organized, complete, and error free.

2. Since changes made in manuscripts, layout, color, type style, etc., which are all considered alterations are very costly to the state once the printer has begun work, the following guidelines are hereby imposed:

a. Galley Proofs - Any changes made in the galley proof stage that total more than 25 percent of the total original lines set, will require a letter of authorization from the secretary of the department.

b. Page Proofs (Following Galleys) - Any changes made in the page proof stage that total more than 10 percent of the total lines and 25 percent of the total pages, will require a letter of authorization from the secretary of the department.

c. Page Proofs (No Galleys) - Any changes made in the page proof stage that total more than 25 percent of the total lines and 33 percent of the total pages, will require a letter of authorization from the secretary of the department.

d. Blueline Proofs - At this stage it is extremely expensive to make changes. Therefore no changes will be allowed without a letter of authorization from the secretary of the department.

Subchapter E. Distribution

§2715. Distribution of Printed Matter (R.S. 43:32)

A. Except for interagency distribution and distribution otherwise required by law, no state department, agency, or other instrumentality of state government shall distribute any printed materials in excess of 10 pages in length, unless the availability of such printed materials has been announced by written notice stating the title or subject matter of the printed material and that such materials shall be mailed upon receipt of a written request therefor. Such written notice may be mailed to the names on the regular mailing list and to any others deemed by the department, agency, or other instrumentality of state government to be interested parties.

B. The provisions of this Section shall not apply to the distribution of printed material by any public college or university to potential students for recruitment purposes.

§2717. Printed Matter; Missing Children Information (R.S. 43:33)

A. As a public service, each state department and

agency that publishes a periodical of an informational nature that has as its intent public distribution rather than solely internal or interagency distribution is authorized to have published in each issue of such periodical the picture and name of one or more Louisiana children believed to be missing or children from other states believed to be missing in Louisiana. The periodical also may include the toll-free telephone number provided by the National Center for Missing and Exploited Children for the purpose of receiving information related to a missing child or children.

B. 1. Each state department and agency shall identify and provide to the Division of Administration a list of their periodicals that have public distribution and such other department or agency publications that have wide enough circulation to be useful for the purpose of disseminating information about such missing children.

2. The Division of Administration and the office of state police shall develop such policies, rules, and regulations as shall be necessary to implement this Section, including, but not limited to, policies, rules, and regulations concerning the nature and number of department or agency publications that shall be used for this purpose, the number of such missing child identities that may be published in each periodical, and the provision of any other information deemed pertinent to this purpose.

3. The Division of Administration is hereby authorized to consult and coordinate with the National Center for Missing and Exploited Children, any other public, quasi-public, or private organization, or agency, the purpose of which is to provide information and assistance related to missing children, and local law enforcement agencies in order to implement the provisions of this Section.

§2719. Requests for Information

All requests for information shall be directed to Division of Administration, Central Purchasing, State Printing Agent, Box 94095, Baton Rouge, LA 70804-9095. Questions regarding specifications, deliveries, and other matters pertaining to printing jobs shall be submitted directly by the agency to the Division of Administration, Central Purchasing and shall not be handled by the agency through representatives or vendors. The facilities of the printing office are available to any agency, and all requests will be handled promptly.

Interested persons may present their views and comments on this proposed rule in writing to: Marie Townley, Division of Administration, Office of State Purchasing, Box 94095, Baton Rouge, LA 70804-9095.

Brian Kendrick
Commissioner

EXHIBIT A
PUBLIC DOCUMENT PRINTING REQUEST FORM

Requisition Number _____

Name of Agency _____

Mailing Address _____

Quantity _____ Estimated Amount \$ _____

Description of Public Document(s):

Size: _____

Number of pages and/or folds: _____

Paper - Cover: _____

Text: _____

Ink - Cover: _____

Text: _____

Binding: _____

Give a brief statement of why this publication needs to be printed.

I hereby certify that the above public document(s) is (are) essential to the fulfillment of the programs approved for this agency by the Appropriation Act and that funds are available to print this (these) document(s). (Attach copies, facsimiles, or descriptions of the documents along with their justifications). I am, therefore, requesting an exception as provided for in R.S. 43:31(A).

Undersecretary

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

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

The implementation of the revised rule would result in no additional cost to the state or local government units, but will result in savings if properly complied with.

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

There will be 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)

There will be no additional cost to the affected groups: these are updates of current existing rules.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment

Virgie O. LeBlanc
Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Examiners in Dietetics and Nutrition**

Notice is hereby given that the Louisiana State Board of Examiners in Dietetics and Nutrition intends to establish the rules and regulations for operation in accordance with their powers

established in R.S. 37:3081-3093; R.S. 36:259 (U).

A public hearing on the proposed rules will be held on May 6, 1988 at the Board Room, Governor's Office of Elderly Affairs, 4428 Bennington Avenue, Baton Rouge, Louisiana, beginning at 10 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing at said hearing.

Title 46

**PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXIX. Registered Dietitians**

Chapter 1. Dietitians/Nutritionists

§101. Definitions

As used in this Chapter, the following terms and phrases, which have not already been defined in the Practice Act, R.S. 37:3081 through 3093, and R.S. 36:259 (U), shall have the meanings specified.

Act means Dietitian/Nutritionist Practice Act.

Applicant means any person who has applied to the board for a license or permit to engage in the practice of dietetics/nutrition in the state of Louisiana.

Application means a written request directed to and received by the board, upon forms supplied by the board, for a license or provisional license to practice dietetics/nutrition in the state of Louisiana, together with all information, certificate, documents, and other materials required by the board.

Association means the American Dietetic Association (ADA).

Commission on Dietetic Registration (CDR) means the Commission on Dietetic Registration that is a member of the National Commission for health certifying agencies.

Degree means a degree received from a college or university that was regionally accredited through the Council on Post-Secondary Accreditation and the U.S. Department of Education at the time the degree was conferred.

Examination means the examination administered by the Commission on Dietetic Registration. The Board recognizes the examination administered by CDR and the passing score set by CDR as the board's examination.

Louisiana Association means the Louisiana Dietetic Association, an affiliate of the American Dietetic Association (ADA).

Nutritional Assessment means the evaluation of the nutritional needs of individuals and groups based upon appropriate biochemical, anthropometric, physical and dietary data to determine nutrient needs and recommend to the primary health care provider appropriate nutritional intake including enteral and parenteral nutrition regardless of setting, including but not limited to ambulatory settings, hospitals, nursing homes and other extended care facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3081-3093; R.S. 36:259(U).

§103. Qualifications for Licensure

A. Academic Requirements

1. Applicants who are currently registered by CDR are deemed to meet the academic requirements.

2. Other persons applying for licensure must have earned a baccalaureate or post-baccalaureate degree, including a minimum of 24 semester hours from the fields of human nutrition, food and nutrition, dietetics or food systems management, or an equivalent major course of study as may be approved by the board.

3. Applicants who hold a degree in an equivalent major course of study may be required by the board to submit additional substantiating documents as defined herein.

4. Major course of study as approved by the board shall mean one which meets the current academic requirements of the American Dietetic Association.

B. Professional Experience

An applicant for licensure shall submit to the board evidence of having successfully completed a board-approved planned program of relevant professional practice experience, or minimum of nine hundred continuous hours of experience approved by the ADA.

A board pre-approved planned program of professional experience may constitute that experience as defined in this section. The guidelines for qualifying experience and verification prescribed by the board must be followed and are attached. See Appendix A.

C. Examination for Licensure

1. An applicant for licensure shall pass an examination administered by the Commission on Dietetic Registration.

2. Waiver of Examination

a. Persons who provide evidence of current registration with the Commission on Dietetic Registration as registered dietitians may be considered to have met the requirements for licensure.

b. Grandfather Clause

The board may waive the examination and grant a license to persons holding a doctorate degree granted prior to July 1, 1988, in addition to a baccalaureate or higher degree with a major course of study in human nutrition, food and nutrition, dietetics, food systems management or biochemistry from a college or university regionally accredited through the Council on Post-Secondary Accreditation and the U.S. Department of Education. Persons who wish to be licensed under the requirements stated in this grandfather clause must complete licensure procedure within one year of the date legislation went into effect, July 1, 1988.

D. Continuing Education Requirement

The board has established a minimum requirement of 30 continuing education hours that must be completed two years prior to the license application and every two years thereafter, in order to renew the dietitian/nutritionist license.

AUTHORITY NOTE: R.S. 37:3081-3093; R.S. 36:259 (U).

§105. Qualifications for Reciprocity

A. The board may grant a license by endorsement to any person who presents proof of current licensure as a dietitian or nutritionist in another state, District of Columbia, or territory of the United States which requires standards for licensure considered by the board to be equivalent to the requirements for licensure as prescribed in this Chapter.

B. All application materials shall be completed and the reciprocity and license fees shall be paid by the applicant. The board may contact the issuing agency to verify the applicant's status with that agency at the time of application.

AUTHORITY NOTE: R.S. 37:3081-3093; R.S. 36:259(U).

§107. Licensing of Dietitians/Nutritionists Trained in a Foreign Country

Any person who has been trained as a dietitian/nutritionist in a foreign country and who desires to be licensed under the act may make application if the individual:

A. holds a degree from an education program which has been evaluated by an approved credentialing evaluation agency, as equivalent to the baccalaureate or higher degree conferred by universities or colleges regionally accredited by the Council on

Post-Secondary Accreditation and the U.S. Department of Education.

1. Any diploma or other document required to be submitted to the board by a foreign graduate applicant which is not in the English language must be accompanied by a certified translation thereof in English by an approved credentials evaluation service:

B. submits documentary evidence to the board that he has completed a course of professional experience substantially equivalent to that required by the board;

C. any person who desires to be licensed under this section shall also successfully complete the prescribed examination for licensure:

D. demonstrates satisfactory proof of proficiency in the English language:

E. applications for license shall be upon the form and in the manner prescribed by the board, accompanied by the appropriate fees;

F. at the time of making such application, the applicant shall pay the fee prescribed by the board.

AUTHORITY NOTE: R.S. 37:3081-3093; R.S. 36:259(U).

§109. Application for Licensure

A. Application for license or provisional license must be upon the form and in the manner prescribed by the board.

B. Every application shall be typed or written in ink, signed under the penalty of perjury and accompanied by the appropriate nonrefundable application fee and by such evidence, statements or documents showing to the satisfaction of the board that applicant meets requirements of R.S. 37:3086 (A), (B) or (C).

C. Applications are to be submitted to the address designated by the board.

D. Approved applications and all documents filed in support thereof shall be retained by the board.

E. The board will not consider an application as officially submitted until the applicant pays the application fee.

F. The board must receive all required application material at least 120 days prior to the date the applicant wishes to take the examination.

G. The executive secretary will send a notice to an applicant who does not complete the application in a timely manner, listing the additional materials required.

H. The application for a license shall contain such information as the board may reasonably require.

I. The submission of an application for licensing to the board shall constitute and operate as an authorization and consent by the applicant to the board to disclose and release any information or documentation set forth in or submitted with the applicant's application or obtained by the board from other sources as required.

AUTHORITY NOTE: R.S. 37:3081-3093; R.S. 36:259 (U).

§111. Issuance and Renewal of Licensure

The board recognizes two distinct types of licensure. Applicants may be issued a regular license or a provisional license based on compliance with requirements stated in the Dietetic/Nutritionists Practice Act and these regulations. The board shall issue a license to any person who meets the requirements upon payment of the license fee prescribed.

A. Regular License

The board may issue a regular license to any dietitian/nutritionist who qualifies in accordance with the requirements of

R.S. 37:3086 (A), (B) or (C), and who practices in Louisiana, whether resident or non-resident, unless otherwise exempted as stated in R.S. 37:3093 of the Dietetic/Nutritionists Practice Act of 1987 and these regulations. The executive secretary will send each applicant whose credentials have been approved a license.

B. Provisional License

1. A provisional license shall permit the holder to practice only under the direct technical supervision of a licensed dietitian/nutritionist. The board may issue a provisional license to any dietitian/nutritionist who meets either of the following requirements:

a. presents evidence of successful completion of the education requirements of R.S. 37:3086 (B)(1) for licensure, or

b. presents evidence of having successfully completed both academic requirements of the above stated section and evidence of satisfactory completion of a program of experience of not less than 900 hours supervised by a licensed dietitian/nutritionist.

2. The board may issue a provisional license to a person before he has taken the exam prescribed by the board. A provisional license may be issued for a period not exceeding one year and may be renewed from year to year for a period not to exceed five years upon payment of an annual fee and presentation of evidence satisfactory to the board that applicant is meeting the supervision requirements and continuing education requirement of at least 15 hours of continuing education per license year.

C. Supervision of Provisional Licensed Dietitian

1. The purpose of this Section is to set out the nature and scope of the supervision provided for provisional licensed dietitians/nutritionists.

2. To meet initial licensure and license renewal requirements, a provisional licensed dietitian/nutritionist shall be under the direct supervision of a licensed dietitian/nutritionist for at least 80 percent of the hours employed.

D. Upgrading a Provisional License

1. The provisionally licensed dietitian/nutritionist shall submit to the board a properly completed experience documentation form.

2. After review of all application material by the board, the executive secretary shall notify the provisionally licensed dietitian in writing of the eligibility for examination.

3. Following the successful completion of the licensing examination, the provisionally licensed dietitian shall remit an amount equal to the license certificate replacement fee.

4. When the upgrade occurs, the licensee shall be subject to the renewal requirements for a regular licensed dietitian/nutritionist.

E. License Certificates

1. The board shall prepare and provide to each licensee a license certificate and license identification card.

2. Official license certificates shall be signed by the chairman, vice-chairman, and secretary-treasurer and be affixed with the seal of the board.

3. Any license certificate and license identification card issued by the board remains the property of the board and must be surrendered to the board on demand.

4. The license certificate must be displayed in an appropriate and public manner as follows:

a. the license certificate shall be displayed in the primary office of place of employment of the licensee; or

b. in the absence of a primary office or place of employment or when the licensee is employed in multiple locations, the

licensee shall carry a current, board issued license identification card.

5. Neither the licensee nor anyone else shall display a photocopy of a license certificate or carry a photocopy of a license identification card in lieu of the original license certificate or license identification card.

6. Neither the licensee nor anyone else shall make any alteration on a license certificate or license identification card issued by the board.

7. The board shall replace a lost, damaged or destroyed license certificate or ID card upon receipt of a written request from the licensee and payment of the license replacement fee.

8. The board, upon receipt of a written request, shall re-issue a license certificate and/or license identification card in the case of name changes. Requests shall be accompanied by payment of the license replacement fee and appropriate documentation reflecting the change.

F. Abandonment of Application

An applicant shall be deemed to have abandoned the application if the requirements for licensure are not completed within one year of the date on which application is received. An application submitted subsequent to an abandoned application shall be treated as a new application.

G. Disapproved Applications

The board shall disapprove the application if the applicant:

1. has not completed the requirements in Section 3086 of the act including academic and experience requirements;

2. has failed to pass the examination prescribed by the board;

3. has failed to remit any applicable fees;

4. has failed to comply with requests for supporting documentation prescribed by the board;

5. has deliberately presented false information on application documents required by the board to verify applicant's qualifications for licensure;

6. has been convicted of a felony.

H. Renewal of Licensure

1. At least 30 days prior to the expiration date of the license, the licensee shall be sent written notice of the amount of renewal fee due, and a license renewal form which must be returned with the required fee.

2. Licensee's application for renewal must be postmarked prior to the expiration date in order to avoid the late renewal fee. Failure to receive renewal notice shall not be justification for late renewal.

3. The board shall not renew the license of a person who is in violation of the act, or board rules at the time of application for renewal.

4. Licensed Dietitian/Nutritionist

a. Licenses will expire on June 30, of even numbered years, beginning 1990.

b. Applicants receiving an initial license in the last quarter of odd numbered years are not required to renew for the following two-year licensing period.

5. Provisional License

a. Licenses will expire on June 30, of every year.

b. Applicants receiving an initial license in the last quarter of the fiscal year (April, May, June) will not be required to renew for the following one-year licensing period.

6. Continuing Education Requirement for Renewing License

a. For renewal of licensed dietitian/nutritionist license, li-

censees must submit proof of holding current CDR registration or of having completed 30 hours of continuing education certified by the Commission on Dietetic Registration or the board, within the licensure period of two years.

b. For renewal of provisional dietitian/nutritionist license, licensee must submit proof of at least 15 hours of continuing education per license year.

c. Licensees must submit either Summary of Continuing Education on the form prescribed by the board or the CDR registration card.

7. Renewal license identification cards and/or renewal validation documents shall be furnished to each licensee who meets all renewal requirements by the expiration date.

8. The board may provide for the late renewal of a license upon the payment of a late fee within 60 days of the expiration date, July 1, through August 31.

a. If the license has been expired for 60 days or less, the license may be renewed by returning the license renewal form with all appropriate fees and documentation to the board, post-marked on or before the end of the 60-day grace period.

9. A person whose license has expired may not use the title or present or imply that he has the title of "licensed dietitian/nutritionist" or provisional licensed dietitian/nutritionist or any abbreviation or facsimile of these titles.

AUTHORITY NOTE: R.S. 37:3081-3093; R.S. 36:259 (U).

§113. Rules for Professional Conduct

Licensees, under the act shall perform their professional duties using the following Code of Ethics which reflect the ethical principles of the dietetic/nutrition professional and outline obligations of the licensee to self, client, society and the profession.

A. The licensee provides professional service with objectivity and with respect for the unique needs and values of individuals avoiding discrimination and provides sufficient information to enable clients to make informed decisions.

B. The licensee accurately presents professional qualifications and credentials, and does not permit the use of these credentials by an unqualified person.

C. The licensee remains free of conflict of interest and promotes or endorses products in a manner that is neither false nor misleading.

D. The licensee assumes responsibility and accountability for personal competence in practice through continuing education and recognition of the limits of his ability and adherence to accepted standards of practice.

E. The licensee presents substantiated information and interprets controversial information without personal bias recognizing legitimate differences of opinion.

F. The licensee maintains the confidentiality of information.

G. The licensee conducts himself with honesty, integrity and fairness in all aspects of professional life and advertises services in a factual and straightforward manner.

H. The licensee shall not be addicted to or dependent upon alcohol or other habit-forming drugs or be a habitual user of narcotics, barbiturates, amphetamines, hallucinogenics, or other drugs having similar effects upon the competency of the licensee.

I. The licensee shall be responsible for reporting alleged misrepresentation or violation of the act and/or board rules to the board.

AUTHORITY NOTE: R.S. 37:3081-3093; R.S. 36:259 (U).

§115. Denial, Revocation or Suspension of License

A. The board may refuse to issue a license or provisional license, or suspend, revoke or impose probationary conditions and restrictions on the license or provisional license of a person on a finding of any of the causes provided by Section 3090A and B of the Dietitian/Nutritionist Practice Act.

B. When the board has probable cause to believe that a licensee/applicant has violated any part of Section 3090 of the act, the board shall so advise the applicant in writing by certified mail, setting forth the grounds for its finding of probable cause, specifying the sanctions which are mandated or permitted for such conduct by Section 3090 of the act, and provide the licensee/applicant with the opportunity for hearing pursuant to R.S. 49:955-958. Unless waived by the applicant, the board's findings of fact, its conclusions of law under these rules, and its decision as to the sanctions, if any, to be imposed shall be made in writing by certified mail and served upon the applicant.

C. A suspended license shall be subject to expiration and may be renewed as provided in this section, but such renewal shall not entitle the licensee, while the license remains suspended and until he is reinstated, to engage in the licensed activity, or in any other conduct or activity in violation of the order of judgment by which the license was suspended. If a license revoked on disciplinary grounds is reinstated, the licensee, as a condition of reinstatement, shall pay the renewal fee and any late fee that may be applicable.

AUTHORITY NOTE: R.S. 37:3081-3093; R.S. 36:259 (U).

§117. Exemptions

No person shall engage in the practice of dietetics/nutrition in the state of Louisiana unless he has in his possession a current license or provisional license duly issued by the board under the provisions of Chapter 1 of these rules, unless exempted as defined in R.S. 37:3093 of the Act.

AUTHORITY NOTE: R.S. 37:3081-3093; R.S. 36:259 (U).

§119. Fees

In accordance with the provisions of the act, the following fees, where applicable, are payable to the board by check or money order. Fees are nonrefundable, except for the initial license fee, if application is not approved.

Application Fee	\$45
Initial License Fee	45
License Renewal Fee - biennially	60
Provisional License Fee	50
Provisional License Renewal Fee - annually	30
Late Renewal Fee	25
Reciprocity Fee	25
License Replacement Fee	25

Interested persons may submit written comments on these proposed rules to Mary Tonore, Chairman, Louisiana State Board of Examiners in Dietetics and Nutrition, Box 577, Prairieville, LA 70769.

Mary Tonore
Chairman

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

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

The rules are for the initial licensing of Dietitians/Nutritionists in the state of Louisiana. The estimated cost to the State will be \$32,200 for the Fiscal Year 1988-89 (collected from initial license fees) and approximately \$32,000 for the Fiscal Year 1989-90. Renewals are based on a two year period and will not be collected until 1990.

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

The board estimates that it will collect approximately \$58,500 in revenues for the FY 1988-89 and approximately \$7,440 in revenues for the FY 1989-90. These funds will be used for the board's operation and the amounts are based on the initial licensure of approximately 650 professional dietitian/nutritionists.

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

The board estimates that there are between 600 to 800 dietitians/nutritionists in the state of Louisiana that will be required to secure a license as mandated in R.S. 37:3081-3093; R.S. 36:259(U). There will be an initial license fee of \$90 and a biennially renewal fee of \$60 which will be paid by each licensee. Provisional licensees will pay an annual renewal fee of \$30.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

R.S. 37:3081-3093; R.S. 36:259(U), mandates that as of July 1, 1988, any person who represents himself as a dietitian/nutritionist shall have a license to practice in order to protect the health, safety and welfare of the citizens of the state of Louisiana. There is the possibility that some individuals will not meet the qualifications of the Law. The board estimates that there are between 600 to 800 qualified professionals in the state at this time. There is also a provision in the law for "grandfathering" those individuals currently employed as dietitians/nutritionists and classified by the state civil service commission.

Suzanne L. Levey
Executive Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

The Louisiana State Board of Nursing hereby gives notice that the board at its July 21-22, 1988 meeting, intends to adopt revisions to the Standards and Requirements for Educational Programs in Nursing.

Public notification made herein indicates no final approval.

The public is made aware of the proposed changes in compliance with R.S. 49:950 et seq.

**Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLVII. Nurses
Subpart 2. Registered Nurses
Chapter 35. Nursing Educational Programs
§3509. Types of Approval (Amend)**

A. Initial

1. Initial approval is granted to a new program which upon application by the parent institution and after survey and board evaluation, is determined by the board to be eligible to admit students to the nursing educational program. (See §3533)

2. Initial approval shall not be continued for more than two consecutive one-year periods following the nursing program's eligibility to apply for full approval.

B. . . .

C. . . .

§3533. Procedure for Establishing a New Program (Amend)

A-D. . . .

E. Step V

1. Full approval shall be requested after members of the first class of graduates write and receive the results of the first licensing examination. Additionally, an on-site survey shall be requested and, upon presentation of evidence that standards of the board have been met, full approval may be granted to the program.

2. Initial approval shall not be continued for more than two consecutive one-year periods following the nursing program's eligibility to apply for full approval.

Written comments may be addressed to Marjorie M. Luc, R.N., Interim Executive Director, Louisiana State Board of Nursing, 907 Pere Marquette Building, 150 Baronne Street, New Orleans, LA 70112 until 4:30 p.m., on June 30, 1988

Merlyn M. Maillian, R.N.
Executive Director

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

Rule Title: L.A.C. 46:XLVII.3509.A and 3533.E

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

There will be no cost or savings to the state or the Board of Nursing.

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

There will be effect on revenue collections of state or Board of Nursing.

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

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and/or employment.

Marjorie M. Luc
Associate Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

The Louisiana State Board of Nursing hereby gives notice that the board, at its July 21-22, 1988 meeting, intends to adopt revisions to L.A.C.46:XLVII.3361 B; 3361 C; and 3361 H.

Public notification made herein indicates no final approval.

The public is made aware of the proposed changes in compliance with R. S. 49:950 et seq.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLVII. Nurses

Subpart 2. Registered Nurses

Chapter 33. General Rules

§3361. Fees for Registration and Licensure

- B. Renewal of License\$25
- C. Late Renewal of License\$50
- H. Endorsement\$50

Written comments may be addressed to Marjorie M. Luc, RN, Interim Executive Director, Louisiana State Board of Nursing, 907 Pere Marquette Building, 150 Baronne Street, New Orleans, LA 70112 until 4:30 p.m. on June 30, 1988.

Merlyn M. Maillian, RN
Executive Director

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

Rule Title: L.A.C. 46:XLVII.3361 B; 3361 C; and 3361 H

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The only anticipated cost is that which is inherent in the rulemaking procedure.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Revenue collections are expected to increase by approximately \$300,000.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The cost of a license to practice as a registered nurse in Louisiana will increase by \$10 per year and the late renewal fee will increase by \$30 per year.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no expected effect on competition and employment.

Merlyn M. Maillian, RN
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

In accordance with R. S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that under R. S.

37:1178 the Louisiana Board of Pharmacy proposes to update and recodify its regulations.

The rules encompass present regulations with updates, and, in addition, proposes to license out-of-state pharmacies doing business in Louisiana, manufacturers, manufacturer's representatives, and wholesalers in an effort to better ensure against legend drug diversion, enhance information pertaining to drug recalls, and limit legend drug distribution only to authorized persons or corporations.

Interested persons may submit comments to the following: Howard B. Bolton, Executive Director, Louisiana Board of Pharmacy, 5615 Corporate Boulevard, 8-E, Baton Rouge, LA 70808.

A public hearing will be held commencing at 9 a.m., April 22, 1988, in the University Room of the Fairmont Hotel, New Orleans, LA.

Howard B. Bolton
Executive Director

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

**Rule Title: Professional and Occupational Standards
Part LIII. Pharmacists**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This rule will be effective January 1, 1989, and, during the initial implementation in fiscal year 1988-89, it is anticipated that the costs will be \$21,600. The projected costs for fiscal year 1989-90 will be \$10,450.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
During the initial implementation fiscal year 1988-89 and for fiscal year 1989-90, it is anticipated that this proposed rule will increase collections by \$14,750 annually.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Out-of-state pharmacies dispensing prescription drugs and/or devices to patients in Louisiana and pharmaceutical manufacturers and wholesalers manufacturing and/or distributing prescription legend drugs and/or devices in Louisiana will be required to register and pay the appropriate fee.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
It is estimated there will be little or no effect on competition. No effect on employment in Louisiana is expected.

Howard B. Bolton
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

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

Under this rule the Hospital Program is proposing to

freeze inpatient hospital cost per discharge limitations for a one year period. Additionally, this rule imposes a freeze on the per diem limitation applicable to certain special care units. The cost per discharge limitation applies only to inpatient operating costs and does not affect pass-through costs for capital and educational related costs and malpractice costs. Routine and ancillary costs for certain special intensive care units (NICU/PICU/Burn/Transplant) are carved out and reimbursed in accordance with a per diem limitation. Additionally, the provision which permits requests for exceptions to adjust the limitation for changes in case mix and/or other specified circumstances remains as an avenue for incorporating allowable additional costs into the limitation.

The agency has determined that a freeze will not significantly alter reimbursement rates and that the current rates remain reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated providers to provide services in conformity with applicable state and federal laws, regulations, and quality and safety standards. This change is in accordance with 42 CFR 447.250 and 405.463.

Proposed Rule

Effective for cost reporting periods beginning on or after July 1, 1988, the Medical Assistance Program shall amend its reimbursement methodology for inpatient hospital services to provide that the target rate percentage established by the Health Care Financing Administration (HCFA) as an adjustment factor to the cost per discharge limitation and the per diem limitation for certain special care units (NICU/PICU/Burn/Transplant) shall not be applied. Limitations remain the same as that for fiscal years beginning July 1, 1987.

Interested persons may submit written comments to the following address: Howard L. Prejean, Deputy Assistant Secretary, Box 94065, Baton Rouge LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on May 4, 1988 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.

David L. Ramsey
Acting Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Hospital Program Rate Freeze

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

Adoption of this proposed rule will result in a savings of \$1,262,652 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 \$2,997,308 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 prevent rate increases to providers of \$4,259,960 in FY 88/89.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment resulting from this proposed rule.

Howard L. Prejean
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

Currently, monthly drug regimen reviews are performed by pharmacists in both Intermediate Care Facilities (ICF) and Skilled Nursing Facilities (SNF) as required under federal regulations. This rule clarifies that ICF and SNF facilities are required to have monthly drug regimen reviews conducted by pharmacists licensed to practice in the state of Louisiana who have not been prohibited from participation in the Title XIX reimbursement by the state or federal Title XIX agencies.

Proposed Rule

SNF and ICF facilities participating in Title XIX reimbursement shall utilize pharmacists licensed to practice in the state of Louisiana to perform monthly drug regimen reviews. Such pharmacists shall not be subject to any prohibition from participation in Title XIX reimbursement by the state or federal Title XIX agencies.

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

A public hearing on this proposed rule will be held on May 4, 1988 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.

David L. Ramsey
Acting Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Long Term Care Facility Drug Regimen Reviews

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

There is no projected impact resulting from this proposed rule. This rule is not expected to result in any increase in allowable costs for facility administrators. Administrative costs associated with this proposed rule for providing copies

of this change in policy to providers and other interested persons is estimated at \$100.

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

There is no projected impact on revenues resulting from this proposed rule.

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

This rule will help maintain the quality of care now received by patients in long term care facilities. This rule will have no effect on provider reimbursement.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Howard L. Prejean
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

Currently, 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 \$33 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 was adopted through emergency rulemaking in conjunction with a duly declared fiscal emergency pursuant to Act 6 of the First Extraordinary Session, 1988.

Proposed Rule

State FLA-D Payments shall not be 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.

Interested persons may submit written comments to the following address: Howard L. Prejean, Deputy Assistant Secretary, Box 94065, Baton Rouge LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this rule will be held on May 4, 1988 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.

David L. Ramsey
Acting Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Long Term Care Program Eliminate FLA-D Payments

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

Adoption of this proposed rule will result in a savings of: \$216,393 in FY 87/88; \$1,299,767 in FY 88/89; and \$1,338,815 in FY 89/90.

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

Implementation of this proposed rule will reduce federal matching funds by: \$222,919 in FY 87/88; \$1,433,233 in FY 88/89, and \$1,476,277 in FY 89/90.

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: \$439,312 in FY 87/88; \$2,733,000 in FY 88/89; and \$2,815,092 in FY 89/90.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment resulting from this proposed rule.

Howard L. Prejean
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

Current agency policy provides for an application of inflation adjustment factors for nursing home providers of SNF and ICF I and II services. The rate is broken into several components which are inflated annually based on various consumer price indices.

Following reviews of providers' cost reports and audits of facilities conducted during the past fiscal year, the agency has found that the current rate reasonably and adequately meets the costs which must be incurred by efficiently and economically operated providers to provide services in conformity with applicable rates, regulations and quality and safety standards.

This proposed rule will suspend the application of inflation adjustment factors mandated in the reimbursement methodology. This will have the effect of freezing rates at the FY 87/88 levels for FY 88/89.

This rule is allowable under federal regulations set forth in 42 CFR 447.252 - .253 which authorizes the state agency to establish Medicaid Reimbursement rates for long term care services.

Proposed Rule

The Inflation Adjustment Factor for the various base rate components of the SNF, ICF/I, and ICF/II reimbursement

methodology shall be set at zero for the Fiscal Year beginning July 1, 1988 and ending June 30, 1989.

Interested persons may submit written comments to the following address: Howard L. Prejean, Deputy Assistant Secretary, Box 94065, Baton Rouge LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on May 4, 1988 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.

David L. Ramsey
Acting Secretary

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

Rule Title: Long Term Care Program SNF and ICF Rate Freeze

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

Adoption of this proposed rule will result in a savings of: \$2,932,761 in FY 88/89; and \$266,614 in FY 89/90.

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

Implementation of this proposed rule will reduce federal matching funds by: \$6,961,843 in FY 88/89, and \$632,895 in FY 89/90.

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

Implementation of this proposed rule will prevent automatic rate increases to providers of: \$9,894,604 in FY 88/89; and \$899,509 in FY 89/90.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment resulting from this proposed rule.

Howard L. Prejean
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**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.

The Louisiana Maximum Allowable Cost (LMAC) reimbursement regulations currently cover 728 multiple source drugs. As a result of the agency's review of drugs covered under the Pharmacy Program, four drugs have been identified as readily available from multiple sources. Therefore, the Medical Assistance Program is proposing to include these drugs under LMAC regulations. This addition of four drugs to LMAC regulations was adopted effective April 19, 1988 by an emergency rule pub-

lished in the *Louisiana Register*, Vol. 14, No. 4, dated April 20, 1988.

Proposed Rule

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

1. Metaproterenol Sulfate		650 mcg/ml
2. Hydrochlorothiazide/Triameterine	25/50	
3. Nitroglycerine Adh.	Patch	2.5mg
4. Nitroglycerine Adh.	Patch	5mg
5. Nitroglycerine Adh.	Patch	7.5mg
6. Nitroglycerine Adh.	Patch	10mg
7. Nitroglycerine Adh.	Patch	15mg

Interested persons may submit written comments to the following address: Howard L. Prejean, Deputy Assistant Secretary, Box 94065, Baton Rouge LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on May 4, 1988 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.

David L. Ramsey
Acting Secretary

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

Rule Title: Pharmacy Program LMAC Limits Extended

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

Adoption of this proposed rule will result in a savings of: \$13,799 in FY 87/88; \$157,727 in FY 88/89; and \$160,881 in FY 89/90.

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

Implementation of this proposed rule will reduce federal matching funds by: \$29,677 in FY 87/88; \$374,414 in FY 88/89; and \$381,903 in FY 89/90.

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 of: \$43,476 in FY 87/88; \$532,141 in FY 88/89; and \$542,784 in FY 89/90.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment resulting from this proposed rule.

Howard L. Prejean
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

Currently, the Pharmacy Program has no limit on the number of prescriptions which can be reimbursed under Title XIX each month. This proposed rule will limit provision of covered drugs to five prescriptions per recipient per month with exceptions. With prior written approval from a physician, the five prescription cap can be extended under life-threatening circumstances. Under this rule, Pharmacy Providers will only be reimbursed for five prescriptions per recipient monthly unless a physician certifies, in his own handwriting, on the prescription that the medication prescribed is for a life-threatening medical condition. The statement "Life-Threatening Medical Condition" shall be acceptable. However, preprinted statements, check off boxes, stamped statements, etc. shall not be acceptable.

This change in policy is authorized under 42 CFR 440.120 and 440.230.

Proposed Rule

The Medical Assistance Program shall limit the number of prescriptions covered under Title XIX to five per recipient per month. With prior written approval from a physician, the limit of five prescriptions can be extended under life-threatening circumstances. Pharmacy Providers will only be reimbursed for five prescriptions per recipient monthly unless a physician certifies, in his own handwriting, on the prescription that the medication prescribed is for a life-threatening medical condition. The statement "Life-Threatening Medical Condition" shall be acceptable. However, preprinted statements, check off boxes, stamped statements, etc. shall not be acceptable.

Interested persons may submit written comments to the following address: Howard L. Prejean, Deputy Assistant Secretary, Box 94065, Baton Rouge LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule will be held on May 4, 1988 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.

David L. Ramsey
Acting Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Pharmacy Program Prescription Limitation

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

Adoption of this proposed rule will result in a savings of: \$242,269 in FY 88/89; and \$343,873 in FY 89/90.

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

Implementation of this proposed rule will reduce federal matching funds by: \$575,171 in FY 88/89, and \$816,293 in FY 89/90.

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: \$977,983 in FY 88/89; and \$1,160,166 in FY 89/90.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment resulting from this proposed rule.

Howard L. Prejean
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

Currently, program policy provides optional Title XIX coverage of drugs prescribed for recipients with certain limitations. Adoption of a restricted generic drug formulary will provide essential drugs in generic form with limited single source drug availability to assure provision of services within the scope of 42 CFR Part 440, Subpart B. The categories of drugs listed below will be eliminated from coverage under the restricted formulary proposed for adoption.

Mouthwashes and Gargles (Fluoride Treatment)
Vitamins
Anti-Infectives (Topical)
Antihistamines
Muscle Relaxants
Skin and other Mucous Membrane Drugs
Keratolytic Agents
Anti-Anemic Drugs
Antihyperlipidemics
Enzymes, Digestants and Lipotropics
Spasmolytics
Local Anesthetics (EENT)
EENT Vasoconstrictors
Scabicides and Pediculicides
Cephalosporins
Cathartics
Sulfones
Other Anti-Infectives
Other (EENT)
Emetics and Anti-Emetics
Astringents
Acidifying Agents
Expectorants

The generic formulary was developed through study of the availability and usage of drugs in the Louisiana Medical Assistance Program for the purpose of determining reasonable coverage of drugs to allow for the effective and efficient administration of Pharmacy Program services. This formulary has been reviewed by the LSU School of Medicine, the Tulane School of Medicine, and the Northeast School of Pharmacy.

Based upon the recommendations by the above groups and other medical experts, drug products within each therapeutic category covered under Title XIX have been added or deleted from the generic formulary to assure availability of life sustaining and other essential therapeutic categories of drugs within the limited state resources available.

The therapeutic categories of drugs covered under Title XIX are essential to patient care (life-sustaining) and/or those drugs most frequently used and available in patient treatment. The decision to reimburse specific products under the generic formulary was based on the availability of the drug and/or frequency of drug usage in the Medical Assistance Program in conjunction with the availability of expenditures for the effective and efficient administration of Pharmacy Program services.

Under the restricted generic formulary, provision for a physician override is being eliminated. The cost reimbursable in the Medical Assistance Program for any product approved for reimbursement shall not exceed the lower of:

1. the Louisiana Maximum Allowable Cost (LMAC);
2. the Federal Maximum Upper Limit for Multiple Source

Drugs; or

3. the Estimated Acquisition Cost (EAC) of the product dispensed.

The proposed restricted generic drug formulary will list, by generic description, those categories of drugs that will be covered under the drug vendor program. Title XIX providers shall receive advance notification of the specific products which will be authorized for reimbursement. A complete listing of approved products shall be maintained in the Title XIX provider manuals.

The agency shall establish a Louisiana Medicaid Drug Formulary Advisory Committee composed of the following membership to review and recommend drugs for addition or deletion from the restricted formulary. One member shall be from the LSU School of Medicine; one member shall be from the Tulane School of Medicine; one member shall be from the Northeast School of Pharmacy; one member shall be from the Xavier School of Pharmacy; one member shall be a physician who is enrolled and practicing as a Title XIX provider, selected by the Louisiana Medical Society; and one member shall be a pharmacist who is either a Title XIX pharmacy provider or employee, selected by the Louisiana Pharmaceutical Association. Based upon the recommendations by the Formulary Advisory Committee, authorization for reimbursement of drug products within each therapeutic category covered under Title XIX may be granted or revoked following provider notification. Bidding of single source drugs within a therapeutic classification and limiting reimbursement to the successful bidder may be utilized based upon recommendation or approval by the Formulary Advisory Committee. Based upon the recommendations of the Committee, Title XIX coverage of therapeutic categories of drugs may be expanded or reduced through Rulemaking procedures in accordance with R.S. 43:953 et seq.

This change in policy is authorized under 42 CFR 440.120 and 440.230. The Pharmacy Program will begin implementation of the restricted formulary effective June 20, 1988.

Proposed Rule

The Medical Assistance Program shall limit coverage of drugs to the below listed categories:

- Hypotensive Agents
- Cardiac Glycosides
- Vasodilating Agents
- Diuretics

- Other Cardiovascular Drugs
- Anti-Coagulants
- Coagulants
- Antineoplastic Agents
- Other Blood Formation and Coagulants
- Androgens
- Estrogens
- Thyroid and Antithyroid
- Insulins
- Anti-Diabetic Agents (Including Testing Agents and Reusable Insulin Supplies)
- Oral Contraceptives
- Contraceptive Supplies
- Other Contraceptives
- Other Hormones
- Adrenals
- Non-Narcotic Analgesics - Antipyretics
- Narcotics
- Anticonvulsants
- Sedatives and Hypnotics (Phenobarbital)
- Tranquilizers (Major)
- Antidepressants
- Stimulants
- Uricosuric Agents
- Other Psychotherapeutic/Neurological Agents
- Chloramphenicols
- Erthromycins
- Penicillins
- Streptomycins
- Tetracyclines
- Ampicillins
- Sulfonamides
- Urinary Germicides
- Antituberculars
- Plasmodicides
- Anti-Inflammatory Agents
- Anti-Fungal Antibiotics
- Antiparasitics
- Miotics
- Mydriatics
- Anti-Infectives (EENT)
- Anti-Inflammatory Agents (EENT)
- Parasympatholytic Agents
- Anti-Diarrhea Agents
- Other Gastrointestinal Drugs
(For Example: Tagamet, Zantac, Carafate, and/or Pepcid)
- Parasympathomimetic Agents
- Fungicides
- Antipiritics and Local Anesthetics
- Antiasthmatics
- Other Pulmonary Agents
- Alkalinizing Agents
- Sympathomimetics
- Replacement Solutions
- Irrigating Solutions
- Electrolytes
- Unclassified
- Biologicals, Indwelling Catheters, Trays
and Combination Indwelling Catheters and Trays

Specific drug products authorized for reimbursement under each therapeutic category shall be listed by generic name and strength/unit. This list of drug products shall be displayed by

drug name, strength/unit and dosage form in the appropriate Title XIX provider manuals. The strength/unit of a drug is determined by the availability and frequency of use in the Medical Assistance Program of that drug in a particular strength/unit. The dosage form of a drug as listed is an identification of the dosage of a drug in a particular strength/unit.

The cost reimbursable in the Medical Assistance Program for any drug listed in the generic formulary shall not exceed the lower of:

1. the Louisiana Maximum Allowable Cost (LMAC);
2. the Federal Maximum Upper Limit for Multiple Source Drugs; or
3. the Estimated Acquisition Cost (EAC) of the product dispensed.

There shall be no provision for a physician override or coverage of any therapeutic category of drugs not included in the restricted formulary set forth herein. Reimbursement to providers under Title XIX shall be strictly limited to drug products authorized by the agency.

The agency shall establish a Louisiana Medicaid Drug Formulary Committee composed of the following members to review and recommend drugs for addition or deletion from the restricted formulary. One member shall be from the LSU School of Medicine; one member shall be from the Tulane School of Medicine; one member shall be from the Northeast School of Pharmacy; one member shall be from the Xavier School of Pharmacy; one member shall be a physician who is enrolled and practicing as a Title XIX provider, selected by the Louisiana Medical Society; and one member shall be a pharmacist who is either a Title XIX pharmacy provider or employee, selected by the Louisiana Pharmaceutical Association.

Based upon the recommendations by the Formulary Advisory Committee, authorization for reimbursement of drug products within each therapeutic category covered under Title XIX may be granted or revoked following provider notification. Bidding of single source drugs within a therapeutic classification and limiting reimbursement to the successful bidder may be utilized based upon recommendation or approval by the Formulary Advisory Committee. Based upon the recommendations of the committee, Title XIX coverage of therapeutic categories of drugs may be expanded or reduced through rulemaking procedures in accordance with R.S. 43:953 et. seq.

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

A public hearing on this proposed rule will be held on May 4, 1988 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge LA, beginning at 10:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

David L. Ramsey
Acting Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Pharmacy Program Restricted Formulary

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

Adoption of this proposed rule will result in expenditures of \$1,000 in FY 87/88 for printing costs included in the current year appropriation. A savings to the state will occur in subsequent fiscal years of: (\$6,781,733) in FY 88/89; and (\$7,686,199) in FY 89/90.

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

Implementation of this proposed rule will increase federal matching funds for FY 87/88 by \$1,000 and reduce federal matching funds in subsequent fiscal years by: \$16,098,605 in FY 88/89; and \$18,245,646 in FY 89/90.

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

Prescription services for recipients will be limited to only those drugs included in a restricted formulary.

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

The effect on competition and employment resulting from this proposed rule cannot be determined.

Howard L. Prejean
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Human Resources Office of Human Development

Effective June 20, 1988, the Department of Health and Human Resources, Office of Human Development, Division of Rehabilitation Services, will amend its state plan and implement as policy an order of selection to serve the severely disabled as required of state agencies by the Rehabilitation Act of 1973. An emergency rule implementing the order of selection was published in the *Louisiana Register*, March 20, 1988.

In accordance with the *Federal Register*, January 19, 1981, Section 361.36, the following is the order of selection for services under the Division of Rehabilitation Services. In order to assure services to the severely disabled, this agency will only be able to serve clients whose disability falls into Group I of the following three groups. Should funding become available, consideration will be given for services to clients in Groups II and III.

Selection Group I

Severely disabled individuals defined by RSA Disability Codes and Functional Limitations Guidelines contained in the RSA-IM-86-33 which is available for review at all Division of Rehabilitation Services district offices.

Selection Group II

Disabled public safety officers whose handicapping condition arose from a disability sustained in the line of duty while performing as public safety officer and the immediate cause of such disability was a criminal act, apparent criminal act, or a hazardous condition resulting directly from the officer's performance of duties in direct connection with the enforcement, execution, and administration of law or fire prevention, firefighting, or related public safety activities.

Selection Group III

Individuals with non-severe handicaps who do not meet the criteria for severely disabled individuals to include:

- A. civil service employees of the U.S. Government who

are disabled in the line of duty;

B. handicapped native American Indians;

C. all other non-severely disabled persons described in the January 19, 1981 issue of the *Federal Register*, Section 361.36, 361.37, and 361.38 which is available for review at all Division of Rehabilitation Services district offices.

The Louisiana Department of Health and Human Resources will conduct public hearings on this change in May, 1988, in four major metropolitan areas of the state.

Public hearings for implementation of this order of selection are scheduled as follows:

Tuesday, May 3, 1988, in Shreveport, at 10 a.m., State Office Building, Room 711, 1525 Fairfield Avenue, Shreveport, LA.

Wednesday, May 4, 1988, in Alexandria at 10 a.m., First Floor Conference Room, State Office Building, 900 Murray Street, Alexandria, LA.

Thursday May 5, 1988, in Lafayette at 10 a.m., State Office Building, 302 Jefferson Street, Blue Room, First Floor, Lafayette, LA.

Friday, May 6, 1988, in New Orleans at 10 a.m., Magnolia Room—Fourth Floor, Avenue Building, 2026 St. Charles Avenue, New Orleans, LA.

Interested persons may submit written comments on the proposed change prior to May 20, 1988, at the following address: Brenda L. Kelley, Deputy Assistant Secretary, Office of Human Development, Box 44367, Baton Rouge, LA 70804.

David L. Ramsey
Acting Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Order of Selection**

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

No implementation costs/savings to state or local governmental units are anticipated.

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

State colleges/universities and trade/technical schools are expected to have a reduction in revenues of approximately 63% in FY 87 or \$3,994,907.

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

An estimated \$6,447,000 will not be expended on Group II and Group III clients. It is expected that other sources (local, state, federal, private, etc.) may relieve part of this estimated economic burden.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is estimated that a very high percentage of the 6,447 identified clients that fall into Group II and Group III will be affected. In addition to the above, we anticipate that 10,000 clients will be affected over the next two years.

Brenda L. Kelley
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Preventive and Public Health Services proposes to amend Chapter XII (Water Supplies) of the Sanitary Code, state of Louisiana. The proposed rule change would amend Chapter XII to make needed revisions.

This amendment is necessary to allow incorporation of all the new requirements mandated by amendments to the Safe Drinking Water Act (42 U.S.C. 300f et seq.) and subsequent regulations published in the *Federal Register*. Language in the following section of Chapter XII shall be amended to read as follows:

**CHAPTER XII
WATER SUPPLIES**

12:001 Definitions

Unless otherwise specifically provided herein, the following words and terms used in this Chapter of the Sanitary Code, and all other Chapters which are adopted or may be adopted, are defined for the purposes thereof as follows:

ABANDONED WELL is a water well that has been permanently discontinued; has had its pumping equipment permanently removed; is in such a state of disrepair that it cannot be used to supply water and/or has the potential for transmitting surface contaminants into the aquifer; poses potential health or safety hazards or the well is in such a condition that it cannot be placed in service.

AUXILIARY INTAKE is any piping connection or other device whereby water may be secured from a source other than that normally used.

BACKFLOW is (1) a flow condition, induced by a differential pressure, that causes the flow of water or other liquid into the distribution pipes of a potable water supply from any source or sources other than its intended source, (2) the backing up of water through a conduit or channel in the direction opposite to normal flow.

BACKFLOW PREVENTER is a device for a potable water supply pipe to prevent the backflow of water of questionable quality into the potable water supply system.

BACK SIPHONAGE is a form of backflow caused by negative or subatmospheric pressure within a water system.

BOIL NOTICE is an official order authorized by the state health officer or the state sanitary engineer to the owner/users of a specific water supply, directing that water from that supply be boiled according to directions, or otherwise disinfected prior to human consumption.

BY-PASS is any system of piping or other arrangement whereby the water may be diverted around any part or portion of a water supply or treatment facility.

COMMITTEE OF CERTIFICATION is the committee, created by Act 538 of 1972, responsible for certification of water-works operators and sewerage works operators.

COMMUNITY WATER SUPPLY is a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

CROSS CONNECTION is (1) a physical connection through which a supply of potable water could be contaminated or polluted, (2) a connection between a supervised potable water supply and an unsupervised supply of unknown potability.

DRAIN is any pipe which carries waste water or water-

borne waste in a building drainage system.

DRAINAGE SYSTEM (drainage piping) includes all the piping within public or private premises, which conveys sewage, rain water, or other liquid wastes to a point of disposal, but does not include the mains of a public sewer system or a private or public sewage treatment plant.

GROUND WATER is subsurface water occupying the saturation zone from which wells and springs are fed. In a strict sense the term applies only to water below the water table.

INTERCONNECTION is a physical connection between two water supply systems.

MAXIMUM CONTAMINANT LEVEL (MCL) is the highest permissible concentration of a substance allowed in drinking water as established by the U.S. Environmental Protection Agency.

NATIONAL PRIMARY DRINKING WATER REGULATIONS are regulations (40 CFR Parts 141 and 142) promulgated by the U. S. Environmental Protection Agency pursuant to applicable provisions of P.L. 99-339, the "Safe Drinking Water Act," and as published in the *Federal Register* of December 24, 1975, pages 59,566 through 59,574; July 9, 1976, pages 28,402 through 28,409; November 29, 1979, pages 68,624 through 68,707; March 11, 1980, pages 15,542 through 15,547; August 27, 1980, pages 57,332 through 57,357; March 12, 1982, pages 10,998 through 10,999; April 2, 1986, pages 11,396 through 11,412; July 8, 1987, pages 25,690 through 25,717; and October 28, 1987, pages 41,534 through 41,550.

NATIONAL SECONDARY DRINKING WATER REGULATIONS are regulations (40 CFR Part 143) promulgated by the U. S. Environmental Protection Agency pursuant to applicable provisions of P.L. 99-339, the "Safe Drinking Water Act," and as published in the *Federal Register* of July 19, 1979, pages 42,195 through 42,202 and April 2, 1986, page 11,412.

NON-COMMUNITY WATER SUPPLY is a public water system that is not a community water supply.

NON-TRANSIENT NON-COMMUNITY WATER SUPPLY is a public water system that is not a community system and regularly serves at least 25 of the same persons over six months per year.

OPERATOR is the individual, as determined by the Committee of Certification, in attendance onsite of a water supply system and whose performance, judgment and direction affects either the safety, sanitary quality or quantity of water treated or delivered.

PERMIT is a written document issued by the state health officer which authorizes construction and operation of a new water supply or a modification of any existing supply.

POTABLE WATER is water having bacteriological, physical and chemical qualities that make it safe and suitable for use by people for drinking, cooking or washing.

POTABLE WATER SUPPLY is a source of potable water, and the appurtenances that make it available for use.

PRIVATE WATER SUPPLY is a potable water supply principally used by the occupants of a single family dwelling.

PUBLIC WATER SUPPLY is one which is available for potable use by the public. (See definition of community and non-community water supplies).

RESERVOIR is a natural or artificial lake or impoundment for storage of water (either raw or treated) used or proposed to be used for potable purposes.

SANITARY WELL SEAL is a suitable threaded, flanged, or welded water-tight cap or compression seal installed at the top of the well casing so as to prevent the entrance of contaminated

water or other objectionable material into the well.

SOURCE OF WATER SUPPLY shall mean any well, spring, cistern, infiltration gallery, stream, reservoir, pond, or lake from which, by any means, water is taken either temporarily or continuously for potable use.

SURFACE WATER is derived from water sources on the surface of the earth such as streams, ponds, lakes, or reservoirs.

TEN-STATE STANDARDS is the *Recommended Standards for Water Works* (1982 Edition)* or *Recommended Standards for Sewage Works* (1978 Edition)* promulgated by the Great Lakes and Upper Mississippi River Board of State Sanitary Engineers and any modifications and additions to these standards which the state health officer may establish.

*Published by: Health Education Service, Box 7126, Albany, New York 12224

VACUUM BREAKER is a device for relieving a vacuum or partial vacuum formed in a pipeline, thereby preventing back siphonage.

WATER WELL (WELL) is an artificial excavation that derives water from the interstices of the rocks or soil which it penetrates.

12:002-1 General Requirements

Every potable water supply which is hereafter constructed, or reconstructed, or every existing water supply which the state health officer determines is unsafe, shall be made to comply with the requirements of the Code.

12:002-2 Permit Requirements

No public water supply shall be hereafter constructed, operated or modified to the extent that the capacity, hydraulic conditions, functioning of treatment processes, or the quality of finished water is affected, without, and except in accordance with, a permit from the state health officer. No public water supply shall be constructed or modified to the extent mentioned above except in accordance with the plans and specifications for the installation which have been approved, in advance, as a part of a permit issued by the state health officer prior to the start of construction or modification. Detailed plans and specifications for the installation for which a permit is requested shall be submitted by the person having responsible charge of a municipally owned public water supply or by the owner of a privately owned public water supply. The review and approval of plans and specifications submitted for issuance of a permit, will be made in accordance with the "Ten-State Standards".

12:002-3

Permits issued, and approvals of plans and specifications granted prior to the effective date of this Code shall remain in effect as they pertain to the design of the supply unless the revision of such is determined necessary by the state health officer.

12:002-4

Water supplied for potable purposes shall be:

- a. obtained from a source free from pollution; or
- b. obtained from a source adequately protected by natural agencies from the effects of pollution; or
- c. adequately protected by artificial treatment.

12:002-5 Water Quality Standards

Each public water supply shall comply with the maximum contaminant levels prescribed in the National Primary Drinking Water Regulations, Subparts A and B, Paragraphs 141.1 through 141.16. The state health officer, upon determining that a risk to human health may exist, reserves the right to limit exposure to any other contaminant. Further, each public water supply should comply with the National Secondary Drinking Water Regulations, Paragraph 143.3. Treatment to remove objectionable

characteristics shall be approved by the state health officer. Each public water supply shall comply with the monitoring and analytical requirements specified in the National Primary Drinking Water Regulations, Subpart C, Paragraphs 141.21 through 141.30.

12:002-6

Upon determination that a public water supply is not in compliance with the maximum contaminant levels or treatment technique requirements of the National Primary Drinking Water Regulations, variances and/or exemptions may be issued by the state health officer in accord with §§ 1415 and 1416 of the Safe Drinking Water Act, P.L. 99-339. Upon receipt of a variance and/or exemption, the owners of the public water supply shall appraise their supply and submit within 180 days compliance and implementation schedules to correct the noncompliance for which the variance and/or exemption was issued. Such compliance and implementation schedule when approved by the state health officer shall be executed in accord therewith.

12:003-1 Responsibility of Owner

It shall be the duty of the mayor, or the person having responsible charge of a municipally-owned water supply, or the proper officer of corporations, partnerships, or individual owning a public water supply, to take all measures and precautions which are necessary to secure and ensure compliance with this Chapter of the Code, and such persons shall be held primarily responsible for the execution and compliance with regulations of this Code. A printed copy of this Chapter of the Code shall be kept permanently posted in the office used by the authority owning or having charge of a public water supply.

12:003-2 Plant Supervision and Control

All public water supplies shall be under the supervision and control of a competent operator. The operator of public water supplies serving more than 500 persons shall be certified as per requirements of the State Operator Certification Act, Act 538 of 1972, as amended (LSA - R. S. 40:1141-1151).

12:003-3 Records

Complete daily records of the operation of water treatment plants, including reports of laboratory control tests, shall be kept for a period of two years on forms approved by the state health officer. Copies of these records shall be provided to the office designated by the state health officer within 10 days following the end of each calendar month.

12:003-4 Public Notification

If a public water system fails to comply with an applicable maximum contaminant level as prescribed by Section 12:002-5 of this Code or fails to comply with the requirements of any schedule prescribed pursuant to a variance or exemption, or fails to perform any monitoring required by this Code, the supplier of water shall notify persons served by the system of the failure in a manner prescribed in Paragraph 141.32 of Subpart D of the National Primary Drinking Water Regulations. The water supply, within 10 days subsequent to the completion of each public notification required pursuant to Paragraph 141.32, shall submit to the state health officer a representative copy of each type of notice distributed, published, posted and/or made available to the persons served by the supply and/or to the news media. Each public water supply will give appropriate public notice in regard to lead in drinking water as specified in Paragraph 141.34.

12:003-5 Security

All public water supply wells, treatment units, tanks, etc., shall be located inside a fenced area that is capable of being locked; said areas shall be locked when unattended. The fence shall be resistant to climbing and at least six feet high.

12:004-1 Turbidity Monitoring

All public water supplies (community or non-community) utilizing surface water sources in whole or in part for production of water to be used for potable purposes shall measure at a representative entry point(s) into the distribution system the turbidity of the treated water daily. The turbidity measurement shall be made by the Nephelometric Method in accordance with the recommendations set forth in *Standard Methods for Examination of Water and Wastewater*, American Public Health Association, 14th Edition, pp. 132-134; or *Methods of Chemical Analysis of Water and Wastes*, EPA Environmental Monitoring and Support Laboratory, March 1979, Method 180.1. Each month a copy of these daily turbidity measurements shall be submitted to the office designated by the state health officer within 10 days following the end of each calendar month. The turbidity level shall not exceed one nephelometric turbidity unit (NTU) as a monthly average or five NTU's as an average for two consecutive days. If the state health officer determines that a reduced sampling frequency in a non-community supply will not pose a risk to public health, the required sampling frequency may be reduced.

12:004-2

If the result of a turbidity analysis indicates that the maximum contaminant level (MCL) has been exceeded, the sampling and measurement shall be confirmed by resampling as soon as practicable and preferably within one hour. If the repeat sample confirms that the MCL has been exceeded, the water supplier shall report to the state health officer within 48 hours. The repeat sample shall be the sample used for the purpose of calculating the monthly average. If the monthly average of the daily sample exceeds the MCL, or if the average of two samples taken on consecutive days exceeds five NTU, the supplier of water shall report such to the state health officer within 48 hours after learning of these results and notify the public as directed in Section 12:003-4 of this Code.

12:005 Reporting Changes in Public Water Supplies

No person owning, or having by law the management control of any public water supply, shall take or cause to be taken for use for potable purposes, water from any auxiliary source other than a source or sources of water approved by the state health officer, or shall make any change whatsoever which may affect the sanitary quality of such water supply, without first having notified the state health officer. Also, any violation of the National Primary Drinking Water Regulations shall be reported to the state health officer within 48 hours after learning of any violation.

12:006

Unassigned.

12:007 Treatment Chemicals

Chemicals used in the treatment of water to be used for potable purposes shall either meet the standards of the American Water Works Association or meet the guidelines for potable water applications established by the U. S. Environmental Protection Agency.

12:008-1 Ground Water Supplies

All potable ground water supplies shall comply with the following requirements:

12:008-2 Exclusion of Surface Water from Site

The ground surface within a safe horizontal distance of the source in all directions shall not be subject to flooding (as defined in footnote 4 of 12:008-3) and shall be so graded and drained as to facilitate the rapid removal of surface water. This horizontal distance shall in no case be less than 50' for potable

water supplies.

12:008-3 Distances to Sources of Contamination

Every potable water well, and the immediate appurtenances thereto that comprise the well, shall be located at a safe distance from all possible sources of contamination, including but not limited to, privies, cesspools, septic tanks, subsurface tile systems, sewers, drains, barnyards and pits below the ground surface. The horizontal distance from any such possible source of pollution shall be as great as possible, but in no case less than the following minimum distances, except as otherwise approved by the state health officer:

SOURCE	DISTANCE IN FEET	
Septic tanks	50	
Storm or sanitary sewer	50	1/
Cesspools, outdoor privies, oxidation ponds, subsurface absorption fields, pits, mechanical sewage treatment plants, etc.	100	2/
Another water-well	25	3/
Sanitary landfills, feed lots, manure piles, solidwaste dumps and similar installations	100	
Drainage canal, ditch or stream	50	4/

1/ This distance may be reduced to 30 feet if the sewer is of cast iron with leaded joints or Schedule 40 plastic pipe with water-tight joints.

2/ For a private water well this distance may be reduced to 50 feet.

3/ This minimum distance requirement does not take into consideration the effects of interference from pumping nearby wells in the same aquifer.

4/ Horizontally measured from the water's edge to the well at the highest water level which may have occurred in a 10-year period.

12:008-4 Leakage from Toilets and Sewers

No toilet, sewer, soil pipe or drain shall be located above or where leakage therefrom can reach any water storage basin, reservoir or source of water supply.

12:008-5 Pits Near Water Supply

There shall be no unauthorized pits or unfilled spaces below level of ground surface, any part of which is within fifty feet of such water supply, except properly constructed well, pump, or valve pits as covered under Section 12:009-5 of this Chapter.

12:008-6 Satisfactory Earth Formation Above The Water Bearing Stratum

The earth formations above the water-bearing stratum shall be of such character and depth as to exclude contamination of the source of supply by seepage from the surface of the ground.

12:008-7 Minimum Depth of Casings and Curbing

All well and spring basin casings or curbing shall extend a safe distance below the ground surface. The minimum depth of casings or curbing shall not be less than 50 feet in the case of public water supplies and not less than 10 feet in the case of private water supplies.

12:008-8 Height of Casings and Curbing

In wells with pipe casings, the casings shall project at least 12 inches above ground level or the top of the cover or floor, and the cover or floor shall slope away from the well casing or suction pipe in all directions. Dug well linings shall extend at least 12 inches above the ground surface and cover installed thereon.

The cover shall be watertight, and its edges shall overlap and extend downward at least two inches over the walls or curbing of such wells. In flood-prone areas the top of the casing shall be at least two feet above the highest flood level which may have occurred in a 10-year period, but in no case less than two feet above the ground surface.

12:008-9 Grouting

The annular space between the well casing and the bore hole shall be sealed with cement-bentonite slurry or neat cement. Community public supply wells shall be cemented to their full depth from the top of the producing aquifer to the ground surface; non-community public supply wells shall be cemented from a minimum depth of 50 feet to the ground surface; and private supply wells shall be cemented from a minimum depth of 10 feet to the ground surface.

12:008-10 Cover or Floors

Every dug well, spring, or other structure used as a source of potable water, or for the storage of potable water, shall be provided with a watertight cover. Covers and every pump room floor shall be constructed of concrete or similar impervious material, and shall be elevated above the adjacent ground level and sloped to facilitate the rapid removal of water so as to provide drainage from the cover or floor and prevent contamination of the water supply. Such cover or floor shall be constructed so that there are no copings, parapets, or other features which may prevent proper drainage, or by which water can be held on the cover. Concrete floors or cover slabs shall be of such thickness and so reinforced as to carry the load which may be imposed upon it, but in no case less than four inches thick.

12:008-11 Potable Water Well Seals and Covers

Every potable water well shall be provided with a watertight sanitary well seal at the top of the casing or pipe sleeve. For wells with solid pedestal foundations, the well casing shall project at least one inch above the level of the foundation, and a seal between the well casing and the opening in the pump base plate shall be used to effectively seal the base plate to the well casing.

12:008-12 Potable Water Well Casing Vents

All potable water well casings shall be vented to atmosphere as provided in Section 12:008-13 of this Code, with the exception that no vent will be required when single-pipe jet pumps are used.

12:008-13 Potable Water Well Vents

All potable water well vents shall be so constructed and installed as to prevent the entrance of contamination. All vent openings shall be piped watertight to a point not less than 24 inches above the highest flood level which may have occurred in a 10-year period, but in no case less than 24 inches above the ground surface. Such vent openings and extensions thereof shall be not less than one-half inch in diameter, with extension pipe firmly attached thereto. The openings of the vent pipes shall face downward and shall be screened to prevent the entrance of foreign matter.

12:008-14 Manholes

Manholes may be provided on dug wells, reservoirs, tanks, and other similar water supply structures. Every such manhole shall be fitted with a watertight collar or frame having edges which project at least two inches above the level of the surrounding surface, and shall be provided with a solid watertight cover having edges which overlap and project downward at least two inches around the outside of the frame. The cover shall be kept locked at all times, except when it is necessary to open the manhole.

12:008-15 Well Construction Standards

All wells constructed to serve a potable water supply shall be constructed in accordance with "Water Well Rules, Regulations, and Standards" (November 1985 Edition) promulgated by the Louisiana Office of Public Works, Department of Transportation and Development under provisions of State Act 535 of 1972 (R. S. 38:3091 et. seq.) and the regulations promulgated thereunder and appearing in the *Louisiana Register*. Drillers of wells to serve a potable water supply will comply with the requirements for licensing of water well drillers under State Act No. 715 of 1980 (R.S. 38:2226, 38:3098-3098.8) which is administered by the Louisiana Office of Public Works.

12:008-16 Sampling Tap

All public supply wells shall be provided with a readily accessible faucet or tap on the well discharge line at the well for the collection of water samples. The faucet or tap shall be of the smooth nozzle type, shall be upstream of the well discharge line check valve and shall terminate in a downward direction.

12:008-17 Disinfection of Wells

All new wells or existing wells on which repair work has been done shall be disinfected before being put into use as prescribed in Section 12:020-2 of this Chapter.

12:009-1 Construction and Installation of Pumps

All water pumps shall be so constructed and installed as to prevent contamination of the water supply.

12:009-2 Hand Pump Head and Base

Every hand-operated pump shall have the pump head closed by a stuffing box or other suitable device to exclude contamination from the water chamber. The pump base shall be of solid one-piece recessed type of sufficient diameter and depth to admit the well casing as hereinafter provided. The top of the casing or sleeve of every well, equipped with such a pump, shall project into the base of the pump at least one inch above the bottom thereof and shall extend 12 inches above the level of the platform, well cover, or pump room floor on which the pump rests. The pump shall be fastened to the casing or sleeve. The pumps shall be of the self-priming type.

12:009-3 Power Pump

Where pumps or pump motors are placed directly over the well, the pump or motor shall be supported on a base provided therefor. The well casing shall not be used to support pump or motor. This requirement shall not apply to submersible pumps/motors and single-pipe jet pumps/motors. The pump or motor housing shall have a solid watertight metal base without openings to form a cover for the well, recessed to admit the well casing or pump suction. The well casing or pump suction shall project into the base at least one inch above the bottom thereof, and at least one inch above the level of the foundation on which the pump rests. The well casing shall project at least 12 inches above ground level or the top of the floor.

12:009-4

Where power pumps are not placed directly over the well, the well casing shall extend at least twelve inches above the floor of the pump house. In flood-prone areas the top of the casing shall extend at least two feet above the highest flood level which may have occurred in a 10-year period, but in no case less than two feet above the ground surface. The annular space between the well casing and the suction pipe shall be closed by a sanitary well seal to prevent the entrance of contamination.

12:009-5 Well, Pump, Valve, and Pipe Pits

No well head, well casing, pump, or pumping machinery shall be located in any pit, room, or space extending below ground level, or in any room or space above the ground which is

walled in or otherwise enclosed so that it does not have drainage by gravity to the surface of the ground, except in accordance with design approved by the state health officer, provided, that this shall not apply to a dug well properly constructed as herein prescribed.

12:009-6 Pump House

All pump houses shall be properly constructed to prevent flooding, and shall be provided with floor drainage.

12:009-7 Lubrication of Pump Bearings

Well pump bearings shall be lubricated with oil of a safe, sanitary quality or potable water.

12:009-8 Priming of Power Pumps

Power pumps requiring priming shall be primed only with potable water.

12:009-9 Priming of Hand Pumps

Hand-operated pumps shall have cylinders submerged so that priming shall not be necessary. No pail and rope, bailer, or chain-bucket systems shall be used.

12:009-10 Airlift Systems

The air compressor and appurtenances for any airlift system or mechanical aerating apparatus used in connection with a potable ground water supply shall be installed and operated in accordance with plans and specifications that have been approved as part of a permit issued by the state health officer.

12:010 Well Abandonment

Abandoned water wells and well holes shall be plugged in accordance with *Water Well Rules, Regulations, and Standards* (November 1985 Edition) promulgated by the Louisiana Office of Public Works, Department of Transportation and Development, under provisions of R.S. 38:3091 et seq. and the regulations promulgated thereunder and appearing in the *Louisiana Register*.

12:011-1 Reservoir Sanitation

The state health officer may designate any water body, or a part of any water body, as a reservoir, where, in its use as a water source for public water supply, the control of other uses of the water body, or designated part of the water body, and its watershed, is necessary to protect public health.

12:011-2

No cesspool, privy or other place for the deposit or storage of human excrement shall be located within 50 feet of the high water mark of any reservoir, stream, brook, or other watercourse flowing into any reservoir, and no place of this character shall be located within 250 feet of the high water mark of any reservoir or watercourse as above mentioned, unless such receptacle is so constructed that no portion of the contents can escape or be washed into the reservoir or watercourse.

12:011-3

No stable, pigpen, chicken house or other structure where the excrement of animals or fowls is allowed to accumulate, shall be located within 50 feet of the high water mark of any reservoir or watercourse as above mentioned, and no structure of this character shall be located within 250 feet of the high water mark of such waters unless provision is made for preventing manure or other polluting materials from flowing or being washed into such waters.

12:011-4

Boating, fishing, water skiing and swimming on any reservoir or watercourse as above mentioned shall be prohibited, or otherwise restricted by the state health officer, when it has been determined that the public served by the public water supply using the reservoir as a water source is exposed to a health hazard, and that such prohibitions or restrictions are therefore neces-

sary. In any case, the aforementioned activities shall be prohibited within one hundred feet of the water intake point of the public water supply.

12:011-5 Industrial Wastes

No industrial waste which may cause objectionable changes in the quality of water used as a source of a public water supply shall be discharged into any lake, pond, reservoir, stream, underground water stratum, or into any place from which the waste may flow, or be carried into a source of public water supply. (Note: This was formerly numbered 12:024).

12:012-1 Distribution

All potable water distribution systems shall be designed, constructed, and maintained so as to prevent leakage of water due to defective materials, improper jointing, corrosion, settling, impacts, freezing, or other causes. Valves and blow-offs shall be provided so that necessary repairs can be made with a minimum interruption of service.

12:012-2

All installations of, or repairs to, public water systems or residential and non-residential plumbing facilities that provide drinking water and which are connected to a public water supply shall be made using lead free piping, solder and flux. The only exception to this general requirement is that leaded joints necessary for the repair of cast iron pipes may be allowed. For these purposes, lead free, when used with respect to solder and flux, refers to solder and flux containing not more than 0.2 percent lead. Additionally, when used with respect to pipes and fittings, lead free refers to pipes and fittings containing not more than 8.0 percent lead.

12:012-3

Where pumps are used to draw water from a water supply distribution system or are placed in a system to increase the line pressure, provision must be made to limit the pressure on the suction side of the pump to not less than 15 pounds per square inch gauge. Where the use of automatic pressure cut-offs is not possible, such pumps must draw water from a tank, supplied with water from a water distribution system through an air gap as per Chapter 14 of this Code.

12:012-4

All public water supplies shall be operated and maintained to provide a minimum positive pressure of 15 pounds per square inch gauge at all service connections at all times.

12:013-1 Storage

All cisterns and storage tanks shall be of watertight construction and made of concrete, steel or other materials approved for this purpose by the state health officer. When located wholly or partly below ground, such storage basins shall be of corrosion resistant materials.

12:013-2

Cisterns used for potable water shall be provided with a rain water cut-off, suitable to deflect the first washings of the roof and prevent contamination of the water. Cisterns shall be tightly covered, and screened with 18-mesh wire screen.

12:013-3 Vent Openings

Any vent, overflow, or water level control gauge provided on tanks or other structures containing water for any potable water supply shall be constructed so as to prevent the entrance of birds, insects, dust or other contaminating material. Openings or vents shall face downward and shall be not less than two feet above the floor of a pump room, the roof or cover of a tank, the ground surface or the surface of other water supply structures.

12:013-4 Coatings

Paints or other materials used in the coating of the interior of cisterns, tanks or other containers in which potable water is processed or stored shall be nontoxic to humans and shall be of such composition that the palatability of the water stored or processed shall not be adversely affected. The "Standard for Painting Steel Water Storage Tanks" (AWWA D102-78) published by the American Water Works Association shall be complied with. Determination of acceptability of coatings for potable water applications by the U. S. Environmental Protection Agency may be considered evidence of compliance with this Section. The AWWA Standard can be obtained from the American Water Works Association, 6666 W. Quincy Ave., Denver, CO. 80235.

12:014-1 Protection of Suction Pipes

All subsurface suction piping, such as that leading from detached wells or reservoirs, shall be protected against the entrance of contamination.

12:014-2

Valve boxes shall be provided for valves on buried suction lines. Every such valve box shall project at least six inches above the floor if in a room or building, and at least 12 inches above the ground if not enclosed in a building. The top of the box shall be provided with a cover with overlapping edges.

12:015 Separation of Water Mains and Sewer Mains

Sewer and water mains shall be laid in separate trenches not less than six feet apart horizontally, when installed in parallel. Crossing water and sewer mains shall have a minimum vertical separation of 18 inches. In cases where it is not possible to maintain a six foot horizontal separation, the state health officer may allow a waiver of this requirement on a case by case basis if supported by data from the design engineer.

12:016-1 Cross Connections

There shall be no physical connection between a public water supply and any other water supply which is not of equal sanitary quality and under an equal degree of official supervision; and there shall be no connection or arrangement by which unsafe water may enter a public water supply system.

12:016-2

Water from any potable water supply complying with these requirements may be supplied to any other system containing water of questionable quality only by means of an independent line discharging not less than a distance equal to two times the pipe diameter or two inches, whichever is greater, above the overflow level of storage units open to atmospheric pressure or by other methods approved by the state health officer.

12:017 Connection with Unsafe Water Sources Forbidden

There shall be no cross-connection, auxiliary intake, bypass, inter-connection or other arrangement, including overhead leakage, whereby water from a source that does not comply with these regulations may be discharged or drawn into any potable water supply which does comply with these requirements. The use of valves, including check or back pressure valves, is not considered protection against return flow, or back-siphonage, or for the prevention of flow of water from an unapproved source into an approved system.

12:018 Connection to Public Water Supply

All inhabited premises and buildings located within 300 feet of an approved public water supply shall be connected with such supply, provided that the property owner is legally entitled to make such a connection. The state health officer may grant

permission to use water from some other source.

12:019 Protection During Construction

All potable water supplies which are hereafter constructed, reconstructed, or extensively altered shall be protected to prevent contamination of the source during construction.

12:020-1 Disinfection of Potable Water Supply Systems

Pipes, pumps, and other parts of water supply systems shall be disinfected when deemed necessary by the state health officer.

12:020-2 Disinfection of New Water Supplies

Pumps, pipes, wells, tanks and other parts of new systems shall be thoroughly disinfected by the use of chlorine or chlorine compounds before being placed in use. The rate of application of chlorine shall be in such proportion to the rate of water entering the pipe or other appurtenances that the chlorine dose applied to the water shall be at least 50 mg/1. Chlorinated water shall be retained long enough to destroy non-spore-forming bacteria. The period shall be at least three hours and preferably longer, as may be directed. After the chlorine treated water has been retained for the required time, the chlorine residual at pipe extremities and at other representative points shall be at least 5 mg/1. If the residual is less than 5 mg/1, the disinfection procedure shall be repeated until a 5 mg/1 residual is obtained, as required above.

12:020-3

Large storage tanks may be disinfected by washing down the interior of the tank with a chlorine solution having at least 200 mg/1 available chlorine and then washing the interior of the tank with potable water and wasting the wash water.

12:020-4

Water from new systems, or from new parts of existing systems, shall not be furnished for consumer's use until tests performed by a laboratory which is certified by the state health officer have shown the new system or new part of the system to be free from contamination by coliform bacteria (following procedures prescribed in *Standard Methods for the Examination of Water and Wastewater*, Fourteenth Edition). Samples shall not be collected from the new facilities until such new facilities have been disinfected as prescribed in Section 12:020-2 above, and the chlorinated water thoroughly flushed from the system.

12:021-1 Disinfection of Contaminated Potable Water Supplies

Potable water supply systems that are found to be contaminated shall be chlorinated as directed by the state health officer until the cause of the contamination has been corrected.

12:021-2 Routine, Continuous Disinfection

Routine, continuous disinfection may be required by the state health officer where the water is of questionable bacteriological quality or there is a potential for contamination. All potable water derived from surface waters shall be disinfected before public use. All potable water supplies derived from ground water shall be continuously disinfected if any other physical or chemical treatment is present. Where continuous chlorination methods are used, the following minimum concentrations of free chlorine residual shall be provided for a contact time of at least 30 minutes:

pH Value	Free Chlorine Residual
6.0	0.20 mg/1
7.0	0.20
8.0	0.40
9.0	0.80
10.0	0.80

12:021-3

Where chlorination methods are used, a minimum free chlorine residual of 0.2 mg/1 shall be maintained at all points throughout the distribution system at all times.

12:021-4 Other Methods of Disinfection

Methods of disinfection, other than chlorination, will be considered for use in potable water supplies when the state health officer is petitioned to do so. Each such petition shall be handled on an individual basis.

12:022-1 Water Shall Be Provided

It shall be the duty of the owner or manager of any premises occupied as a residence, hotel, lodging house, tenement house, office building, shop, factory, or waiting room or depot of a railroad or other common carrier to provide a safe supply of potable water for human consumption and for sanitary purposes.

12:022-2

In all cases where the owner or owners of the property or premises referred to in this Code shall not reside in the place where the property is situated, or when such property shall belong to an estate, succession or corporation, it shall be the duty of the agent, or representative of the owners thereof, or the persons who shall have charge of said property for the owners thereof, or who shall collect the rent of such premises, if the same is rented, to provide and furnish such premises with a safe and adequate potable water supply. In case such person shall fail or neglect to supply the same to such premises, within 15 days after due notice, he shall be in violation of the provisions of this Chapter.

12:022-3

Each public, parochial and private school shall be provided with a potable water supply which is approved as to source, location, and distribution by the state health officer.

12:022-4

It shall be the duty of all employers to supply an adequate, safe, potable water supply for all employees.

12:022-5

Wherever a public water supply is available, no other supply shall be furnished for potable purposes to employees in any factory or industrial plant, or other place of business, unless such other supply is approved by the state health officer. If no public water supply is available, the water for potable purposes shall be of safe, sanitary quality approved by the state health officer. If the water supply for industrial or fire protection purposes is obtained entirely or in part from a source not approved for potable purposes, this supply shall be distributed through an independent piping system having no connection with the system carrying potable water. All faucets or other outlets furnishing water which is not safe for potable purposes shall be conspicuously so marked.

12:023-1 Public Drinking Fountains

All public drinking fountains shall be designed and constructed in accordance with the provisions of Chapter XIV of this Code. Drinking fountains and coolers shall be constructed of lead free materials as specified in Section 12:012-2.

12:023-2

Water fountains and coolers shall be so constructed that the ice or other refrigerant used for cooling cannot come in contact with the water.

12:023-3

Where water coolers or supply tanks used for drinking water are not directly connected to the source of supply, ar-

rangements for filling the containers shall be such as to prevent contamination of the water.

12:023-4

The use of a common drinking cup is prohibited.

12:024 Potable Water Loading Stations

Portable hoses used for filling water containers shall be provided with a metal disk at the nozzle to prevent contact of nozzle with ground or floors. When not in use, the portable hoses shall be protected from dirt and contamination by storage in a tightly enclosed cabinet and shall have a cap to cover the nozzle.

12:025 Issuance of Emergency Boil Notices

An emergency boil notice, when it is deemed necessary to protect public health, shall be authorized only by the state health officer or the state sanitary engineer or their designated representative. Once implemented, said notice may be rescinded or cancelled only by the issuing official.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m. May 11, 1988, at the following address: T. Jay Ray, Office of Preventive and Public Health Services, Box 60630, New Orleans, LA 70160.

David L. Ramsey
Acting Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Amendment to Chapter XII
Sanitary Code**

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

The cost of implementing the proposed action are \$17,000, \$169,000 and \$235,000 for FY 87/88, 88/89 and 89/90 respectively. (It should be pointed out that the state has primacy granted by EPA, for carrying out the provisions of the federal Safe Drinking Water Act.) The proposed actions placed into state regulations those requirements mandated by changes to the federal law. The requirements must be performed by the state, or the state must develop a program(s) that would allow the water facilities owners to perform these requirements themselves. At present DHHR laboratory is the only one in the state certified to perform chemical analyses on drinking water.

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

No increase or decrease in revenues is projected to occur as a result of the proposed action.

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

The proposed action will not cost or be of any economic benefit to affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed action will not have any effect on competition and employment.

Joseph D. Kimbrell
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

The Louisiana Department of Health and Human Resources (DHHR) intends to apply for block grant federal funding for FY 1988-89 in accordance with Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981, and with federal regulations as set forth in the Federal Register Vol. 47, No. 129, Tuesday, July 6, 1982, pages 29472-29493. DHHR will continue to administer programs funded under the block grants in accordance with provisions set forth in Public Law 97-35 and the federal regulations.

The block grant and the DHHR offices responsible for program administration are as follows:

1. Alcohol and Drug Abuse and Mental Health Services - Office of Mental Health (OMH) and Office of Prevention and Recovery of Alcohol and Drug Abuse (OPRADA). Inquiries and comments regarding mental health services may be addressed to: Assistant Secretary, Office of Mental Health, Box 4049, Baton Rouge, LA 70821. The application is available for review at any OMH or OPRADA facility. Inquires regarding Alcohol and Drug Abuse Services may be addressed to Assistant Secretary, Office of Prevention and Recovery of Alcohol and Drug Abuse, Box 53219, Baton Rouge, LA 70892.

2. Maternal and Child Health Services -- Office of Preventive and Public Health Service (OPPHS). Inquiries and comments may be addressed to: Assistant Secretary, Office of Preventive and Public Health Services, Box 69639, New Orleans, LA 70160. The application is available for review at any regional OPPHS facility in New Orleans, Baton Rouge, Lafayette, Alexandria, Shreveport or Monroe.

3. Preventive Health and Health Services -- Office of Preventive and Public Health Services (OPPHS). Inquiries and comments may be addressed to : Assistant Secretary, Office of Preventive and Public Health Services, Box 69639, New Orleans, LA 70160. The application is available for review at any regional OPPHS facility in New Orleans, Baton Rouge, Lafayette, Alexandria, Shreveport or Monroe.

4. Title XX Social Services -- Office of Human Development (OHD). Inquiries and comments may be addressed to: Assistant Secretary, Office of Human Development, 1755 Florida Boulevard, Baton Rouge, LA 70802. The application is available for review at any OHD facility.

5. Low-Income Home Energy Assistance -- Office of Human Development (OHD). Inquiries and comments may be addressed to: Assistant Secretary, Office of Human Development, 1755 Florida Boulevard, Baton Rouge, LA 70802. The application is available for review at any OHD Division of Children Youth and Family Services (DCYFS) Parish and Regional Offices.

A copy of each application may be obtained by writing directly to the DHHR Office responsible for administration.

Public hearings on block grant application for FY 1988-89 are scheduled as follows:

SCHEDULE OF BLOCK GRANT HEARINGS

Tuesday, May 10, 1988, Shreveport State Ofc. Bldg., 1525 Fairfield Avenue, Shreveport, LA, 10 a.m., Title XX Social Services, Low Income Home Energy Assistance, Alcohol, Drug Abuse and Mental Health Services, Maternal and Child Health Services, Preventive Health and Public Health Services.
Wednesday, May 11, 1988, Alexandria State Ofc. Bldg.,

900 Murray Street, Alexandria, LA, 10 a.m., Title XX Social Services, Low-Income Home Energy Assistance, Alcohol, Drug Abuse and Mental Health Services - Maternal and Child Health Services, Preventive Health and Public Health Services.

Thursday, May 12, 1988, New Orleans, Orleans Parish, Office of Family Security, Second Floor Auditorium, 2601 Tulane Avenue, New Orleans, LA, 10 a.m., Title XX Social Services, Low Income Home Energy Assistance, Alcohol, Drug Abuse and Mental Health Services, Maternal and Child Health and Public Preventive Health and Public Health Services.

At the public hearings all interested persons will have the opportunity to provide recommendations on the proposed block grant applications, orally or in writing. Written comments will be accepted through May 20, 1988.

David L. Ramsey
Acting Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: SSBG (SSA - Title XX 1988-89)**

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

Implementation cost of this plan is \$51,242,560 which includes \$50,200,287 in SSBG federal funds and \$1,042,273 in LIHEAP federal funds IAT from within DHHR. SSBG federal funds include \$12,599,043 (25 percent) of the FFY 1988 amount plus \$37,601,244 (75 percent) of the anticipated FFY 1989 amount.

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

Louisiana's FFY '88 allotment published November 24, 1986 was \$50,396,171. The FFY '89 allotment published February 3, 1988 is \$50,134,992.

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

The OHD shall allow for copayments to be collected from recipients of certain Title XX services according to sliding fee scales which are and may be established by rule. The implementation of sliding fee scales in the family service area for 1987-88 resulted in an approximate total of \$15,700 collected statewide from approximately 237 recipients of services. The same projection is made for SFY 1988-89. The total amount received by Title XX providers including the OHD maximum reimbursement rate plus the copayment collected from families, may meet but shall not exceed, the providers' actual cost of delivering the service. No other costs and/or economic benefits to directly affected persons or non-governmental groups are anticipated.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect is anticipated on competition or employment.

Wayne Heap
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Low Income Home Energy Assistance
Program Block Grant**

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

No additional costs or savings will be incurred by the state or local governments over the 1987-88 SFY. Implementation cost of this plan is \$13,106,033 in federal funds (\$5,028,418 from FFY 1988 funds and \$8,077,615 from anticipated 1989 LIHEAP grant funds of \$10,422,729). Of this amount, \$1,300,725 will be transferred to the Social Service block grant. Of the remaining \$11,805,308, 1 percent (\$118,053) will be allocated for energy crisis intervention, 15 percent (\$1,770,796) will be utilized for weatherization services and 84 percent (\$9,916,459) will be used for home energy assistance. Administrative costs for administration of the LIHEAP program will be limited to 10 percent (\$1,180,580) of the total available funds. No state general funds will be utilized in the implementation of this plan.

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

For the period July 1, 1988 through June 30, 1989, a total of \$11,805,308 in federal LIHEAP funds will be available to the state. 15 percent (\$1,770,796) will be transferred (IAT) to the Department of Urban and Community Affairs. The remaining funds will be administered by OHD to provide home energy assistance and energy crisis intervention services through contracted agreements with local community action agencies.

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

It is anticipated that Purchase of Service contracted funds will offset the cost of service delivery to designated local community action agencies and qualifying recognized Indian tribal organizations. Approximately 111,038 low-income households throughout Louisiana will receive an average benefit of \$80.38 and approximately 997 low-income households will be weatherized from heat and cold. Approximately 30 percent of all households served will contain at least one elderly member.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Only minimum effect is anticipated on competition and employment as all but the largest community action agencies state they can implement the proposed contracts with existing staff.

Brenda L. Kelley
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: ADAMHS Block Grant 88-89**

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

There are no estimated implementation costs or savings

because DHHR will continue to administer current programs in accordance with existing federal and state laws and regulations.

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

The Office of Prevention and Recovery from Alcohol and Drug Abuse anticipates receiving approximately 5.7 million dollars in federal funds during fiscal year 1988-89 which is the same amount expected in the current fiscal year.

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

Services provided to clients funded by the ADAMHS Block Grant should be maintained at current levels.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect is anticipated on competition and employment, as the same kinds and amounts of services are to be offered. Should the amount of federal funds be decreased, reductions in staff may result.

Louis Gibson
Acting Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

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

Rule Title: Maternal and Child Health Block Grant

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

There are no estimated implementation costs or savings because the Office of Preventive and Public Health Services will continue to administer current programs in accordance with existing federal and state laws and regulations.

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

The Office of Preventive and Public Health Services anticipates receiving 10.5 million dollars in federal funds during fiscal year 1988-89 and 1989-90 under this block grant.

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

Services provided to clients funded by this block grant should be maintained at the current level.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect is anticipated on competition and employment, as the same kinds and amounts of services are to be offered. Should the amount of federal funds be decreased, reductions in staff may result.

Joseph D. Kimbrell
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

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

Rule Title: Preventive Health and Health Services Block Grant

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

There are no estimated implementation costs or savings because the Office of Preventive and Public Health Services will continue to administer current programs in accordance with existing federal and state laws and regulations.

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

The OPPHS anticipates receiving 2.8 million dollars in federal funds during fiscal year 1988-89 and 1989-90 under this block grant. The same amount is available in fiscal year 1987-88.

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

Services provided to clients funded by this block grant should be maintained at the current level.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect is anticipated on competition and employment, as the same kinds and amounts of services are to be offered. Should the amount of federal funds be decreased, reductions in staff may result.

Joseph D. Kimbrell
Deputy Assistant
Secretary/Programs

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Justice
Office of the Attorney General**

Electronic Video Bingo Panel

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Attorney General's Electronic Video Bingo Panel intends to repeal permanent rules and adopt revised permanent rules relative to the operation of electronic video bingo machines. Permanent rules were adopted on March 21, 1986. (See: *Louisiana Register*, Vol. 12, No. 5, May 20, 1986, pp. 322-327).

The revised permanent rules to be adopted will be in the same form and substance as the permanent rules with the following exceptions:

1. There will be an initial registration fee of two thousand dollars plus additional costs for extra background checks of applicants. There will be a renewal of registration fee yearly of five hundred dollars.

2. The proposed registration fee will be two hundred and fifty dollars (\$250.00);

3. There will be a 3 percent fee paid by the permittee on the gross revenues generated by each machine. The fee shall be paid monthly in accordance with established procedure;

4. There will be fines assessed for civil violations of these proposed rules and regulations.

The proposed rules will be made available for public inspection between the hours of 8:30 a.m. and 5 p.m. on any working day after April 10, 1988 at the office of the Attorney General, 22nd Floor, State Capitol Building, Baton Rouge, LA.

Interested persons may submit their views and opinions

to William J. Guste, Jr., Attorney General, 22nd Floor, State Capitol Building, Box 94005, Baton Rouge, LA 70804-9005.

The Attorney General's Electronic Video Panel will hold a public hearing on April 26, 1988, at a time and place established in a notice posted at least 24 hours in advance of the hearing.

The Electronic Video Bingo Panel shall, prior to the adoption of permanent rules, afford all interested parties reasonable opportunities to submit data, views or arguments, orally or in writing.

Inquiries concerning the proposed permanent rules shall be directed to Jenifer Schaye, Assistant Attorney General, Suite 1218, 1885 Wooddale Boulevard, Baton Rouge, LA, 70806; Telephone: (504) 342-7013.

William J. Guste, Jr.
Attorney General

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Electronic Video Bingo**

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

The costs to implement the regulatory provisions of the proposed rule are \$263,852 in 1988-89 and \$277,044 in 1989-90. These costs would include the hiring by the Office of the Attorney General of six (6) additional personnel: 1 executive director at \$45,000 per year; 1 secretary at \$18,000; 1 clerk at \$18,000, 2 investigators at \$25,000 each; and 1 financial investigator at \$30,000. Additional funds are also proposed for related benefits, operating expenses and equipment.

The above related expenses are associated with the licensing and regulation of 212 existing video bingo machines plus an estimated 200 additional machines which are projected to be installed in 1988-89 with a 20% increase each year thereafter.

Initially the Office of the Attorney General projected a need for 6 additional employees to regulate a projected 400 machines at an annual growth rate of 20% per year. To date, there are 212 machines in operation with a projection of 412 machines in 1988-89 and 480 machines in 1989-90. None of these 1986-87 proposed positions have been filled. The new positions are requested to implement the stronger, more significant regulatory rules.

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

The proposed rules call for an increase of \$125.00 per machine for annual permit fees. The rules also call for a 3% fee paid by the permittee on the total gross revenues generated by each machine. The total gross revenues generated in 1987 was \$2,495,935 with 175 machines permitted. Assuming 412 machines in 1988-89 the projected revenues based on an annual permit fee of \$250.00 and a 3% fee paid monthly on total gross revenues per machine, the Office of the Attorney General estimates total revenues to be \$280,984. Assuming an additional growth of 20% per year in numbers of machines as projected by the Office of the Attorney General, total revenues in 1989-90 will be \$334,748. These figures do not include the initial registration fees of \$2,000.00 and additional costs for background checks and the \$500.00 renewal fee. The Office of the At-

torney General estimates these fees will have no appreciable effect since at the present time there are two distributors and two manufacturers.

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

Annual permit fees will cost permittees \$250.00 per year. In addition, permittees will be required to pay a 3% gross revenues fee on each machine permitted. Charities will not be affected unless they are permittees under these rules. To date no charities are permittees. The charities would still under these rules, as under previous rules receive no less than 45% of a permitted machine's net winnings. Net winnings are defined as coins in minus total amount paid out on ticket vouchers for cash money.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Due to the small number of employees (6), the effect on competition and employment in public or private sector will be minimal.

William J. Guste, Jr.
Attorney General

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of State Police**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 32:663, notice is given that the secretary of The Department of Public Safety and Corrections intends to adopt the following rules and regulations governing the analysis of blood and breath to determine the alcoholic content. These promulgations will supersede all previous regulations and therefore upon final acceptance and publication should be considered as the only rules in effect relating to alcohol analysis in accordance with R.S. 32:663.

**Title 55
PUBLIC SAFETY
Part I. State Police**

Chapter 5. Breath and Blood Alcohol Analysis Methods and Techniques

Subchapter A. Analysis of Breath

§501. Approval of Instruments to Conduct Breath Alcohol Analysis

A. After the Louisiana Department of Public Safety and Corrections has approved a prototype breath testing device as an acceptable model for chemical analysis in breath alcohol testing, it shall be necessary for each individual instrument of the approved model to be inspected and approved for use by the Office of State Police, Applied Technology Unit, and an instrument certification form shall be maintained for each individual instrument in the Applied Technology Unit. At least once every four months thereafter, each individual instrument shall be inspected, checked, and certified by the applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist of the Applied Technology Unit and a recertification form shall be maintained in the Applied Technology Unit. A copy of this certificate may be filed with the clerk of

the applicable court in the respective parish in which each device is used for breath testing, and this copy shall be prima facie evidence as to the proper working order of the instrument. The inspecting applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist's permit number shall also be affixed to this certificate. Any manufacturer of any apparatus, device, or equipment made for the purpose of analyzing the alcoholic contents of the breath may request the Applied Technology Unit to approve such apparatus, device, or equipment. The Applied Technology Unit will consider such a request upon submission of such information, instructions for use, exemplars and other pertinent data as the Applied Technology Unit may request. Before any breath alcohol testing device will be approved, it must have undergone inspection and testing by the Applied Technology Unit. This period of testing and evaluation is for the purpose of assuring that an instrument is free of any design error, malfunction or operating problems.

B. Approval of Instrumentation. The following is the instrument approved by the Louisiana Department of Public Safety and Corrections, the Office of State Police, Applied Technology Unit for analysis of breath specimens for the determination of the alcoholic contents therein.

1. Intoxilyzer 5000, manufactured by C.M.I. of Minturn, Colorado and distributed by Federal Signal Corporation of Chicago, Illinois.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

§503. Operator Qualification

Qualifications for the certification of individuals to conduct breath analysis are as follows.

A. Employee of a Louisiana or federal law enforcement agency.

B. Resident of the state of Louisiana at the time of application, and at least 18 years of age.

C. Graduation from a state accredited high school or satisfactory passing of the General Education Development (G.E.D.) test or an equivalent educational background.

D. Successful completion of a 40-hour operator's training course conducted by the Applied Technology Unit or any other course approved by the Applied Technology Unit. Course material to be covered will be taken from the Chemical Test for Intoxication Training Manual and/or the Training Manual for the Intoxilyzer 5000. However, if an individual has already successfully completed a training course in chemical testing, the individual may attend a specified course in the operation of the Intoxilyzer 5000.

E. To successfully complete the 40-hour training course and be certified to conduct breath analysis, the individual must:

1. obtain a 75 percent score on the written examination covering course material;

2. obtain a 75 percent score on the actual operation of the instrument and practical examination (running of an unknown alcohol solution). Both the written and the practical examination will be made up by the instructors of the Applied Technology Unit.

§505. Instructor Qualification

Qualification for certification of individuals as instructors shall be as follows:

A. Certified as an operator on the approved instrument by the Applied Technology Unit.

B. Attendance of an additional 40-hour course approved by the Applied Technology Unit.

C. Involved in a chemical testing program approved by the Applied Technology Unit.

§507. Qualification of Individuals for Instrument Maintenance and Inspection

Qualification of individuals to perform maintenance and inspection on the approved instrument shall be as follows:

A. Employee of the Office of State Police, Applied Technology Unit in the capacity of Applied Technology Director, Breath Analysis Supervisor, Breath Analysis Instructor Specialist, or Applied Technology Specialist. In order to be employed in the capacity of applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist, the employee must have met all of the requirements as stated by the Department of Civil Service pertaining to the classification of applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist.

B. Graduation from a state accredited high school or the satisfactory passing of the General Education Development (G.E.D.) test or an equivalent educational background.

C. Successful completion of a 40-hour Operator's Training Course.

D. Successful completion of a course on maintenance conducted by the manufacturer of the approved instrument used in breath alcohol testing whereby the individual has received a satisfactory certificate stating such.

E. Complete six months "on-the-job training" whereby the individual shall undergo instructions on the following, but not limited to:

1. calibration of the instrument;
2. checking calibration of the instrument;
3. trouble shooting of the instrument;
4. performance of preventive and regular maintenance;
5. preparation and use of any wet bath simulator and solutions used in the calibration and calibration check;

6. inspection of the instrument received from the manufacturer to insure proper assembly, calibration and the overall proper functioning of the instrument.

F. After the individual has completed on the job training and qualified on the above specification, then and only then may he be certified to perform maintenance and inspection on the approved breath alcohol testing instrument. The individual will then be certified by the Louisiana Department of Public Safety and Corrections and issued a permit stating such. This permit shall then be prima facie evidence of the individual's qualification to perform such maintenance.

G. The maintenance and/or repair work shall be performed by applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist of the Applied Technology Unit, who are certified by the Louisiana Department of Public Safety and Corrections to perform such. The instrument recertification form that is filed with the clerks of the respective courts every four months shall also have the inspecting applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist permit number affixed to this certificate. This permit number shall be proof as to the certification of the inspecting applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist by the Louisiana Department of Public Safety and Corrections.

H. The procedure used by applied technology director, breath analysis supervisor, breath analysis instructor specialist, or

applied technology specialist in the inspections of the instrument at least every four months for the checking of the calibration shall be as follows:

1. A wet bath breath alcohol simulator will be used.
2. Use of this simulator and preparation of the contents shall be performed according to the instructions as per the manufacturer of the simulator's operating manual.
3. Solutions used in the simulators may also be produced by using a certified stock solution.
4. Once the simulator is made, the known alcohol value shall be determined by the use of a Gas Chromatograph and "this will be the "known alcohol value." Calibration check of the instrument shall be within plus or minus .010g percent of the established "known alcohol value."
5. After the inspections are made by the applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist, and all items are performed according to the maintenance section as listed under the instrument, the inspecting applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist will then certify that the instrument was in proper working order.
6. Records, or a copy covering maintenance, etc., on the instrument will be kept by the Applied Technology Unit.

I. Personnel of the Applied Technology Unit shall have the authority to instruct individuals as breath/alcohol testing field supervisors. These individuals will be able to perform minor service, repair and transport the instrument to various locations, run known alcohol solutions, testify in court, monitor the chemical testing program on a local level, and confer with the Applied Technology Unit on any related matters pertaining to chemical testing. These individuals will have attended an additional training course whereby they have undergone instructions to perform their outlined duties. These individuals' permit shall state their authority to conduct such duties.

§509. Permits

Upon determining the qualification of individuals to perform such analysis and duties, and after submitting an application for certification, the Louisiana Department of Public Safety and Corrections shall issue permits which shall be effective for the following periods with respect to classification.

A. Operators Certification

1. Operators shall be certified for a period of two years following successful completion of the 40-hour *Operator's Training Course*. These permits may be renewed after a *Refresher Course* given by the Applied Technology Unit, or any other agency approved by the Applied Technology Unit.

2. In addition to being certified on any instrument currently approved by the Applied Technology Unit, an operator may also attend a specified course for certification on any new instrument that may be approved by the Applied Technology Unit. These permits shall also be in effect for a period of two years.

B. Breath Alcohol Testing Field Supervisors

1. Breath Alcohol Testing Field Supervisors shall be certified for a period of two years.

C. Instructors

1. Instructors shall be certified for a period of five years. However, once he is no longer involved in a chemical testing program, his certification shall terminate and then only be recertified after he has once again become involved in a chemical testing program and demonstrated his knowledge of instructions to the Applied Technology Director.

D. Maintenance

1. Once an applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist is initially certified, his permit shall remain effective for the duration of his employment.

§511. Recording Analysis and Recertification Date

A. After each breath analysis, the results shall be recorded in the Breath Alcohol Testing Log Book, a copy of which is to be sent to the Applied Technology Unit at the end of each month and a copy to be retained at the testing agency.

B. Each time the approved instrument is inspected and certified, the date of certification shall be placed on the instrument and the operator will record said dates on the operational check list.

§513. Procedure for Analysis Using the Intoxilyzer 5000

A. General observation of the subject for a period of not less than 15 minutes prior to testing whereby the subject shall not have ingested alcohol, alcoholic beverages, regurgitated, vomited, or taken anything by mouth.

B. The operator conducting breath analysis shall conduct such analysis in accordance with the "Intoxilyzer 5000 operational check list" which contains, but, not limited to the following:

1. completing the information section concerning such things as name and driver's license number of the subject, date, instrument number, and certification date;
2. press the start button, insert test record card and check the display panel for instructions;
3. new and clean mouthpiece attached to the breath inlet hose.
4. subject instructed to blow through the mouthpiece sufficiently until the instrument accepts the proper breath sample;
5. remove the test record card and attach it to the check-list.

§515. Maintenance Inspection for the Intoxilyzer 500

Maintenance inspection shall be performed on a routine basis at least once every four months by the applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist. Items to be inspected shall include, but not be limited to the following:

- A. clean instrument;
- B. running of a known alcohol value thereby checking the instrument and calibration. Results shall be within plus or minus .010g percent of the known alcohol value;
- C. insure that the instrument is locked;
- D. check printer to see if it is printing out properly;
- E. check breath tube inlet hose;
- F. in event repair work is needed, it shall be recorded in detail.

Marlin Flores
Deputy Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Supervisor Chemical Testing

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs or savings to state or local governments.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no effect on revenue collections of state or local governments.

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

There are no costs or economic benefits to directly affect persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment.

James L. Thibodeaux
Deputy Undersecretary

David W. Hood
Legislative Fiscal Analyst

Administrative Code Update

**Administrative Code Update
December, 1987 through March, 1988**

Vol.	Title: Part. Section	Effect	Location
1	LAC 10:I. Chapter 19	Amended	December, 1987 LR 13:739 January, 1988
	LAC 35:I.1501	Amended	LR 14:9 February, 1988
	LAC 13:I. Chapter 1	Adopted	LR 14:75
	LAC 35:XIII. Chapter 115	Adopted	LR 14:79
2	LAC 7:VII.5303	Amended	December, 1987 LR 13:739 January, 1988
	LAC 7:XXIX. Chapter 151	Amended	LR 14:7
	LAC 7:XXXIX.201	Amended	LR 14:9
3	LAC 46:LIV. Subparts 1,3,5	Repealed/adopted	December, 1987 LR 13:743
	LAC 46:LIX. Chapters 1-9	Adopted	LR 13:751 January, 1988
	LAC 46:XXIII. Chapter 1	Amended	LR 14:12
	LAC 46:XLIX.509	Amended	LR 14:23
	LAC 46:LXVII.2801	Amended	LR 14:9 February, 1988
	LAC 46:VII. Chapter 1	Amended	LR 14:93
	LAC 46:VII. Chapter 3	Repealed/adopted	LR 14:93
	LAC 46:XLV.1181	Adopted	LR 14:86
	LAC 46:XLV. Chapter 25	Amended/Adopted	LR 14:87
	LAC 46:LX. Chapters 1-19	Adopted	LR 14:82 March, 1988
	LAC 46:XLV.353	Amended	LR 14:149
	LAC 46:XLIX.901	Amended	LR 14:149
	LAC 46:XLIX.1104	Amended	LR 14:149
4	LAC 4:VII.917	Amended	December, 1987 LR 13:743
	LAC 4:VII.1229	Amended	LR 13:742
	LAC 34:XI.103	Amended	LR 13:742 March, 1988
	LAC 4:IX.901	Amended	LR 14:148

Vol.	Title: Part. Section	Effect	Location
	LAC 4:IX.2103	Amended	LR 14:148 January, 1988
6	LAC 22:I.308	Amended	LR 14:27
	LAC 22:I.310	Amended	LR 14:30 February, 1988
	LAC 55:III.907	Adopted	LR 14:94 December, 1987
7	LAC 25:I. Chapter 3	Amended	LR 13:740 March, 1988
	LAC 25:V. Chapter 3	Adopted	LR 14:143
	LAC 37:I. Chapter 33	Adopted	LR 14:148
	LAC 40:XV. Chapter 1	Adopted	LR 14:156 January, 1988
9	LAC 48:V.12901	Adopted	LR 14:26
	LAC 48:XI.4301 & 4302	Adopted	LR 14:26 February, 1988
	LAC 48:VII. Chapter 1	Amended	LR 14:92 December, 1987
10	LAC 61:V.	Amended	LR 13:763 February, 1988
	LAC 61:I. Chapter 11	Adopted	LR 14:95
	LAC 61:V.2717	Amended	LR 14:109 January, 1988
13	LAC 33:V. Chapter 103	Adopted	LR 14:31 December, 1987
14	LAC 33:VII.501	Amended	LR 13:741
	LAC 33:VII.1107	Amended	LR 13:741
	LAC 33:VII.1305	Amended	LR 13:741
	LAC 33:IX. Chapter 21	Adopted	LR 13:742

Potpourri

POTPOURRI

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences

Crop Pests and Diseases Quarantine

In accordance with LAC 7:XV.9507 and 9509, we are hereby publishing the annual quarantine.

1.0 Sweet Potato Weevil (*Cylas formicarius*, *elegantulus*, Sum)

A. In the United States: the states of Alabama, Florida, Georgia, Mississippi, Texas, and South Carolina.

B. In the state of Louisiana:

1. The entire parishes of: Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Rapides, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Washington, West Baton Rouge, West Feliciana.

2. That portion of Natchitoches Parish lying south and

west of the Red River.

3. The following areas are non-sweet potato areas:

a. Those portions of the parish of Caldwell as follows: The property of Walter D. Speegle in Section 33, Township 13 North, Range 3 East; and all properties within a one-mile radius thereof.

b. Those portions of the parish of Catahoula as follows: The property of Frankie Bass in Section 20, Township 8 North, Range 6 East; and all properties within a one-mile radius thereof.

c. Those portions of the parish of Grant as follows: The property of Willie Elvin Barrett in Section 32, Township 8 North, Range 1 East; the properties of H. E. Corley and James P. Evans in Section 17, Township 8 North, Range 1 East; the property of Clifton Lindecum in Section 7, Township 8 North, Range 1 East; the property of Louis F. Roberts in Section 30, Township 9 North, Range 1 East; and all properties within a one-mile radius thereof.

d. Those portions of the parish of Jackson as follows: The property of Joel Burnum in Section 2, Township 15 North, Range 4 West; and all properties within a one-mile radius thereof.

e. Those portions of the parish of LaSalle as follows: The property of Alton N. Gilliam in Section 17, Township 10 North, Range 3 East; and all properties within a one-mile radius thereof.

f. Those portions of the parish of Ouachita as follows: The property of Wilfred R. Matheny in Section 5, Township 17 North, Range 1 East; and all properties within a one-mile radius thereof.

2.0 Pink Bollworm (*Pectinophora gossypiella*, Saunders)

Pink bollworm quarantined areas are divided into generally infested and/or suppressive areas as described by USDA-PPQ.

ARIZONA

1. Generally infested area: the entire state.

ARKANSAS

1. Generally infested area: None.

2. Suppressive area:

Clark County: The entire county

Dallas County: The entire county

Jefferson County: The entire county except that area south of U.S. Highway 65

Lafayette County: The entire county

Lonoke County: The entire county lying south of Interstate 40

Miller County: The entire county

Quachita County: The entire county

Pulaski County: That area of the county lying east of the Arkansas River and south of Interstate 40.

CALIFORNIA

1. Generally infested area: The entire Counties of: Imperial, Inyo, Los Angeles, Orange, Riverside, San Bernardino, San Diego.

2. Suppressive area: The entire Counties of: Fresno, Kern, Kings, Madera, Merced, San Benito, Tulare.

LOUISIANA

1. Generally infested area: None

2. Suppressive area: Caddo

NEVADA

1. Generally infested area: The entire Counties of Clark and Nye.

2. Suppressive area: None.

NEW MEXICO

1. Generally infested area: The entire state.

OKLAHOMA

1. Generally infested area: The entire state.

TEXAS

1. Generally infested area: The entire state.

3.0 Brown Garden Snail (*Helix aspersa*)

The entire states of California and Arizona.

4.0 Leaf Scald (*Xanthomonas albilineans*)

All areas of the country where sugarcane is grown.

5.0 Lethal Yellowing

The states of Florida and Texas and the Commonwealth of Puerto Rico.

6.0 Sweet Potato Mosaic

The states of Alabama and Georgia and any other state which may hereafter be found to be infected with sweet potato mosaic; and all other states which do not maintain restrictions against the movement of regulated products from the quarantined area.

7.0 Tristeza, xyloporosis, psorosis, exocortis

All citrus growing areas of the United States.

8.0 Burrowing nematode (*Radopholus similis*)

The states of Florida and Hawaii and the Commonwealth of Puerto Rico.

9.0 Oak Wilt (*Ceratocystis fagacearum*)

ARKANSAS

Infected counties: Baxter, Benton, Boone, Carroll, Clay, Craighead, Crawford, Franklin, Fulton, Independence, Izard, Johnson, Lawrence, Logan, Madison, Marion, Mississippi, Nevada, Newton, Poinsett, Pope, Randolph, Scott, Searcy, Sharp, Stone, Washington, and Yell.

ILLINOIS

Entire state is quarantined.

IOWA

Entire state is quarantined.

KANSAS

Infected counties: Anderson, Atchison, Cherokee, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Linn, Miami, Neosho, Pottawatomie, Shawnee, and Wyandotte.

MARYLAND

Infected Counties: Allegany, Frederick, Garrett, and Washington.

MICHIGAN

Infected counties: Barry, Barrien, Calhoun, Cass, Clare, Clinton, Grand Traverse, Kalamazoo, Kent, Lake, Livingston, Manistee, Missaukee, Muskegon, Oakland, Roscommon, St. Joseph, Van Buren, Washtenaw, Wayne, and Menominee.

MINNESOTA

Infected counties: Anoka, Aitkin, Blue Earth, Carver, Cass, Chicago, Crow Wing, Dakota, Dodge, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Le Sueur, McLeod, Mille Lacs, Morrison, Mower, Nicollet, Olmsted, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Waseca, Washington, Winona, and Wright.

MISSOURI

Entire state is quarantined.

NEBRASKA

Infected counties: Cass, Douglas, Nemaha, Otoe, Richardson, and Sarpy.

NORTH CAROLINA

Infected counties: Buncombe, Burke, Haywood, Jackson, Lenoir, Macon, Madison, and Swain.

OKLAHOMA

Infected counties: Adair, Cherokee, Craig, Delaware, Haskell, Latimer, LeFlore, Mayes, McCurtain, McIntosh, Ottawa, Pittsburg, Rogers, Sequoyah, and Wagoner.

PENNSYLVANIA

Infected counties: Adams, Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Centre, Clarion, Clinton, Cumberland, Erie, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lawrence, Mifflin, Perry, Somerset, Venango, Washington, and Westmoreland.

SOUTH CAROLINA

Infected counties: Chesterfield, Kershaw, Lancaster, Lee, and Richland.

TENNESSEE

Infected Counties: Blount, Carter, Cocke, Cumberland, Grainger, Greene, Hamblen, Hancock, Hardeman, Hawkins, Jefferson, Knox, Lincoln, Loudon, Montgomery, Rhea, Roane, Robertson, Sevier, Sullivan, Union, Washington, and White.

TEXAS

Infected counties: Bandera, Bastrop, Bexar, Blanco, Basque, Burnett, Dallas, Erath, Fayette, Gillespie, Hamilton, Kendall, Kerr, Lampasas, Lavaca, McLennan, Midland, Tarrant, Travis, Williamson.

VIRGINIA

Infected counties: Aleghany, Augusta, Bath, Botetoust, Clarke, Frederick, Giles, Highland, Lee, Loudoun, Montgomery, Page, Rockbridge, Rockingham, Scott, Shenandoah, Smyth, Warren, Washington, Wise, and Wythe.

WEST VIRGINIA

Infected counties: all counties except Tucker and Webster.

WISCONSIN

Infected counties: Adams, Brown, Buffalo, Chippewa, Clark, Columbia, Crawford, Dane, Dodge, Dunn, Eau Claire, Fond du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kenosha, La Crosse, Lafayette, Lincoln, Marquette, Milwaukee, Monroe, Oconto, Outagamie, Ozaukee, Pepin, Pierce, Polk, Portage, Racine, Richland, Rock, St. Croix, Sauk, Shawano, Trempealeau, Vernon, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood.

10.0 Phony Peach

ALABAMA

Entire state.

FLORIDA

Entire state.

GEORGIA

Entire state.

ARKANSAS

Counties of Arkansas, Ashley, Bradley, Chicot, Columbia, Crittendon, Cross, Desha, Drew, Hempstead, Howard, Jefferson, Lafayette, Lee, Lincoln, Little River, Miller, Monroe, Nevada, Phillips, Pike, Poinsett, St. Francis, Sevier, Union, and Woodruff.

KENTUCKY

County of McCracken.

LOUISIANA

Parishes of Bienville, Bossier, Caddo, Claiborne, DeSoto, Jackson, Lincoln, Morehouse, Natchitoches, Ouachita, Red River and Union.

MISSISSIPPI

Entire state.

MISSOURI

County of Dunklin.

NORTH CAROLINA

Counties of Anson, Cumberland, Gaston, Hoke, Polk and Rutherford.

SOUTH CAROLINA

Counties of Aiken, Allendale, Bamberg, Barnwell, Cherokee, Chesterfield, Edgefield, Greenville, Lancaster, Laurens, Lexington, Marlboro, Orangeburg, Richland, Saluda, Spartanburg, Sumter, and York.

TENNESSEE

Counties of Chester, Crockett, Dyer, Fayette, Hardman, Hardin, Lake, Lauderdale, McNairy, Madison, and Weakley.

TEXAS

Counties of Anderson, Bexar, Brazos, Cherokee, Freestone, Limestone, McLennan, Milan, Rusk, San Augustine, Smith, and Upshur.

11.0 Citrus Canker (*Xanthomonas campestris pv citri* (Hasse) Dye)

The entire state of Florida.

Date: April 8, 1988

John W. Impson
State Entomologist

Bob Odom
Commissioner

POTPOURRI

Department of Environmental Quality

Regulations for the Hazardous Waste Division, Solid Waste Division, Water Quality Division, Air Quality Division, Nuclear Energy Division, and the Underground Storage Tanks Division are now effective under the new codified format. Copies are available from the Office of the State Register, Division of Administration (504-342-5015).

Paul H. Templet, Ph.D.
Secretary

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, published in the Louisiana Regis-

ter on August 20, 1980, notice is hereby given that 19 claims amounting to \$42,133 were received during the month of March, 1988. During the same month no claims were paid.

No hearings are scheduled for the month of April, 1988.

Raymond W. Stephens, Jr.
Secretary

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