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This public document was published at a total cost of \$5,630.00. 1,475 copies of this public document were published in this monthly printing at a cost of \$3,630.00. The total cost of all printings of this document including reprints is \$5,630.00. 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 EWE 86-25

WHEREAS, The Harry S. Moss Trust for the Prevention and Cure of Heart Diseases is a testamentary charitable trust which owns immovable property in the State of Louisiana; and

WHEREAS, the corporate entity named by the donor to administer the trust in conjunction with certain named individual trustees is without capacity under state law to act as trustee in this state; and

WHEREAS, Concordia Bank and Trust Company, Vidalia, Louisiana, and the individual trustee named by the donor, with the concurrence of the corporate trustee named by the donor, have petitioned for the appointment of Concordia Bank and Trust Company as corporate trustee of said trust, all pursuant to the provisions of R.S. 9:2776:

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, pursuant to the authority vested in me under R.S. 9:2776, do hereby appoint Concordia Bank and Trust Company, Vidalia, Louisiana, as corporate trustee of the Harry S. Moss Trust for the Prevention and Cure of Heart Diseases.

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 25th day of August, 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

WHEREAS, the secretary of the Department of Natural Resources has recommended that the hereinafter described property be restored to sale, and inasmuch as protection of the state's ownership of the minerals underlying said lands once afforded by withdrawal of lands from sale is now provided by the constitutional requirement of reservation in all cases of the mineral rights on any and all property sold by the state, there is no longer any particular necessity why the lands hereinafter described should not be restored to sale.

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby order and direct the restoration to sale of the following described land, to be sold under the provisions of R.S. 41:131 et seq. The State of Louisiana shall reserve all minerals in the land so patented, and to it, or those authorized by it, the right to prospect for, mine and remove such deposits from the same, in accordance with Section 4 of Article IX of the Constitution of 1974. Excepted from the lands hereinafter described and not included in this sale, are the waters and beds of all bayous, lagoons, lakes and other water bodies, whether navigable or nonnavigable, in conformity with the statutory law of this state dedicating such property to a public purpose; like exception and exclusion are made of the waters and beds of all inland navigable waters, as well as arms of the sea, pursuant to the statutory, codal or constitutional law of the state, viz

All of fractional Section 97, Township 14 South, Range 24 East, Louisiana Meridian, Plaquemines Parish Louisiana, estimated to contain 21.92 acres more or less according to the plat of said lands of record in the State Land Office approved July 21, 1856; sale subject to all existing servitudes, rights-of-ways, and encumbrances.

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 27th day of August, 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 86-26

WHEREAS, Act No. 38 or 1914 (R.S. 41:98) vested the Governor of Louisiana with the authority to withdraw from sale or entry any of the vacant and unappropriated public lands and lake beds or bottoms belonging to the state, whenever, in his opinion, they appear to be more valuable for mineral than for any other purpose, and to restore to sale or entry all withdrawn lands, at his discretion; and

WHEREAS, acting under the said authority, Honorable Ruffin G. Pleasant, then Governor of Louisiana, by executive order issued on March 20, 1917, withdrew from public sale and entry all state lands, except those adjudicated to the state for non-payment of taxes; and

WHEREAS, Section 4 of Article IX of the Constitution of Louisiana of 1974 provides that in all cases the mineral rights on any and all property sold by the state shall be reserved, except where the owner or other person having the right to redeem may buy or redeem property sold or adjudicated to the state for taxes; and

EXECUTIVE ORDER EWE 86-27

WHEREAS, the State of Louisiana experienced an extreme heat wave during June, July and August, during which temperatures significantly affected the health and welfare of the residents of the state, especially those in the low-income bracket; and

WHEREAS, the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981) provides federal funds for energy crisis intervention activities; and

WHEREAS, the state's Low-Income Home Energy Assistance Program Plan provides for energy crisis intervention for weather-related and supply shortage emergencies and other household energy-related emergencies; and

WHEREAS, said plan specifies that such instances of emergency can only be declared by the governor;

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

SECTION 1: A state of emergency exists with respect to the extreme summer temperatures and the need for cooling crisis assistance for low-income residents.

SECTION 2: Effective August 29, 1986, the Department of Health and Human Resources, through the office of human development, is directed to immediately proceed with necessary action to provide energy crisis intervention without delay to eligible low-income households in accordance with the state's Low-Income Home Energy Assistance Program Plan.

SECTION 3: The agencies and entities described in said plan shall enter into appropriate cooperative endeavors or agreements to accomplish this purpose, including any necessary expenditure of Low-Income Home Energy Assistance Block Grant funds administered by the Department of Health and Human Resources, office of human development.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge on this the 27th day of August, 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

Emergency Rules

DECLARATION OF EMERGENCY

**Department of Agriculture and Forestry
Office of Agro-Consumer Services
Agricultural Commodities Commission**

RESOLUTION OF THE LOUISIANA AGRICULTURAL COMMODITY COMMISSION

WHEREAS, Louisiana law requires that any person operating a warehouse wherein agricultural commodities or other farm products are stored, and any person engaging in the business of buying and/or selling agricultural commodities from producers in the State of Louisiana shall be licensed by the Louisiana Agricultural Commodities Commission; and

WHEREAS, Louisiana law requires that each applicant for a warehouse license and for a grain dealer license shall execute and file with the commission a surety bond, insuring the faithful performance of all duties and obligations to patrons of the warehouse and/or to the producers, and compliance with the rules and regulations of the agricultural commodity dealer and warehouse law; and

WHEREAS, many surety bond underwriters in Louisiana are no longer willing to write surety bonds and others are increasing the requirements and the cost to obtain a surety bond, and

WHEREAS, these significant changes in the bonding industry have made it extremely difficult, and in some cases impossible, for warehousemen and grain dealers to obtain the required bonds; and

WHEREAS, approximately 22 warehousemen and/or grain dealers in the state of Louisiana are unable at this time to obtain surety bonds, as required by Louisiana law, and

WHEREAS, all 22 warehousemen and/or grain dealers provide vital services to the agricultural farming community in their area, and it is desirable, necessary and essential that some of these warehousemen and/or grain dealers be permitted to do business with the Louisiana agricultural farming community; and

WHEREAS, the agricultural farming communities in Louisiana would be adversely affected by any action preventing the unlicensed warehouseman and/or grain dealers from continuing to do business in the state of Louisiana; and

WHEREAS, considering the critical economic condition of the Louisiana farmers in today's economy, any action to prohibit the unlicensed warehouseman and/or grain dealers from operating in the state of Louisiana could result in the shut down of farmers in the state of Louisiana, adversely impacting the general economy of the state of Louisiana; and

WHEREAS, the Louisiana legislature enacted R.S. 3:3410.1, authorizing the creation of an Agricultural Commodity Commission Self-Insurance Fund; and

WHEREAS, the date for renewal of license applications for warehousemen and grain dealers expired on June 30, 1986, and time is of the essence in implementing the self-insurance fund; and

WHEREAS, the immediate implementation of the self-insurance fund is the only solution to the problem of providing alternate security for grain dealers and warehousemen;

THEREFORE, the Louisiana Agricultural Commodity Commission finds that an emergency situation exists which creates imminent peril to the public health and welfare, and the adoption of emergency rules and regulations regarding the immediate implementation of the self-insurance fund is necessary and proper.

AUGUST 28, 1986.

Title 37. Insurance

Part IX. Agricultural Commodity Commission

Chapter 1. Self-Insurance Fund

§101. Definitions

As used in this part:

Applicant means any person, firm, corporation, or other legal entity seeking the issuance of a warehouse license or grain dealer's license from the commission or a renewal thereof.

Claim means a written notice and/or proof of loss which is filed with the Agricultural Commodity Commission Self-Insurance Program.

Claimant means any person or entity who in writing alleges a loss covered under the Agricultural Commodity Commission Self-Insurance Program.

Fee with respect to the self-insurance fund, means the charge imposed by the Louisiana Agricultural Commodities Commission for participation in the self-insurance program, as contemplated in R.S. 3:3410.1(C).

Insurance, with respect to the self-insurance fund, means the amount of annual coverage the self-insurance program will provide to each warehouse and grain dealer licensee participating in the program.

Licensee means any person holding or required to hold a license as a warehouse or grain dealer issued by the commission.

Self-insurance fund means that special fund created in

the state treasury for the Agricultural Commodity Commission fees or assessments collected by the commission for participation in the self-insurance fund.

All other definitions given in R.S. 3:3402 and in the regulations are applicable.

§103. The Fund

There is hereby created, pursuant to the authority granted in R.S. 3:3410.1, a fund to be used for the purposes described in the following subsection hereof and said fund shall be known as the Agricultural Commodity Commission Self-Insurance Fund.

§105. Purpose

The self-insurance fund is established to guarantee the faithful performance of all duties and obligations of licensed grain dealers and licensed warehouses to agricultural producers and holders of state warehouse receipts for agricultural commodities.

§107. Fees

A. Fees for participation in said fund shall be set annually by the commission and the commission setting said fees shall consider the self-insurance fund's experience and current market conditions affecting the financial status of licensees.

B. Each applicant for a warehouse license and/or a grain dealer license shall be assessed an annual fee for participation in the self-insurance program. Said fee, in the form of a cashier's or certified check, must accompany the application for a license, and is not refundable unless the license application or renewal is denied and, in that event, the fee will be refunded on a pro rata basis with the commission retaining a proportionate amount for any period during which coverage was provided to the applicant.

C. An applicant who does not pay said fee timely shall pay an additional sum equal to 20 percent of the annual fee.

D. The amount of the annual fee shall be \$1,000 for a grain dealer licensee. The annual fee for a warehouse licensee shall be determined by the total licensed capacity of the facilities to be covered by the fee, as follows:

BUSHEL CAPACITY	PREMIUM
100,000 or less	\$ 250
Less than 250,000	400
251,000 to 500,000	800
501,000 to 750,000	1,200
751,000 or greater	1,200 plus \$1.20/1,000 bushels above 750,000

E. Whenever the licensed warehouse capacity changes, the amount of the fee shall be amended to conform with the current licensed capacity of the facility or facilities covered by the fee.

§109. Insurance Coverage

A. Insurance coverage available to the user of a licensed operation shall be limited to the amount of the bond required by R.S. 3:3410 and/or R.S. 3:3411, and shall be accepted in lieu of said bond as follows:

1. Each licensed grain dealer shall be insured in the total aggregate amount of \$50,000, for all claims in each licensed year;

2. Each licensed warehouse shall be insured, in an amount not less than \$25,000 and not more than \$500,000, in the total aggregate amount in each licensed year as follows:

- a. \$.20 per bushel for the first million bushels of licensed capacity;
- b. \$.15 per bushel for the second million bushels of licensed capacity;
- c. \$.10 per bushel for all bushels over two million.

3. For purposes of this section, one CWT shall equal 2.22 bushels and one barrel shall equal 3.6 bushels.

§111. Claim Provisions

A. The monies in the Agricultural Commodity Commission Self-Insurance Fund shall be used solely for the administration and operation of this program of self-insurance.

B. Any claimant who wishes to assert a claim must provide under oath written and notarized proof of a loss covered under this program within 30 days of the loss.

C. Said written claim shall include the following information:

- 1. name and address of claimant;
- 2. name of the licensee(s) against whom claimant is asserting a loss;
- 3. nature of the relationship and transactions between claimant and licensee(s);
- 4. the date of the loss which shall be defined as the date on which the claimant knew or should have known that a loss had occurred;
- 5. the amount of the loss and how calculated;
- 6. a concise explanation of the circumstances that precipitated the loss;
- 7. copies of those documents relied upon by claimant as proof of said loss.

C. Failure to furnish such proof of loss within the required time shall not invalidate nor reduce the claim if it was not reasonably possible to give proof within such time, provided such proof is furnished as soon as reasonably possible.

D. Upon receipt of a proof of loss, the commission will review the claim to determine whether it is covered under the program. The burden of proof to establish the loss shall be upon the claimant.

E. Where any loss is or may be covered by other insurance or bond the other insurance is primary and the commission may require the claimant to exhaust his remedies as to the other insurer before considering the payment of the claim.

F. Once a proof of loss has been filed against a licensee(s), the commission may make a complete inspection of the licensee's physical facilities and the contents thereof, as well as an audit of all books and records of the licensee and/or claimant, subject to the confidentiality requirements of R.S. 3:3421.

G. Once proof of loss has been filed against a licensee(s), any other claimants alleging a loss caused by said licensee(s) will have a period of 60 days within which to post and thereby file a written claim. The said 60 day period will begin to run upon publication by the commission of the notice of claim in the official local journal for legal notices, or the print publication with the highest circulation in the area serviced by the licensee. The purpose of said notice is to determine whether there are multiple claims, and in the event of multiple claims, proceeds available for losses of said licensee(s) will be prorated.

H. The commission shall provide a notice, by published advertisement, in the official local journal for legal notices or the print publication with the highest circulation in the area serviced by the licensee of the failure of a warehouse and/or grain dealer licensee and all claims pursuant thereto must be filed within 60 days of the published advertisement.

I. The commissioner may, at his option, represent the producers and the patrons of a licensee in their claim against a licensee.

J. When claims against different licenses are filed timely and approved by the commission and the aggregate amount claimed exceeds the amount in the fund, those claims filed first will be paid before other claims until the fund is exhausted. However, the commission may for good cause shown permit the pay-

ment of any claim or claim over a period of years as it shall determine.

K. The fiscal year for the self-insurance fund shall be from July 1 through June 30 of each year. However, any claims received by the commission on or before August 15 of any calendar year shall be deemed as a claim on the self-insurance fund of the previous fiscal year. Claims against a licensee which are posted or received by the commission within 60 days of the advertisement of the first claim shall be considered as received on the same date as the first claim.

§113. Appeal Procedure

A. Any decision of the commission to deny or grant a claim for payment from the fund may be appealed to the commission by the licensee or claimant by seeking an adjudicatory hearing to have said decision reconsidered by the commission in accordance with Chapter 13 of Title 49 of the Louisiana Revised Statutes, as well as all subsequent appeals therefrom, provided said appellant files with the commission a written notice of appeal within 30 days of the mailing of the decision of the commission to the affected party.

B. Said notice of appeal shall contain an expressed statement of each and every basis upon which said appeal is sought and the hearing to consider same shall be limited accordingly.

§115. Special Assessments

For any licensed year, the commission may levy one or more assessments, which assessment shall be paid by the licensees that participated in the fund upon a finding that the fund has, is or is likely to become inadequate to pay claims, however, said assessments shall not exceed the annual fee paid by the licensee(s).

§117. Subrogation

Whenever a claim is paid by the commission from the self-insurance fund, the claimant, by accepting said payment, subrogates his rights to the commission up to the full amount of payment and the commission shall have the right to recover such payments from any responsible person or entity as it shall determine.

§119. Limit of Self-Insurance Fund

The maximum amount necessary to sustain the self-insurance fund is \$2,000,000. When the self-insurance fund has \$2,000,000 available for payment of claims no further fees or assessment will be collected until said fund is reduced by payment of claims or as otherwise provided for herein.

§121. First Years of Operation

A. During the first years of operation of the self-insurance fund, the commission may utilize an underwriter to underwrite said fund until the fund becomes self sustaining.

B. The commission may collect the annual fee or levy an assessment, to be paid by all warehouse and grain dealer licensees in the state of Louisiana, at any time during the fiscal year from July 1, 1986 through June 30, 1987 by giving 30 days written notice to all licensees or applicants. However, no licensee who has obtained a surety bond or alternate security in accordance with R.S. 3:3410(A) and/or R.S. 3:3411 (F) shall be required to pay a fee or an assessment during the fiscal year from July 1, 1986 through June 30, 1987.

§123. Participation in the Self-Insurance Fund

Participation in the agricultural commodity commission self-insurance fund shall be mandatory, however, for good cause shown the commission may require a licensee to provide other security, in accordance with R.S. 3:3410 (A) and/or R.S. 3:3411 (F), in lieu of or in addition to participation in the self-insurance fund.

§125. Prohibited Acts; Criminal Penalties

A. Any claimant who provides the commission with false information regarding an alleged loss may be denied payment of the claim on that basis alone.

B. Any warehouse or grain dealer licensee who intentionally provides the commission with false information regarding a claim, or regarding any other matter pertaining to the self-insurance program, shall be subject, upon conviction, to the penalties for perjury established under R.S. 14:123.

C. Any warehouse or grain dealer licensee who intentionally provides the commission with false information regarding a claim, or regarding any other matters pertaining to the self-insurance fund, shall be subject to a fine of up to \$10,000 for each occurrence proven at a hearing conducted in accordance with Chapter 13 of Title 49.

§127. Validity of Rules

If any part of this regulation is declared to be invalid for any reason by any court of competent jurisdiction, said declaration shall not affect the validity of any other part not so declared.

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry Office of Marketing

In accordance with Administrative Procedure Act [R.S. 49:953 (B)] and R.S. 3:450.3 the Department of Agriculture and Forestry, State Market Commission, has adopted the emergency rules for the administration of the Agricultural Products Processing Development Law as detailed below. These emergency rules were adopted September 4, 1986 since it was deemed an emergency situation because of economic welfare to those individuals who have submitted applications under this law. Since these applications are already pending it was necessary to adopt these emergency rules.

Please contact Bryce Malone, Assistant Commissioner of Marketing, Box 44184, Baton Rouge, LA 70804 if you should have any questions.

Bob Odom
Commissioner

Title 7

Agriculture and Animals

Part V. Advertising, Marketing and Processing

Chapter 12. Market Commission - Agricultural Products Processing Development Law - Loans and Loan Guaranties

Subchapter A. Procedures for Authorization and Administration of Market Commission Loans and Loan Guaranties and Cooperative Endeavor Agreements under the Agricultural Products Processing Development Law

§1201. Definitions

Agricultural plant means any facility which receives raw agricultural products for the purpose of rendering them suitable

for wholesale or retail marketing.

Agricultural product means any farm product or seafood product.

Aquacultural crop means catfish, crawfish, crabs, oysters, shrimp, prawns, alligators, turtles and other species of fish that are spawned, grown, managed and harvested as a cultivated crop within artificial reservoirs, tanks, cages or other impoundments so as to prevent at all times the ingress and egress of fish life from public waters including natural streams or lakes.

Cooperative Endeavor Agreements means agreements for a public purpose entered into by the State Market Commission with the United States government or any of its agencies, or with a public or private association, corporation or individual.

Farm product means any agronomic, horticultural, silvicultural or aquacultural crop; any commercially raised livestock or raw product derived therefrom; or any final derivative resulting from a combination or breakdown of raw farm products.

Final derivative means any agricultural product that is ready to be passed on to a marketing level.

Lender means any bank, savings bank, mutual savings bank, building and loan association, and savings and loan association organized under the laws of Louisiana or the United States, trust companies acting as fiduciaries, and other financial institutions subject to the supervision of the commissioner of Financial Institutions.

Necessary improvement means any improvement to an existing agricultural plant mandated by local, state or federal law, or an improvement thereto which will form an economically justifiable basis and, in the judgment of the Market Commission, improve the quality or quantity of service, or both.

Person means any individual, firm, corporation, partnership or association domiciled in this state.

Process or processing means any action that will enhance any raw agricultural product's value or render a raw agricultural product suitable for further refinement or introduction at a marketing level.

Property means, in the broad sense, any movable and immovable property, corporeal and incorporeal and includes, but is not limited to, land, buildings, equipment, inventory, accounts receivable, credits, stocks, bonds, notes, patents, copyrights, royalties and other intangibles of value.

Seafood product means any type of seafood species caught in privately owned waters or public waters, including streams and lakes, or any final derivative resulting from a combination or breakdown of raw seafood products.

§1203. Eligibility of Applicant

A. Any person engaged or to be engaged in the processing of agricultural products shall be eligible for a Market Commission loan or loan guaranty upon proper application and approval, as set forth herein, under the Agricultural Products Processing Development Program.

B. The Market Commission shall give priority to those persons who utilize Louisiana agricultural products to the maximum extent possible.

C. The Market Commission shall only participate in cooperative endeavors which involve the creation of a significant number of new jobs in relation to the amount of participation by the commission.

§1205. Loan and Loan Guaranty Authorization

A. The Market Commission may loan to any person funds to be actually expended to acquire, construct, furnish, equip, make necessary improvement to or purchase land for any agricultural plant which will be occupied by the person, which loan shall not exceed 75 percent of the value of the property offered as security pursuant to a first mortgage, but requiring at a

minimum the execution by the borrower of a note secured by a first mortgage on the property being acquired or constructed and payable to the commission within such time and under such terms and conditions together with such additional endorsements or other security as may be required by the commission.

B. The Market Commission may loan to any person funds for operating capital, market development and product inventories, which loan shall not exceed 75 percent of the value of the property offered as security pursuant to a first mortgage, but requiring as a minimum the execution by the borrower of a note or notes secured by a first mortgage on property, including but not limited to product inventories and accounts receivable from the sale of inventories, under such terms and conditions together with such additional endorsements or other security as may be required by the commission.

C. The Market Commission may guarantee, on an interim or long-term basis, all or part of loans for an amount to be actually expended to acquire, construct, furnish, equip, make necessary improvement to or purchase land for any agricultural plant made by any lender to any person approved by the commission, provided that whenever the commission guarantees the payment of such loan, the commission shall make and enter into a guarantee agreement with the lender and the borrower setting forth the terms and conditions under which the commission is obligated and the extent to which repayment of the loan is guaranteed and secured. Each loan which is guaranteed by the commission shall require as a minimum the execution of a note or notes secured by a first mortgage on property. Whenever the commission enters into such a loan guarantee agreement, the commission may impose and collect an origination fee not to exceed one percent of the amount of the loan guaranteed.

D. The Market Commission may guarantee, on an interim or long-term basis, all or part of loans for an amount to be actually expended for operating capital, market development and product inventories made by any lender to any person approved by the commission, provided that whenever the commission guarantees the payment of such loan, the commission shall make and enter into a guarantee agreement with the lender and the borrower setting forth the terms and conditions under which the commission is obligated and the extent to which repayment of the loan is guaranteed and secured. Each loan which is guaranteed by the commission shall require as a minimum the execution by the borrower of a note or notes secured by a first mortgage on property, including product inventories and accounts receivable from the sale of inventories, under such terms and conditions together with such additional endorsements or other security as may be required by the commission.

§1207. Time for Filing Applications

A. Applications may be filed at any time throughout the year and may be personally delivered to the Market Commission Office in Baton Rouge or forwarded through the United States mail.

B. An application will be considered filed only upon provision of all information required in LAC 7:V.1209 Subsections A, B and C.

C. A complete application, consisting of all information required in LAC 7:V.1209 Subsections A, B and C, must be physically on hand in the Market Commission office at least 20 working days prior to the commission meeting at which the application will be considered by the commission.

§1209. Contents of Application

A. Every applicant for a Market Commission loan or for a loan guaranty shall submit the following information to the commission:

1. Name and address of applicant including all princi-

pals by name and address.

2. A statement of the nature and amount of the interest held by each principal.

3. Sworn statement of the relationship, if any, of any of the principals with any state official and/or with any employee of the Department of Agriculture and Forestry.

4. Location and legal description of all property to be offered as security.

5. Evidence that good title is or can be vested in the name of the applicant.

6. Personal financial statements of every principal of the firm, corporation, partnership or association, prepared in accordance with generally accepted accounting principles. In the case of corporations and cooperative associations, every member of the board of directors, by whatever name known, must provide personal financial statements.

7. Credit analyses of the principals, to be provided by an independent source, such as a bank or other lending institution.

8. A property appraisal by a Market Commission approved appraiser of all property to be offered as security.

9. Listing of all equipment and furnishings, both movable and immovable by destination, with amortization tables as appropriate, if equipment and furnishings will be offered as part of the security.

10. Evidence of satisfactory interim financing, where applicable.

11. A three-year projected cash flow statement.

12. An evaluation of the professional management capability of the individual(s) primarily responsible for the operation of the processing business to be provided by an independent, reputable source not involved in the firm, partnership, corporation or association.

13. An explanation of how the processing business for which the loan or loan guaranty is sought will benefit the community in which the business is located or is to be located including projection of new jobs created by the loan or loan guaranty, if granted.

14. Written authorization for the Market Commission to perform any credit check(s) which the commission may, in its discretion, deem advisable.

B. Every applicant for a loan or loan guaranty for new construction shall provide, in addition to the information required in LAC 7:V.1209.A, the following information:

1. Blueprints and construction specifications, if available at date of application. In the absence of blueprints and construction specifications, the applicant shall provide a written description of the planned construction at the time of application, to be followed by blueprints and construction specifications as set forth herein. It is not the intent of the Market Commission to require unnecessary expenditure of the applicant's funds; however, in the event that blueprints and construction specifications cannot be provided at the time of application, any applicant receiving approval for a loan or loan guaranty shall be required to provide, within 90 days after approval, either (a) copies of blueprints and construction specifications, or (b) a written statement of the reasons for delay in provision of such blueprints and construction specifications. Reasons acceptable to the commission shall include, but not be limited to, failure of the architect to timely provide all drawings and specifications.

2. A projected construction schedule, with anticipated completion date.

3. A statement of the number of jobs to be made available upon completion of the agricultural plant.

4. Evidence of adequate operating funds for a period of at least one year following completion of the plant.

5. Copies of available construction contracts, including prices and identities of the principals of the contractors.

C. Every applicant for a loan or loan guaranty for the purchase, improvement to or expansion of an existing agricultural plant shall provide, in addition to the information required in LAC 7:V.1209.A, the following information:

1. Profit and loss statements for the three fiscal years immediately preceding the date of application.

2. Balance sheets for the three fiscal years immediately preceding the date of application.

3. Statement demonstrating the marketability of the product or process for which the funds are sought.

4. Such additional market data which will enable the Market Commission to determine the advisability of loan or loan guaranty approval.

5. A statement of the number of jobs existing at the time of the application and the number of additional jobs to be created as a result of the proposed purchase, improvement to or expansion of the plant.

6. Blueprints of the existing plant, if purchase is contemplated, and, in the case of proposed improvements or expansions, blueprints of the existing and proposed plant. The applicant shall provide a detailed statement of reasons when prints cannot be provided. In the event that blueprints and specifications cannot be provided at the time of the application, any applicant receiving approval for a Market Commission loan or loan guaranty will be required to provide blueprints and construction specifications within 90 days after approval.

7. Copies of available construction or renovation contracts including prices and identities of the principals of the contractors.

D. Any applicant for a loan guaranty shall provide, in addition to the information required in Subsections A, B and C above, a letter of commitment from a lender setting forth the terms and conditions upon which the loan sought to be guaranteed will be made.

§1211. Conditions for Approval of Application for a Loan or Loan Guaranty

A. The applicant must provide all required information at least 20 working days prior to the meeting at which the application will be considered. The commission shall not consider any incomplete application.

B. The applicant or its representative must appear in person at the meeting at which the application will be considered, in order to provide any additional information which may be required by the commission.

C. Approval of the loan or loan guaranty must not result in encumbrance(s) on the property offered as security in excess of 75 percent of the aggregate appraised value of all property offered as security. Moreover, no loan or loan guaranty may be approved unless the security therefore is at a minimum a first mortgage on all property offered as security. The commission may reject any appraisal which it feels would result in a violation of this limitation.

D. The period for which the loan or loan guaranty is requested must not exceed five years, provided, however, that the Market Commission may, under conditions hereinafter set forth, extend the period of the loan for an additional period not to exceed a total of 20 years from the date of the original loan.

E. A market assessment and/or feasibility study conducted or secured by the applicant or the Market Commission staff must support the advisability of the loan or loan guaranty.

F. The loan or loan guaranty application must satisfy all legal requirements, as evidenced by the written approval of the department's attorney.

G. In the event of extreme urgency affecting the continuation of existing jobs or the loss of a business opportunity to create new jobs, the Market Commission may either in open session or by telephone poll suspend the full requirements of the loan or loan guaranty application information and require the immediate submission of information sufficient to demonstrate the urgency, the advisability of the loan or loan guaranty and the adequacy of the security to be provided for the loan. In this event, however, the applicant shall provide the full information within such time as the commission fixes in conjunction with the granting of the suspension. Such suspension may be granted only when the amount of the loan or loan guaranty does not exceed the sum of \$100,000 and the loan or loan guaranty is fully secured by first mortgages on immovables and personal liability of sufficient solvent individuals. The granting of and justification for a suspension, as provided herein, shall be documented and made a matter of permanent public record.

H. In the event the land upon which a new agricultural plant will be constructed or an existing plant which will be expanded is already subject to a lien, mortgage or encumbrance which the applicant proposes to pay off with loan proceeds from the Market Commission or any other lender, such application can be approved only if the amount of the loan does not exceed 75 percent of the value of all security to be provided, the amount of the loan left after satisfying the encumbrances will finance the construction or improvements proposed and the applicant does not realize any cash from the loan except for operating capital, market development or product inventories. If the amount of the lien, mortgage or encumbrance to be satisfied out of the loan proceeds is disproportionate to the amount to be used for new construction, improvement or expansion, then the commission may reject the application on the grounds that it is a refinancing and is prohibited by the law creating the program. The commission considers disproportionate to be an amount in excess of 25 percent of the loan amount sought in the application.

§1213. Conditions for Disbursement of Market Commission Loan Proceeds and Commission Concurrence in Loan Guaranties

A. Prior to the setting of a date for the loan closing, the applicant must submit the following:

1. Satisfactory proof that the agricultural plant, if new construction, improvement to or expansion of an existing plant has been completed in accordance with the plans submitted to the Market Commission for its consideration of the loan or loan guaranty application.

2. A copy of the note and the mortgages and/or other security instruments to be executed at the closing for examination and approval by the department's attorney.

3. A copy of a plat survey by a registered surveyor.

4. Evidence of adequate title insurance.

5. Carry and provide evidence of the following insurance coverage:

a. Public liability insurance of \$500,000, naming the Market Commission as additional insured. The applicant must also provide a certificate evidencing such insurance, which certificate must provide that the insurance cannot be cancelled without 30 days prior notice to the Market Commission.

b. Fire and extended coverage and vandalism insurance to the full extent of the amount loaned or guaranteed by the Market Commission, naming the commission as a loss payee, the total amount of the insurance to meet the 80 percent co-insurance requirements. The applicant must also provide a certificate evidencing such insurance, which certificate must provide that the insurance cannot be cancelled without 30 days prior notice to the commission.

6. Satisfactory proof that all laborers and material men have been fully paid.

7. All legal instruments must be examined and approved by the department's attorney.

B. On or before the loan closing date, the applicant must:

1. Provide a title opinion by a title attorney approved by the Market Commission, which title opinion shall provide evidence of clear title and shall include, but not be limited to, the following:

a. a property description;

b. identification of the property owner, with pertinent recordation data;

c. satisfactory evidence that all taxes due on the property have been paid;

d. a full and complete list of all mortgages, liens, encumbrances and/or servitudes on the property; and

e. such other information as may be necessary for a full recital of the facts surrounding such property.

2. Provide a mortgage certificate from the clerk of court for the parish in which the property is located.

3. In the case of Market Commission loans paid directly to the borrower and/or the source of interim financing, the borrower must execute a note secured by a first mortgage payable to the commission setting forth in full the terms and conditions under which the loan will be repaid, and containing such additional endorsements or other security as may be required by the commission.

4. In the case of Market Commission loans paid directly to the borrower and/or the source of interim financing, the borrower must execute a first mortgage payable to the commission, which mortgage shall contain, but not necessarily be limited to, the following:

a. the amount loaned;

b. the rate of interest;

c. the repayment schedule;

d. description and listing of all property to be included in the security;

e. provision for executory process;

f. provision for payment of all costs of foreclosure, including attorney's fees at 25 percent of the principal balance and interest accrued at foreclosure; and

g. authorization for the addition to the principal balance the amount of any taxes and/or insurance premiums paid by the commission, upon failure of the mortgagee to pay such amounts when due, to protect the security position of the commission.

C. In the case of all Market Commission loans paid directly to the borrower, the individual borrower and/or all partners of a partnership may be required personally to endorse the note secured by the first mortgage or shall provide other security at the commission's discretion.

D. In the case of all Market Commission loans paid directly to the borrower, all members of the boards of directors, by whatever name known, of the corporation or cooperative association may be required personally to endorse the note secured by the first mortgage or shall provide other security at the commission's discretion.

E. In the case of a loan guaranty, the borrower must provide for the Market Commission to file and record a copy of the note and the mortgage payable to the lender and any other data deemed necessary by the commission or commission staff.

F. The Market Commission shall authorize the setting of a loan closing date and the disbursement of loan proceeds upon presentation of all information required in LAC 7.V.1213.A-E.

G. The commissioner of agriculture and forestry, or his designee, as official representative of the Market Commission,

shall execute all necessary legal instruments at the loan closing.

H. The loan guarantee agreement shall be executed by the borrower, the lender and the commissioner of agriculture and forestry, or his designee, as the official representative of the Market Commission.

§1215. Interest on Loans and Loan Guaranties

A. The Market Commission shall fix the rate of interest to be charged on every commission loan on a case by case basis, however, in no case shall the rate be less than the base federal reserve discount rate at the time the loan is approved.

B. The Market Commission may approve a fixed or variable rate of interest on commission loans. If a fixed rate is approved, the interest rate in effect at the time of loan approval shall govern the interest to be paid on the loan for the term of the loan. If a variable rate is approved, the interest rate shall not, at any time, be less than the base federal reserve discount rate.

C. The Market Commission may approve any fixed or variable interest rate on any loan guaranteed by the commission provided the interest rate is a fair market rate as determined by the commission.

§1217. Requirements Subsequent to Disbursement of Loan Proceeds

A. Each year, on the anniversary of the disbursement of loan proceeds, each recipient of a loan or a loan guaranty shall provide the following:

1. A listing of all stockholders, with the number of shares held by each, at any time during the previous year.

2. A current statement of its operations, including an analysis of profits and losses.

3. A statement of financial condition, including but not limited to a balance sheet and profit and loss statement for the most recently completed fiscal year.

4. A current personal financial statement of all principals who have endorsed the note or are liable for repayment of the loan or any part thereof.

B. Each recipient of a loan guaranty shall authorize the lender holding the loan record to file quarterly statements with the Market Commission showing the principal balance remaining outstanding and any defaults in payment.

§1219. Balloon Notes and Re-scheduling of Payments

A. The Market Commission may approve a note providing for a final balloon payment, but shall not approve a final balloon payment in excess of 75 percent of the total amount of the original loan.

B. If the Market Commission votes in open session to approve re-scheduling of a balloon payment, such re-scheduled payments shall be financed at an interest rate determined by the commission at the time of renewal in accordance with LAC 7:V.1215.A-C.

C. No payment schedule shall be extended to more than a total of 20 years from date of the final loan disbursement to date of the final payment under the loan.

D. Any request for a renewal of a balloon note shall be accompanied by:

1. A statement of current financial condition, including balance sheet and profit and loss statement for the most recent fiscal year of operation, prepared in accordance with generally accepted accounting principles.

2. Names and addresses of all stockholders and the number of shares held by each.

3. Detailed explanation of the reason for the requested renewal.

§1221. Cooperative Endeavor Agreements

A. The Market Commission may enter into cooperative endeavor agreements.

B. All cooperative endeavor agreements shall be written and shall be approved by the Market Commission.

C. Cooperative endeavor agreements shall not exceed a term of five years, but may be renewed for any additional term by the Market Commission.

D. Cooperative endeavors may be entered into with persons who have received or are negotiating for loans or loan guaranties from the Market Commission.

E. The Market Commission shall not enter into any cooperative endeavor unless it involves the creation of a significant number of new jobs in relation to the amount of participation by the commission.

§1223. Delinquency and Foreclosure on Market Commission Loans

A. Any unpaid principal and/or interest shall be considered delinquent on the tenth day following the due date.

B. Routine written notification of delinquency shall be sent to the borrower on the thirtieth day following the due date.

C. In the absence of response to the 30-day notification, the Market Commission staff shall send a specific written notification concerning the delinquency on the sixtieth day following the due date, which notification shall be sent by certified mail, return receipt requested.

D. In the absence of response to the 60-day notification, the delinquency shall be reported to the Market Commission.

E. Subsequent to notification to the Market Commission, the staff, unless otherwise directed by the commission, shall forward a demand letter, again by certified mail with return receipt requested, informing the borrower that the remaining balance is accelerated, together with all interest accrued, and the full sum of the obligation is due and payable to the commission.

F. In the absence of satisfactory arrangements for repayment of the delinquency thereafter, the Market Commission shall initiate foreclosure proceedings no sooner than the ninetieth day following the due date of the unpaid principal and interest.

G. The Market Commission shall secure a judgment and foreclose on the collateral securing the loan and, if deemed in the best interest of the commission, secure deficiency judgments against all personal endorsers or other persons liable on the loan in whole or part.

H. The Market Commission staff shall select an appraiser to do any appraisal necessary for foreclosure.

§1224. Prohibitions

A. The Market Commission shall not approve any loan or loan guaranty for any applicant who fails to submit all required information.

B. The Market Commission shall not approve any loan or loan guaranty for any person which is not domiciled in Louisiana.

C. The Market Commission shall not approve any loan or loan guaranty in the amount exceeding 75 percent of the appraised value of all property offered as security for the loan or any loan or loan guaranty not secured by a first mortgage on the property offered as security.

D. The Market Commission shall not approve any loan or loan guaranty for any person with any pending or outstanding charge or liability relating to failure or inability to pay promissory notes or any other evidence of indebtedness.

E. The Market Commission shall not approve any loan or loan guaranty for any person, which has presently pending, at the federal, state or local level, any proceeding concerning the

denial or revocation of a necessary license or permit.

F. The Market Commission shall not approve any loan or loan guaranty the proceeds of which are to be, or may be, used for the consolidation of existing, previous financial obligations.

G. The Market Commission shall not approve any loan or combination of loans to a single person, which is in excess of 50 percent of the total funds for loans or guaranties under this program.

H. The Market Commission shall not approve any loan or loan guaranty for any facility constructed or to be constructed on leased land except as follows:

1. The lease is for a term extending at least five years beyond the period of the loan.

2. The Market Commission receives an assignment on the lease and the right of re-assignment.

3. If the loan repayment schedule includes a balloon note, the Market Commission, at its discretion, may require a lease running for 20 years from the date of the approval of the loan.

4. A waiver of landlord's lien and privilege on movables must be provided.

I. The Market Commission shall not make any loan or loan guaranty on immovable equipment, building improvements and/or additions unless the property on which it is located is secured by a first mortgage to the commission or other lender.

J. The terms or conditions imposed and made part of any loan or loan guaranty authorized by vote of the Market Commission shall not be amended or altered by any member of the commission or employee of the Department of Agriculture and Forestry except by subsequent vote of approval by the commission in open session with full explanation for such action.

K. The Market Commission shall not subordinate its interests if such subordination will result in any risk to its security position.

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

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

Summary

Funding was appropriated by the Louisiana State Legislature effective July 1, 1986 to provide Case Management Services to ventilator assisted individuals. Without Federal Financial Participation the cost for these services must be financed entirely by the state of Louisiana. The Medical Assistance Program has developed program policy and payment standards which will allow federal financial participation in the funding of Case Management Services under Title XIX of the Social Security Act. Such funding will become available upon implementation of Case Management Services which are provided in accordance with Title XIX requirements.

The Office of Family Security is declaring an emergency rule in the Medical Assistance Program to allow federal funding

of Case Management Services under Title XIX (Medicaid) effective September 1, 1986. Inclusion of Case Management Services under Title XIX reimbursement will allow the Medical Assistance Program to maintain essential 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 recipients statewide who depend upon current Medicaid services to maintain their health.

Under this rule, Case Management Services will be provided to ventilator assisted individuals subject to Title XIX limitations necessary to receive federal financial participation. Provision of such services will allow recipients to receive life sustaining treatment outside the hospital setting. This rule will provide the necessary framework and services needed to move patients to less restrictive environments and improve the quality of life without increasing state expenditures for Medicaid services.

CASE MANAGEMENT SERVICES

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

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

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

A. A recipient of services must be "ventilator assisted":
(1) Requires a mechanical medical aid for a period greater than three months because of chronic respiratory failure or insufficiency and

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

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

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

2. Standards for Participation

The provider of case management services must:

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

B. Be under the aegis of a major hospital;

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

3. Standards for Payment

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

A. Insure that the services are provided by either a masters degreed Social Worker licensed to practice in the state or a

Registered Nurse who is licensed to practice in the state;

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

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

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

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

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

G. Abide by the provisions of the provider agreement entered into with the state;

H. Insure that appropriate referrals for services are made and documented for each recipient served under this provision and that each recipient's freedom of choice of Medicaid providers is preserved;

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

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

4. General Provisions

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

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

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

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

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

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

Regulatory Exception

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

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

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

Summary

The Louisiana Maximum Allowable Cost (LMAC) reimbursement regulations currently cover 629 multiple source drugs. Circumstances have necessitated the review of all optional Medicaid Services. As a result, six 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 August 15, 1986 Louisiana Maximum Allowable Cost Regulations (LMAC) for reimbursement under Title XIX are amended to include the following multiple source drugs:

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

Regulatory Exception

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

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Management and Finance

The Department of Health and Human Resources, Office of Management and Finance, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953B to adopt the following rule.

Summary

R.S. 44:14 was enacted by Act 866 of the 1986 Regular Session of the Louisiana Legislature to require health and accident insurers to disclose information to the department on their insureds. Such information will be used to determine if any of the insureds are persons who have received health, medical and/or social services on whose behalf DHHR may be entitled to recoup or receive insurance payments for such services rendered. This emergency rule will allow the department to reduce and/or recoup erroneous Medicaid or full state fund expenditures for health, medical and/or social services covered by

health and accident insurance policies held Title XIX or free care (charity) recipients. Reduction of these erroneous billings will allow DHHR to maintain essential health, medical and social services in conformity with applicable state and federal laws, regulations, and quality and safety standards. This rule is necessary to allow the department to continue providing essential health, medical and social services and avoid imminent peril to the welfare of departmental clients statewide who depend upon current services to maintain their health and well being. In accordance with the provisions of Act 866 any insured whose indemnity policy benefits pay less than \$25 a day in hospital or medical benefits shall be exempt from the provisions of this rule. Effective September 9, 1986 this rule will require insurance carriers or any individual so identified to report information on their insureds to the department upon written request.

Emergency Rulemaking

LAC 48:1.1. All persons, entities or corporations authorized to issue, administer or underwrite a hospital or medical expense policy, a hospital or medical service contract, an employee welfare benefit plan, a health and accident insurance policy, or any other insurance contract of this type in Louisiana, including a group insurance plan, a self insurance plan, and the Louisiana State Employees Uniform Group Benefits Program shall provide DHHR, upon request, information on their insureds. The department shall notify such persons, entities or corporations in writing of the minimal information requirements necessary to identify insureds who have received services from the department and on whose behalf the department may be entitled to receive insurance benefits. The notice provided by the department shall include the time frames for reporting information. The department shall expect an electronic or data processing tape which meets specifications provided by the department, except in instances where it can be demonstrated that production of said tapes produces an adverse impact on the person, entity or corporation. In such cases a written request for an alternate format can be made to the department including written justification for said change. Alternative formats shall include:

1. computer printout meeting the specifications provided by the department.
2. a printed list (to be a typewritten or machine produced, but not a handwritten list) meeting the specifications provided by the department.

The department shall not require such information to be reported more frequently than monthly and shall hold all insured information received as confidential, subject to storage and access under the departments confidentiality policies and procedures. Any insured whose indemnity policy benefits pay less than \$25 a day in hospital or medical benefits is exempt from the provisions of this rule.

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

DECLARATION OF EMERGENCY

**Department of Transportation and Development
Marine Operations**

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, notice is hereby given

that, effective October 8, 1986, the Department of Transportation and Development/Marine Operations (DOTD/Marine Operations) intends to impose and adopt a schedule of tolls for vehicles and pedestrians on the indicated ferry crossings.

The 1985-86 session of the Louisiana Legislature approved a budget for the Department of Transportation and Development which required that the statewide ferry operations be funded either fully or partially with tolls. Funds cannot be obtained from other sources to continue services provided by these operations, therefore, we have determined that it is absolutely necessary to adopt this as an emergency rule to impose tolls on the following ferry crossings on the indicated rivers that are owned, operated, and maintained by DOTD/Marine Operations.

- White Castle/Carville - Mississippi River
- Edgard/Reserve - Mississippi River
- Plaquemine/Sunshine - Mississippi River
- New Roads/St. Francisville - Mississippi River
- Duty/Enterprise - Ouachita River
- Melville - Atchafalaya River
- Cameron/Ship Channel - Calcasieu and Intercoastal
- Cameron/Monkey Island - Calcasieu River

Each vehicle, its owner or operator, and all occupants of such vehicle shall be jointly and solidarily liable for payment of the prescribed toll. Each ferry passenger not crossing in a vehicle shall be liable for payment of the prescribed toll.

The funds thus generated will be applied to the construction, improvements, repairs, maintenance, and operations of those ferry facilities and properties. All such toll schedules are imposed pursuant to R.S. 48:25.

FERRY TOLL CLASSIFICATION - RATE SCHEDULE

	Toll
A. Per Crossing Per Pedestrian Each Way	\$ 0.25
B. Per Crossing Per Axle for Every Vehicle Each Way	\$ 0.50

Robert G. Graves
Secretary

DECLARATION OF EMERGENCY

**Department of Transportation and Development
Office of Highways and
The Mississippi River Bridge Authority
Within the Department of Transportation
and Development**

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953 B, notice is hereby given that The Mississippi River Bridge Authority within the Department of Transportation and Development ("MRBA") and the Department of Transportation and Development ("DOTD") intends to impose and adopt the following schedule of tolls on the Greater New Orleans Bridge No. 1 ("GNO No. 1") and on the Greater New Orleans Bridge No. 2 ("GNO No. 2") and on the ferry crossing operated by MRBA in the Greater New Orleans area.

The 1985-86 session of the Louisiana Legislature approved a budget for the Department of Transportation and Development which required that the Mississippi River Bridge Authority operations be funded either fully or partially with tolls. It is necessary to adopt this as an emergency rule because the financial conditions of the state is such that funds cannot be

obtained from other sources to continue services provided by these organizations. Tolls will be effective October 8, 1986, and the funds generated will be applied to the constructions, improvements, repairs, maintenance, and operations of MRBA facilities and properties; and will be applied to the payment of the principal of and interest upon the bonds; and will be applied to financing obligations of MRBA, DOTD, and the state of Louisiana for the financing and construction of GNO No. 1 and GNO No. 2 across the Mississippi River; and will be applied to fulfill the terms and provisions of any agreements made with the purchasers and holders of any of those obligations or any contractual rights pursuant thereto.

All such toll schedules are imposed pursuant to R.S. 48:1093, especially Sections (7) and (15), and the Executive Reorganization Act, R.S. 36:1 et seq., and related laws and contractual agreements set forth as follows.

Legal Authority Requiring Secretary to Impose Tolls

Louisiana Acts 7 and 8 of 1952. Act 7 is carried forward by R.S. 1093 (15); Louisiana Constitution of 1921, Article 6, Section 22(g) carried forward by Act 14, Section 16 and/or Article 7, Section 14(D) of the Louisiana Constitution of 1974.

The Bond Indenture and Deed of Trust by and between MRBA and the National Bank of Commerce in New Orleans, Louisiana, dated as of November 1, 1954, with outstanding bonds totaling \$19,392,000; the official statement regarding \$65,000,000 Bridge Revenue Bonds (secured in part by funds from Louisiana State Highway Fund No. 2) dated October 5, 1954 and especially Appendix C thereof, being a contract of August 9, 1954 between MRBA and the Louisiana Highway Department pursuant to Act 8 of 1952.

United States Constitution Article 1, Section 10, Clause 1; R.S. 48:1 et seq., especially Section 1-55; R.S. 48:1091 et seq.

The Executive Reorganization Act, R.S. 36:1 et seq. and especially Section 509, E, (2) thereof transferring MRBA to DOTD in accordance with Part III of Chapter 22, being Section 901 et seq., and Section 905 thereof imposing duties on the secretary of DOTD not to impair the contractual obligations of MRBA, which include the duty upon the secretary of DOTD to impose tolls upon GNO No. 1 under the above referred to laws, Bond Indenture, contractual agreements, and laws of Louisiana if there has not been provided to MRBA funds to meet its Bond Indenture requirements pursuant to the May 15, 1964 agreement by and between the Department of Highways and MRBA which inure to the bondholders of the Bond Indenture of November 1, 1954 providing for the suspension of the collection of tolls for usage of GNO No. 1 as long as funds were provided for Bond Indenture requirements and all contractual and legislative supplements thereto.

Act 402 of 1976, as amended, especially by Act 522 of 1984.

The agreement for the new Mississippi River Bridge at New Orleans, Louisiana GNO No. 2 by and between MRBA-/LADOTD, DOTD, City of New Orleans, Parish of Jefferson, approved by Governor Edwin W. Edwards and dated 29 April 1978; and Act 17 of 1986.

Part 1 - Tolls on Bridges

Tolls will be collected in accordance with the following schedule from vehicular traffic crossing the bridge facility from the westbank of the Mississippi River (Algiers Side) to the eastbank of the Mississippi River (New Orleans Side) in that direction only. Tolls will not be collected from traffic crossing the bridge facility from the eastbank to the westbank of the River.

Tolls initially will, on October 8, 1986, be collected from eastbank bound traffic on GNO No. 1; when Eastbank bound traffic is transferred to GNO No. 2 (now under construction),

collections of tolls on GNO No. 1 will cease and collection of tolls on GNO No. 2 will begin.

The tolls are to be payable in cash or through the use of commutation or other tickets of privileges for service based upon frequency or volume, and shall be collectible at the toll collection facilities located on the westbank of the Mississippi River at the entranceway to the bridge structures. Each vehicle, its owner or operator, and all occupants of such vehicle shall be jointly and solidarily liable for the payment of the toll in order to cross the Bridge(s).

**The Mississippi River Bridge Authority
Bridge Toll Classification - Rate Schedule**

Collectible at Toll Booths

**From Traffic Going from the Westbank Side
to the Eastbank Side of the Mississippi River**

Class Description of Vehicle Axles Toll

1 Auto-Taxi-Van-RV-MC-Pickup	2	\$1.00
2 Auto-Van-RV	3	1.50
2 Auto-Van-RV + 1 Extra Axle	4	2.00
2 Auto-Van-RV + 2 Extra Axle	5	2.50
3 Truck - Single Unit	2	1.00
4 Truck - Single Unit or Combination	3	1.50
5 Truck - Single Unit or Combination	4	2.00
6 Truck - Combination	4	2.50
6 Truck - Combination + 1 Extra Axle	6	3.00
6 Truck - Combination + 2 Extra Axles	7	3.50
6 Truck - Combination + 3 Extra Axles	8	4.00
6 Truck - Combination + 4 Extra Axles	9	4.50
6 Truck - Combination + 5 Extra Axles	10	5.00
6 Truck - Combination + 6 Extra Axles	11	5.50
6 Truck - Combination + 7 Extra Axles	12	6.00
7 Bus - Private and Commercial	2	1.00
7 Bus - Private and Commercial + 1 Extra Axle	3	1.50
8 Bus - Mass Transit	2	0.00
8 Bus - Mass Transit + 1 Extra Axle	3	0.00
8 Bus - Mass Transit + 2 Extra Axles	4	0.00
10 Commute Ticket - Class 1 Vehicle Only	2	0.70
11 Sale of Commute Book - 30 Tickets Per Book	-	21.00
Public Vehicle	-	0.00

The commutation or other tickets of privileges for service based upon frequency of volume are applicable to Class I vehicles and will be obtainable in advance from MRBA at a cost of \$0.70 for each such ticket which shall be used as a credit for full payment of and instead of the \$1 cash toll for Class I vehicles.

Part 2 - Tolls on Ferries

Tolls will be collected on ferry vehicular and pedestrian traffic beginning October 8, 1986.

Each vehicle, its owner or operator, and all occupants of such vehicle shall be jointly and solidarily liable for payment of the prescribed toll. Each ferry passenger not crossing in a vehicle shall be liable for payment of the prescribed toll.

Tolls will be collected in accordance with the following schedule from vehicles using the ferries owned, operated, and maintained by the MRBA to cross the Mississippi River from the westbank of the river to the eastbank of the river, as hereinafter set forth. Tolls will not be collected from vehicles crossing the Mississippi River from the eastbank to the westbank.

**FERRY TOLL CLASSIFICATION - RATE SCHEDULE
VEHICLES**

Collectible at Toll Booths

**Only From Traffic Going from the Westbank Side
to the Eastbank Side of the Mississippi River**

Class Description of Vehicle Axles Toll

1 Auto-Taxi-Van-RV-MC-Pickup	2	\$ 1.00
2 Auto-Van-RV	3	1.50
2 Auto-Van-RV + 1 Extra Axle	4	2.00

FERRY TOLL CLASSIFICATION (continued)

2 Auto-Van-RV + 2 Extra Axle	5	2.50
3 Truck - Single Unit	2	1.00
4 Truck - Single Unit or Combination	3	1.50
5 Truck - Single Unit or Combination	4	2.00
7 Bus - Private and Commercial	2	1.00
7 Bus - Private and Commercial + 1 Extra Axle	3	1.50
8 Bus - Mass Transit	2	0.00
10 Commute Ticket - Class 1 Vehicle Only	2	0.70
11 Sale of Commute Book - 30 Tickets Per Book	-	21.00
Public Vehicle	-	0.00

Tolls will be collected in accordance with the following schedule from pedestrians using the ferries owned, operated, and maintained by the MRBA to cross the Mississippi River from the westbank of the river to the eastbank of the river, and from the eastbank of the river to the westbank of the river.

FERRY TOLL CLASSIFICATION - RATE SCHEDULE
PEDESTRIANS

Charged Both Directions		
Class	Description of Pedestrian	Toll
A	Per Crossing Per Pedestrian Each Way	\$0.25
B	Per Crossing Per Pedestrian - Elderly, Handicapped, and Persons Displaying a Medicare Card During Non-Peak Hours, Payable Only by Advance Purchase of Tokens From MRBA	\$0.10
C	Round Trip per Bicycle	\$0.50

Robert G. Graves
Secretary

DECLARATION OF EMERGENCY
Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission set the Calcasieu Lake Oyster Season for 1986-87 in accordance with the following rules and regulations:

1. That the oyster season in Calcasieu Lake be fixed to extend from one-half hour before sunrise on Monday, November 10, 1986 through one-half hour after sunset on Saturday, March 29, 1987 with the right being reserved to close said season sooner if biologically justifiable.

2. The open areas shall be confined to the areas of Calcasieu Lake with the exception of Calcasieu River and Ship Channel, East Fork, West Fork and Oyster Bayou which shall be closed.

3. All oysters shall be put into sacks before leaving the oyster fishing area in Calcasieu Lake. Oysters not in sacks leaving the fishing area in Calcasieu Lake shall be confiscated and violator subject to penalty set forth in Title 56: Section 115.

4. The taking of Oysters for home consumption shall be limited to three bushels (two sacks per boat per day).

5. The three inch culling law shall be observed by all fishermen fishing the area and the culls shall be scattered around the perimeter of the reefs to provide for expansion of future harvesting.

6. That oyster fishing be limited only to the use of tongs and to daylight hours.

The secretary be and is hereby authorized and empowered to change the limit or close said season, if biologically sound.

The Louisiana Wildlife and Fisheries does hereby open the public seed ground areas in the following manner:

I. East of the Mississippi River

1. All the public grounds east of the Mississippi River Gulf Outlet should open 1/2 hour before sunrise on October 14.

2. All public grounds east of the Mississippi River Gulf Outlet and east of Mississippi River should open 1/2 hour before sunrise September 3. The exceptions will be the shell plant areas. The Bay Gardene Oyster Reservation will be open September 3 for seven days for bedding only and then close September 10 and then reopen October 14 for both sacking and bedding.

II. West of the Mississippi River

1. The Sister Lake Oyster Seed Reservation and the Hackberry Bay Oyster Seed Reservation will open September 3. However, the Sister Lake Oyster Seed Reservation will remain open for nine days for bedding only and then close September 10 and then reopen on October 14 for both bedding and seed production.

2. The Vermilion Bay Oyster Seed Reservation will open on September 3, and could be set aside for bedding purposes only.

3. The Calcasieu Lake Public Tonging Reefs will open November 10 and Close March 29.

4. The Bay Junop Oyster Seed Reservation will remain closed for the 86/87 oyster season.

The secretary be and is hereby authorized and empowered to close the Bay Gardene Oyster Seed Reservation, the Sister Lake Seed Reservation, Hackberry Bay Oyster Seed Reservation or all three if it becomes necessary, and that he also be authorized to close shell plant areas if they materialize and when they are properly marked.

J. Burton Angelle
Secretary

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Pursuant to the emergency provisions of R.S. 49:953B the Louisiana Wildlife and Fisheries Commission gives notice that at its regularly scheduled meeting in Baton Rouge, Louisiana, on August 15, 1986, it adopted the following regulations establishing hunting season dates and bag limits for certain migratory birds:

(1) Doves:

Sept. 6-14	9 days (statewide)
Oct. 18 - Nov. 30	44 days (statewide)
Dec. 13 - Dec. 29	17 days (statewide)
TOTAL:	70 days

Rails:

Sept. 20-28	9 days
Nov. 8 - Jan. 7	61 days
TOTAL: 70 days	

(2) Gallinules:

Sept. 20-28	9 days
Nov. 8 - Jan. 7	61 days
TOTAL: 70 days	

(3) Snipe:

Nov. 8 - Feb. 22	107 days
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- (4) Woodcock:
Dec. 6 - Feb. 8 65 days
- (5) Teal:
Sept. 20 - 28 9 days

Shooting Hours:

1. Teal, rail, and gallinule seasons occurring in September; sunrise to sunset.
2. Remainder of season for rails and gallinules and entire snipe and woodcock season: 1/2 hour before sunrise to sunset.
3. Doves: 1/2 hour before sunrise to sunset except Noon to sunset in Sept. 6 and 7, Oct. 18 and 19, and Dec. 13 and 14.

This emergency action is necessary in establishing federal hunting regulations under time constraints required by the U. S. Fish and Wildlife Service. This does not allow normal public notice procedures as required by the Administrative Procedure Act.

Anyone requesting copies and/or further information concerning these regulations may contact Joe L. Herring, Office of Wildlife, Box 15570, Baton Rouge, LA 70895, phone (504) 342-5880.

J. Burton Angelle
Secretary

Rules

RULE

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

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:2093, the Department of Agriculture, Livestock Sanitary Board, has adopted the rule detailed below.

Amend LAC 7:XXI. 11735.A.5.b. as follows:

- b. Suspect animal(s) adult vaccinated or calfhood vaccinated animals which are card test positive and rivanol test negative on the market tests can be "S" branded and sold for slaughter or at the owner's choice 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.

Bob Odom
Commissioner

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published on June 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below:
Rule 5.00.50.f(2)

Amend Board Policy 5.00.50.f as follows:

"The funds provided to local education agencies from the 15 percent discretionary monies under Education of the Handicapped Act, Part B, P.L. 94-142, shall not be used for local school construction programs, procurement of temporary buildings, or for the acquisition of school buses, vans or other vehicles except as follows:

1. Renovations and repairs necessary for reasons of health and safety of handicapped students and staff.
2. Modifications required to make special and regular education programs accessible to handicapped students including, but not limited to, such items as ramps, widened doorways, hand-rails, special water fountains, and modified bathrooms. This exception specifically excludes modifications for the purpose of compliance with Section 504 of the Rehabilitation Act.
3. The purchase of building materials for construction as part of an ongoing vocational education program for the handicapped students.
4. Adaptations of existing buses to provide for the safe loading, transporting, and unloading of handicapped students.

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

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to Notice of Intent published on June 20, 1986 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below:
Rule 3.01.70.u(9)c

Revised interim certification requirements for foreign associate teachers (revised). (See Page 363 of June 20, 1986 *Louisiana Register* for complete text of policy.)

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

RULE

Board of Elementary and Secondary Education

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

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

Rule 9.00.50.c

Amend Bulletin 1191, *School Transportation Handbook*, Page 23 regarding loading and unloading of buses as follows: (Clarifying language to notice of intent published in May, 1986 *Louisiana Register*)

- Loading and unloading
6. Bus must stop in right lane,
OR

the local school system has the option to permit loading and unloading on the shoulder of the road when sufficient room already exists on the shoulder or on adjacent state property or private property when permission can be obtained from the owners and when no children are to cross the highway to load or unload.

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

RULE

Office of the Governor Office of Elderly Affairs

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) has revised Subsections VI, VII, and IX of the Governor's Office of Elderly Affairs Policy Manual Appendix to include the proper forms and schedules that are required by the Single Audit Act of 1984. The effective date of this revision is September 20, 1986.

This revision was adopted as an emergency rule effective June 30, 1986. The requirements are effective for Fiscal Year 1986 audit reports.

Sandra C. Adams
Director

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, is adopting the following rule.
Summary

This rule is mandated by federal regulations as published in the *Federal Register*, Vol. 51, No. 40, Friday, February 28, 1986, pages 7178 through 7217.

Final Rulemaking

Effective September 30, 1986, the Office of Family Security will implement the Statewide Income and Eligibility Verification System (SIEVS). The social security numbers of applicants for and recipients of benefits and services through the Assistance Payments, Food Stamps, and Medical Assistance Programs will be submitted to SIEVS at application and at regular periods

thereafter. SIEVS will perform computer matching to obtain information from the Social Security Administration, the Internal Revenue Service, and the Louisiana Department of Labor. SIEVS will receive information regarding income and resources from these agencies, and will produce reports for OFS eligibility workers. The eligibility workers will use the information to determine whether applicants and recipients have reported correctly and whether eligibility and benefit level have been determined correctly.

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

RULE

Department of Health and Human Resources Office of the Secretary

Effective upon publication, under the authority of the Uniform Controlled Dangerous Substances Act, R.S. 40:972 and 965, the secretary of the Department of Health and Human Resources hereby adds the following rule pertaining to Controlled Dangerous Substances to the existing regulations of the Department of Health and Human Resources, Division of Licensing and Certification.

Section 20. Added Controlled Substances.

The following drug is hereby controlled under the designated schedule under authority of R.S. 40:962: (The following drug is in addition to the drugs scheduled in the statute in Section 40:964).

Schedule II

F. Hallucinogenic Substances.

1. Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U. S. Food and Drug Administration approved drug product. (Another name for Dronabinol is delta-9-(trans)-tetrahydrocannabinol.)

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

RULE

Department of Health and Human Resources Office of the Secretary

The Department of Health and Human Resources has adopted changes to the "Rate Setting for Residential Care System Manual." These changes are in accordance with R.S. 15:1081-1086 and R.S. 36:254 A (3). These revisions are necessary to provide more time for the providers of residential care to submit necessary reports and to reduce the number of reports necessary for submission.

AMENDMENTS TO THE

RATE SETTING FOR RESIDENTIAL CARE MANUAL

(Title 67, Chapter 51, Subchapter C)

1. On page 3.2-3 (Section 5115 B), change the date for Event 1 to September 30, the date for Event 2 to November 1, and the date of Event 3 to November-June. Change the language for Event 1 to require cost reporting "for the 12 months ending June 30 . . ." from "the six months ending June 30 . . ."

2. On page 3.2-5 (Section 5115 C 1 a), change the time reference in the first step from six months to 12 months.

3. On page 3.5-1 (Section 5118 A 1), change the due date to September 30 from September 1. Under "Information Required", change "six months" to "12 months."

4. On page 3.5-2 (Section 5118 A 1), delete the due date of April 1 and the requirement for the cost report covering six months ending 12/31.

5. On page 3.5-3 (Section 5118 A 7), change "six months" to "12 months" in item 7.

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

RULE

Department of Natural Resources Office of Conservation

Regulation 18 - Enforcement

This regulation prescribes the authority of the assistant secretary of the Office of Conservation and procedures to be utilized by him in carrying out his duties regarding enforcement of R.S. 30:501 et seq., R.S. 33:4521 et seq., and R.S. 40:1892 et seq. and the rules and regulations promulgated thereunder.

a. Service

(1) Except as herein provided, any order, notice or other documents required to be served under this regulation shall be served personally or by registered or certified mail.

(2) Should the assistant secretary elect to make personal service, it may be made by any officer authorized to serve process or any agent or employee of the assistant secretary in the same manner as is provided by law for the service of citation in civil actions in the district courts. Proof of service by an agent or employee shall be by the affidavit of the person making it.

(3) Service upon a person's duly authorized representative, officer or agent constitutes service upon that person.

(4) Service by registered or certified mail is complete upon mailing. An official U. S. Postal Service receipt from the registered or certified mailing constitutes prima facie evidence of service.

b. Subpoenas

(1) The assistant secretary may sign and issue subpoenas either on his own initiative or, upon request and adequate showing by any person participating in any proceeding before the assistant secretary that the information sought is relevant and will materially advance the proceeding.

(2) A subpoena may require the attendance of a witness for the purpose of giving testimony, or the production of documents or other tangible evidence in the possession or under the control of the person served, or both.

(3) A subpoena may be served by any agent of the Department of Conservation, by the sheriff of the parish where service is to be made or the parish where the action is pending or by any other person authorized by law to serve process in this state.

(4) Service of a subpoena upon the person named therein shall be made by delivering a copy of the subpoena to such person. Delivery of a copy of a subpoena may be made by handing them to the person, leaving them at his office with persons in charge thereof, leaving them at his dwelling place or usual place of abode with some person of suitable age and discretion then residing therein, or by any method whereby actual

notice is given to him.

(5) When the person to be served is not a natural person, delivery of a copy of the subpoena may be affected by handing them to a designated agent or representative for service, or to any officer, director, or agent in charge of any office of the person.

(6) The original subpoena bearing a certificate of service shall be filed in the assistant secretary's records for the proceedings in connection with which the subpoena was issued.

(7) No person shall be excused from attending and testifying or producing books, papers, or records, or from obeying the subpoena of the assistant secretary, or of a court of record on the grounds that the testimony or evidence required of him may tend to incriminate him or subject him to penalty or forfeiture. Pursuant to R.S. 30:8(4), no natural person shall be subject to criminal prosecution or to any penalty or forfeiture on account of anything concerning which he may be required to testify or produce evidence before the assistant secretary or a court of law; however, no person testifying shall be exempt from prosecution and punishment for perjury.

(8) In the case of failure or refusal of a person to comply with a subpoena issued by the assistant secretary, or in the case of a refusal of a witness to testify or answer as to a matter regarding which he may be lawfully interrogated, any district court on the application of the assistant secretary may, in term time or in vacation, issue an attachment for the person to compel him to comply with the subpoena and to attend before the assistant secretary with the desired documents and to give his testimony upon whatever matters are lawfully required. The court may punish for contempt those disobeying its orders as in the case of disobedience of a subpoena issued by the court or refusal to testify therein.

c. Inspection, field inspection reports

(1) Officers, employees or agents authorized by the assistant secretary, upon presenting proper credentials, are authorized to enter upon, inspect, and examine, at reasonable times and in a reasonable manner, the records and properties of persons to the extent that such records and properties are relevant to determining compliance of such person with R.S. 30:501 et seq., R.S. 33:4521 et seq., and R.S. 40:1892 et seq. or any rules, regulations or orders issued thereunder.

(2) Inspection may be conducted pursuant to a routine schedule, a complaint received from a member of the public, information obtained from a previous inspection, report of accident or incident involving facilities, or whenever deemed appropriate by the assistant secretary.

(3) If, after inspection, the assistant secretary believes that further information is needed or required to determine compliance or appropriate action, the assistant secretary may request specific information of the person or operator to be answered within 10 days of receipt of said request.

(4) The assistant secretary may, to the extent necessary to carry out his responsibilities, require reasonable testing of any portion of a facility in connection with a violation or suspected violation.

(5) When information obtained from an inspection indicates that a violation has probably occurred, the inspector shall complete a field inspection report as to the nature of the violation citing the specific provisions which have been violated. Said field inspection report shall be filed with the assistant secretary for review and further action, if appropriate.

(6) The assistant secretary or his agent, after review of the field inspection report, and depending upon the severity of the violation and the exigency of the situation, may issue to the operator a letter of non-compliance or initiate one or more enforcement proceedings prescribed by paragraphs lettered (e)

through (i) hereof.

d. Letter of Non-compliance, relief therefrom

(1) Upon determination that a probable violation of R.S. 30:501 et seq., R.S. 33:4521 et seq., or R.S. 40:1892 et seq., or any rule, regulation or order issued thereunder has occurred, the assistant secretary may institute enforcement procedures by serving upon the intrastate natural gas pipeline operator a letter of non-compliance notifying said operator of said probable violation and directing said operator to correct said violation within a designated period of time to be determined by the assistant secretary or be subject to enforcement action prescribed by paragraphs lettered (e) through (i) hereof. A copy of the field inspection report or other evidence of violation shall be attached to the letter of non-compliance. The letter of non-compliance may inform the operator of the time at which reinspection of the facility will be conducted to confirm compliance and shall inform the operator of the time delays and procedure available to said operator for securing relief from said letter of non-compliance.

(2) Except in cases of emergency action instituted pursuant to paragraph lettered (g) hereof, within seven days of receipt of a letter of non-compliance, the operator who believes himself to be in compliance with the applicable statute and the rules, regulations or orders issued thereunder or who believes the time limits imposed upon him for compliance to be burdensome, may request a conference before the assistant secretary or his designated agent. The operator's request for said conference may be verbal or presented in writing.

(3) The conference before the assistant secretary or his agent shall be informal without strict adherence to rules of evidence. The operator may submit any relevant information and materials which shall become part of the record and may examine the assistant secretary's files relative to the probable violation. If circumstances are deemed appropriate by the assistant secretary and upon request of the operator, this conference may be held by telephone conference.

(4) Upon conclusion of the conference for relief, the assistant secretary may issue to the operator a modified letter of non-compliance extending the time for compliance or containing such other terms and conditions as may be appropriate considering the nature of the probable violation, the circumstances and exigency of the situation.

e. Reinspection, show cause conference

(1) Upon expiration of the delay allowed in the letter of non-compliance or modified letter of non-compliance for correcting said probable violation, the operator's facilities shall be reinspected and if the operator is found to be in compliance, the enforcement file for said violation will be closed.

(2) If upon reinspection the operator is found to be in violation of the statute, rule or regulation for which a letter of non-compliance has been issued, the assistant secretary may: (a) re-issue citation to the operator in the form of a letter of non-compliance containing such modifications or extensions of time as the case may warrant; (b) require that the operator attend a show cause conference with the assistant secretary or his agent to review the complaint and the operator's efforts in resolving or correcting the violation and at the conclusion of said conference the assistant secretary may reissue a modified letter of non-compliance containing such modifications or extensions of time as the case may warrant, or (c) immediately after reinspection or after the show cause conference, initiate one or more enforcement proceedings prescribed by paragraphs lettered (f) through (i) hereof.

(3) The show cause conference shall be conducted informally without strict adherence to the rules of evidence. The operator may submit any relevant information, call witnesses on his behalf, and examine the evidence and witnesses against him. No

detailed record of said conference shall be prepared but said record shall contain the materials in the enforcement case file pertinent to the issues, relevant submissions of the operator and the written recommendations of the assistant secretary or his agent.

f. Show cause hearing, notice, rules of procedure, record, order of compliance

(1) At any time that the assistant secretary determines that such action is appropriate, he may direct that an operator attend a formal show cause hearing and to show cause at said hearing why he should not be compelled to comply with applicable statutes and the rules and regulations promulgated thereunder.

(2) The operator shall be given at least 10 days notice of said show cause hearing in the manner herein provided and shall be required to attend. The assistant secretary may issue such subpoenas as may be necessary for the attendance of witnesses and the production of documents.

(3) The show cause hearing shall be conducted in accordance with the procedures for adjudication prescribed by the Administrative Procedure Act (R.S. 49:950 et seq.).

(4) The record of the case shall include those items required by R.S. 49:955E together with the enforcement file for the violation in question which enforcement file may include inspection reports and other evidence of violation, letters of non-compliance, modified letters of non-compliance, materials submitted by the operator pursuant to paragraphs lettered (d) and (e) hereof, all correspondence and orders directed to the operator by the assistant secretary, all correspondence received by the assistant secretary from the operator, and evaluations and recommendations of the assistant secretary or his staff.

(5) After conclusion of the show cause hearing the assistant secretary shall issue an order of compliance directed to the operator setting forth findings and determinations on all material issues, including a determination as to whether each alleged violation has been proven, and a statement of the actions required to be taken by the operator and the time by which such actions must be accomplished. The compliance order shall become final as specified by the Administrative Procedure Act.

(6) The assistant secretary may tax the operator with all costs of said hearing including but not limited to transcription and service costs and hearing fees in the amount prescribed by R.S. 30:21.

(7) The operator and the assistant secretary may consent to waiver of the show cause hearing and enter into a consent order which will become final and non-appealable upon its issuance.

(8) If the operator fails to comply with the final order of compliance, the assistant secretary may take whatever civil or criminal action is necessary to enforce said order.

g. Emergency

Should the assistant secretary, the director of Pipelines or the chief of Pipeline Safety find an existing emergency due to non-compliance with law or the rules, regulations or orders issued pursuant thereto or due to gas leakage or lack of malodorization which in his judgment requires the issuance of an emergency order or an order for the immediate termination of the offending service without first complying with the procedures set forth herein and without having a hearing, he may issue the emergency order or terminate said offending service and invoke a show cause hearing pursuant to paragraph lettered (f) requiring the operator to show cause why the circumstances giving rise to the emergency should not be corrected. The emergency order or order for termination of the offending service shall remain in force no longer than 15 days from its effective date. In any event, the emergency order shall expire when the order made

after notice and hearing with respect to the same subject matter becomes effective. An emergency is defined as the lack of malodorant in gas required to be malodorized or any situation where there is a substantial likelihood that loss of life, personal injury, health or property will result before the procedures under this regulation for notice and hearing can be fully complied with.

h. Civil enforcement, injunction

Whenever it appears to the assistant secretary that any person or operator has engaged, is engaged, or is about to engage in any act or practice constituting a violation of R.S. 30:501 et seq., R.S. 33:4521 et seq., or R.S. 40:1892 et seq. or any rule, regulation or order issued thereunder, he may bring an action in the court having jurisdiction, to enjoin such acts or practice and to enforce compliance with the applicable statute and the rules, regulations and orders issued pursuant thereto, and upon proper showing a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. The relief sought may include a mandatory injunction commanding any person to comply with the applicable law or any rule, regulation or order issued thereunder, and to make restitution of money received in violation of any such rule, regulation or order.

i. Criminal enforcement, penalties

(1) The assistant secretary may transmit such evidence as may be available concerning acts or practice in violation of R.S. 30:501 et seq., R.S. 33:4521 et seq., and R.S. 40:1892 et seq. or any rule, regulation or order issued pursuant thereto or any order issued pursuant to this regulation to the district attorney having jurisdiction over same who, in his discretion, may institute necessary proceedings to collect the penalties provided by statute.

(2) Any person who willfully violates any provision of R.S. 30:501 et seq. or any rule, regulation or order issued pursuant thereto or any order issued pursuant to these enforcement regulations or who willfully furnishes false information to the assistant secretary shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than \$10,000 or imprisoned for not more than one year, or both, for each violation.

(3) Any person who fails to fully comply, within 60 days after receipt thereof, with any rule, regulation or order of the Office of Conservation adopted pursuant to the provisions of R.S. 33:4521 et seq. or R.S. 40:1892, or any order issued pursuant to this regulation shall be fined \$1,000 for each day he fails to comply therewith.

Herbert W. Thompson
Commissioner of Conservation

RULE

Department of Natural Resources Office of the Secretary

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 56:700.2, the Department of Natural Resources has adopted the following rules and regulations, effective September 20, 1986.

The balance in the Fishermen's Gear Compensation Fund is less than \$100,000 and, pursuant to R.S. 56:700.2, an additional fee of \$300 will be assessed on each lessee of a state mineral lease and each grantee of a state right-of-way located in the coastal zone of Louisiana.

B. Jim Porter
Secretary

RULE

Department of Public Safety and Corrections Office of Motor Vehicles

The Office of Motor Vehicles has adopted the following rule, effective September 20, 1986, setting a fee for issuance of a hardship license under authority R.S.32:863.

Title 37

Part VII. Motor Vehicles

Chapter 1. Insurance

Subchapter B. Compulsory Motor Vehicle Liability Security

§129. Compulsory Insurance Hardship License

A. A \$25 hardship license fee, plus the cost of the operator's license will be collected from an applicant for a hardship license to drive a vehicle belonging to his employer and only in the regular course of his duties provided in LRS 32:863 for a *first time only* suspension for any of the following:

1. False declaration in application for registration of any motor vehicle or in application for a motor vehicle inspection tag that the vehicle was covered by the required security.

2. Registered owner of any motor vehicle has allowed the required security to lapse.

3. Evidence produced that a vehicle is not covered by the required security.

4. Operator of a vehicle has failed to comply with the provisions of LRS 32:863.1.

B. The \$25 hardship license fee plus the cost of the operator's license is collected to offset the administrative cost of preparation of the hardship license as provided in LRS 32:863(C-5). This hardship fee is collected in addition to the \$25 reinstatement fee as provided in LRS 32:874(B).

John J. Politz
Assistant Secretary

RULE

Department of Transportation and Development Office of Highways

The following permit fee schedule is applicable to outdoor advertising signs:

Initial permit fee - \$100 per sign face

Annual Permit Renewal fee - \$50 per sign face

Robert G. Graves
Secretary

RULE

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

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

Article 3, Section VIII(B), under "Exceptions and Exclusions for all Medical Benefits"

B. Unless otherwise provided for by law, services or supplies furnished by the Veterans Administration.

James D. McElveen
Executive Director

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The following rule was adopted by the Louisiana Wildlife and Fisheries Commission at its regular meeting held in Baton Rouge, Louisiana, September 5, 1986.

The Louisiana Wildlife and Fisheries Commission hereby prohibits the use of fish nets (gill nets, trammel nets, hoop nets, fish seines) in Caney Creek Reservoir, Jackson Parish, Chatham, Louisiana.

J. Burton Angelle
Secretary

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The following rule was adopted by the Louisiana Wildlife and Fisheries Commission at its regular meeting held in Baton Rouge, Louisiana, September 5, 1986.

The Louisiana Wildlife and Fisheries Commission hereby prohibits the use of fish nets (gill nets, trammel nets, hoop nets, fish seines) in Cross Lake, Caddo Parish, Shreveport, Louisiana.

J. Burton Angelle
Secretary

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission took action at its June 6, 1986 meeting in Baton Rouge, Louisiana to prohibit hunting on all private lands within the Fountainebleau State Park in St. Tammany Parish. The proposal was recommended by the Division of State Parks and adopted by the Louisiana Wildlife and Fisheries Commission and becomes effective on publication in the *Louisiana Register*.

J. Burton Angelle
Secretary

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The following rule was adopted by the Louisiana Wildlife and Fisheries Commission at its regular meeting held in Baton Rouge, Louisiana, September 5, 1986.

The Louisiana Wildlife and Fisheries Commission hereby prohibits the use of gill nets, trammel nets, flag webbing and fish seines in the Louisiana portion of Toledo Bend Reservoir located in Sabine and DeSoto Parishes, Louisiana; and, hoop nets are prohibited during March 1 through May 15 each year only in that portion of Toledo Bend Reservoir from a point north of Logansport where the lake enters Texas, and south to a point on the lake where the Texas Duck Refuge Canal intersects the old channel of the Sabine River.

J. Burton Angelle
Secretary

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Agricultural Sciences Seed Commission

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture is hereby giving notice of its intention to adopt rules and regulations for the enforcement of the Louisiana Seed Law.

Comments and requests for copies of the proposed rules should be mailed to Eric Gates, Office of Agricultural and Environmental Sciences, Box 44153, Baton Rouge, LA 70804, (Phone 504/292-3200).

Richard Allen
Assistant 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)

Although we will have to take samples and inspect sugar cane in order to certify it, all implementation costs will be charged to existing funds.

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

The estimated revenue collections from certifying sugar cane is nominal.

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

Sugar cane farmers will be required to pay an application fee for certification of \$10 for each crop, plus \$2.50 for each additional variety plus \$.10 per acre inspection fee. At the present time, there is only one farmer that will be certifying sugar cane.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These rules will not have any effect on competition and employment.

Richard Allen
Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Dairy Stabilization Board**

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

The Dairy Stabilization Board is not anticipating any implementation costs for the milk case deposit program.

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

This program will not have any effect on revenue collections for the Dairy Stabilization Board.

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

It is anticipated that this program will have a total savings to the industry of approximately \$250,000 if all licensed processors were to participate in the program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This program will not have any effect on competition and employment.

Richard Allen
Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

In accordance with the Administrative Procedure Act and R.S. 3:4108, the Department of Agriculture and Forestry, Dairy Stabilization Board, is hereby giving notice of its intention to adopt rules and regulations pertaining to milk case deposits. All comments should be mailed to Bob Simon, Director, Dairy Stabilization Board, Box 44456, Capitol Station, Baton Rouge, LA 70804 or delivered to 12055 Airline Highway, Baton Rouge. Comments will be accepted through October 15, 1986. The proposed rule and regulation is detailed below.

Title 7

Agriculture and Animals

Part XXXI. Milk, Milk Products and Substitutions

Chapter 161. Dairy Stabilization Board

§16110. Milk Case Deposits

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

1. give written notice providing clear, express and written detail of the program to all persons or entities to whom the program applies;

2. provide the same information in writing to the board;

3. provide all said notices no less than 30 days before the implementation of said program;

4. apply any such program uniformly to all customers; and

5. such milk case deposits, if implemented, shall be refundable and shall be \$1 per milk case.

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

Bob Odom
Commissioner

NOTICE OF INTENT

**Department of Commerce
Licensing Board for Contractors**

At its meeting on July 8, 1986, the State Licensing Board for Contractors made a motion which unanimously passed to amend the following rules in LAC 46:XXIX.505.

Chapter 5. Examination

§505. Additional Classifications

C. Additions or changes to an existing license shall become effective after completion of the above requirements and upon board approval at the next regularly scheduled meeting.

Explanation: This change will comply with the amendment to the law as set out by Act No. 599 of 1985.

Comments regarding the proposed rule changes should be directed in written form to Joy Evans, State Licensing Board for Contractors, 7434 Perkins Road, Baton Rouge, LA (70808). All comments may be submitted until 4:30 p.m., October 10, 1986.

J. Warren Landry
Executive Director

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

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

None

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

None

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO

DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

None

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Very minimal since the law prior to 1985 allowed an additional classification to be added to a license 30 days after letter of request was received in office or the next regular scheduled board meeting, whichever came first. Under the amended law, all additional classifications must be presented at the next monthly board meeting for consideration.

J. Warren Landry
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Licensing Board for Contractors**

At its meeting on July 8, 1986, the State Licensing Board for Contractors made a motion which unanimously passed to amend the following rules in LAC 46:XXIX.1301.

Chapter 13. Fees

§1301. Annual Fee for Licenses

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

Explanation: This change will comply with the amendment to the law as set out by Act No. 915 of 1984.

Comments regarding the proposed rule changes should be directed in written form to Joy Evans, State Licensing Board for Contractors, 7434 Perkins Road, Baton Rouge, LA (70808). All comments may be submitted until 4:30 p.m., October 10, 1986.

J. Warren Landry
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Annual Fee for Licenses**

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

No implementation costs.

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

None

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

No costs and/or economic benefits.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

None, rule will only conform with law.

J. Warren Landry
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Licensing Board for Contractors**

At its meeting on July 8, 1986, the State Licensing Board for Contractors made a motion which unanimously passed to amend the following rules in LAC 46:XXIX.1107.

Chapter 11. Bidding

§1107. Federal Projects

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

Explanation: This change will comply with Section 2157D. in the law wherein a license is no longer issued to perform federal projects only.

Comments regarding the proposed rule changes should be directed in written form to Joy Evans, State Licensing Board for Contractors, 7434 Perkins Road, Baton Rouge, LA (70808). All comments may be submitted until 4:30 p.m., October 10, 1986.

J. Warren Landry
Executive Director

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

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

None

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

None

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

The contractors will benefit in that they can bid and contract on any project in the amount of \$50,000 or more. They will not be restricted to federal projects only.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Minimal because we have very few licenses issued with a federal restriction.

J. Warren Landry
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Licensing Board for Contractors**

At its meeting on July 8, 1986, the State Licensing Board for Contractors made a motion which unanimously passed to amend the following rules in LAC 46:XXIX.1107.

Chapter 11

§1107. Federal Projects

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

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

Explanation: This change will comply with the amendment to the law as set out by Act No. 982 of 1985.

Comments regarding the proposed rule changes should be directed in written form to Joy Evans, State Licensing Board for Contractors, 7434 Perkins Road, Baton Rouge, LA (70808). All comments may be submitted until 4:30 p.m., October 10, 1986.

J. Warren Landry
Executive Director

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
None.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Minimal because the contractors affected would have to apply and obtain a contractor's license after they bid such a project.

J. Warren Landry
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Licensing Board for Contractors**

At its meeting on July 8, 1986, the State Licensing Board for Contractors made a motion which unanimously passed to amend the following rules in LAC 46:XXIX.101.

Chapter 1.

§101. Define Contractor

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

Explanation: Deletes Boat Building from the category of Specialty type work which requires a contractor's license.

Comments regarding the proposed rule changes should be directed in written form to Joy Evans, State Licensing Board for Contractors, 7434 Perkins Road, Baton Rouge, LA (70808). All comments may be submitted until 4:30 p.m., October 10, 1986.

J. Warren Landry
Executive Director

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None - We have no licenses issued to persons doing "boat building".
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
None
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
None

J. Warren Landry
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Licensing Board for Contractors**

At its meeting on July 8, 1986, the State Licensing Board for Contractors made a motion which unanimously passed to

amend the following rules in LAC 46:XXIX.303.

Chapter 3. License

§303. Requirements

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

Explanation: This change will comply with the amendment to the law as set out by Act No. 915 of 1984.

Comments regarding the proposed rule changes should be directed in written form to Joy Evans, State Licensing Board for Contractors, 7434 Perkins Road, Baton Rouge, LA (70808). All comments may be submitted until 4:30 p.m., October 10, 1986.

J. Warren Landry
Executive Director

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
None
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
None - this to conform with the law as it was changed by Act No. 915 of 1984.

J. Warren Landry
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

In Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend rule LAC 35:I.101 "Day" relative to its definition upon pending legal action.

Title 35

§101. Day

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

The office of the Racing Commission will be open from 9 a.m. to 4 p.m. and interested parties may contact either Tom Trenchard or Alan J. LeVasseur at (504) 568-5870 or LINC 621-5870 at this time, holidays and weekends excluded, for a copy of this rule. All interested persons may submit written comments relative to this rule through Thursday, October 4, 1986 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 35:101 "Day"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs to the commission.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
A clearer definition is a benefit to everyone in the industry using the rule book.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition, nor employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The following is a listing of information contained in the proposed 1987-88 Program Guidelines:

PROPOSED CHANGES:

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

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

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

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

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

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

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

**SPECIFICS ACCORDING TO PROGRAM AREAS
DIFFERENT FROM 1986-87 GUIDELINES**

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

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

required to establish a priority among the applications submitted.

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

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

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

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

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

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

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

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

DOA/LSAC Initiatives—Include: Expanded DOA Initiatives, Louisiana Folklife Program, Louisiana Dance Initiative, Louisiana Comprehensive Arts Education Initiative, Louisiana Regional Development Initiative (minority and rural development), Louisiana Economic Development Program (Crafts Program: Made in Louisiana; Design Arts Program: La. Cities by Design; Special Projects.

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

PUBLIC HEARING DATE: Monday, Sept. 29, 1986 at 10 a.m. at 666 North Foster Dr., Bldg. C/Phone (504) 925-3930.

Proposed changes may be reviewed at above office or at the Office of State Register, 900 Riverside North. Contact Linda Rigell at (504) 925-3930 for information or to submit comments.

Robert B. DeBlieux
Assistant Secretary

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

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

There will be no implementation costs to state or local governmental units because the Office of Cultural Development is already administering the program. The proposed changes can be handled by the existing staff. No additional expenses would be incurred at the local governmental level as a result of adopting these rule changes.

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

There will be no effect on revenue collections of state or local governmental units as a result of these changes. No fees are required from grant applicants; therefore, no revenues are generated.

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

There will be no additional estimated costs and/or economic benefits to directly affect persons or non-governmental groups being that the total amount of funds to be allocated will not be changed due to these proposed rule changes. However, certain program areas will give additional priority to applicants who show significant impact within their community.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

While the adjustments include more specific measures in determining the amount an applicant is eligible to request in a grant application, the funding ceilings have not be changed. Generally, the actual funding levels will remain unchanged.

Robert B. DeBlieux
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Board of Elementary and Secondary Education
Amend Board Policy 6.03.45.a**

In accordance with R. S. 49:950 et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education amended Board Policy 6.03.45.a to increase by one, the number of instructors necessary in order to establish a department head in the vocational technical schools.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., November 10, 1986 at the following address: Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Amend Policy 6.03.45a**

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

The implementation of this amendment will result in a savings of \$12,121 to the state.

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

This will have no effect on revenue collections.

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

The 31 instructors affected will lose \$12,121 in salaries as this was paid directly to these instructors.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Will have no effect on competition and employment.

Joseph F. Kyle, Deputy
Superintendent for Management
and Finance

Mark C. Drennen
Legislative Fiscal Officer

fact that fewer students will be able to attend school and compete for positions.

Joseph F. Kyle, Deputy
Superintendent for Management
and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Board of Elementary and Secondary Education
Fee Schedule for Vo-Tech Extension Courses**

In accordance with R.S. 49:950 et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the recommendations from the Department of Education on the fee schedule for special courses and extension courses in the vocational-technical schools as follows:

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

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

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

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., November 10, 1986 at the following address: Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

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

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

Rule Title: Fee Schedule for Vo-Tech Extension Courses

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation costs or savings to state or local government units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The vo-tech schools will collect an estimated \$101,250 per year in additional revenue from these tuition fees.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Students attending extension programs must pay approximately \$101,250 per year in tuition fees, collectively.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The only effect is that there will be competition due to the

NOTICE OF INTENT

**Department of Environmental Quality
Office of Air Quality and Nuclear Energy
Air Quality Division**

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and particularly Section 1061 D(1) and 1084B(1), and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Secretary gives notice that rulemaking procedures have been initiated to amend the Louisiana Air Quality Regulations.

The proposed rule, Subpart N - Asbestos Abatement Entity Certification, is an addition to Part IV of the Louisiana Air Quality Regulations to satisfy a requirement contained in Act 394 of the 1985 Legislature. The rule requires that supervisors and workers involved in the abatement and/or maintenance of friable asbestos material be formally trained in the procedures to deal with, and the hazards associated with asbestos. It also requires that the asbestos abatement entity for which they work be certified by the department.

A public hearing on this rule will be held to afford all interested persons the opportunity to present written or oral comments. Written comments will be accepted through October 10, 1985. The schedule for the public hearing is as follows: September 26, 1986: 10 a.m., Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA 70802.

The agency contact responsible for responding to inquiries or requests for copies of the proposed addition is W. H. Davis, Box 44096, Baton Rouge, LA 70804-4096 or phone 504/342-1206. Copies of the proposed amendments are available for inspection at the following locations from 8 a.m. until 4:30 p.m.

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

Department of Environmental Quality, Eighth Floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

Department of Environmental Quality, 804 31st Street, Monroe, LA.

Department of Environmental Quality, State Office Building 525 Fairfields Ave., Room 11, Shreveport, LA.

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

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

Patricia L. Norton
Secretary

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

Rule Title: Subpart N - Asbestos Abatement Entity Certification

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

Estimated implementation of this rule will require the expenditure of approximately \$225,000 to train existing employees. The \$225,000 will be expended as follows: 1) Approx. 150 trained state or local governmental supervisors @ \$1,000 ea. = \$150,000. 2) Approx. 300 trained state or local governmental workers @ \$500 ea. = \$75,000. TOTAL: \$225,000

One agency position will be utilized to administer the program.

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

There will be no estimated effect on revenue collections of State or Local governments because there are no taxes or fees associated with this rule.

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

The estimated cost to non-governmental groups will be \$750,000 throughout the state. The most affected group will be Asbestos Abatement contractors, and affected industry.

These costs are primarily associated with training employees who are currently employed. A cost breakdown follows.*

Asbestos Abatement Entity Certification
Fiscal Calculations

I. Agent Certification	
A. Public Sector	
150 certifications required	
Cost at L.S.U.	
1. Course	\$ 500
2. Expenses	<u>500</u>
Sub-total	\$1,000
TOTAL	\$150,000
B. Private Sector	
500 Certifications required	
Cost at L.S.U.	
1. Course	\$ 500
2. Expenses	<u>500</u>
Sub-Total	\$1,000
TOTAL	\$500,000
II. Worker Certification	
A. Public Sector	
300 Certifications required	
Cost at L.S.U.	
1. Course	\$ 150
2. Expenses	<u>100</u>
Sub-total	\$ 250
TOTAL	\$ 75,000
B. Private Sector	
1000 certifications required	
Cost L.S.U.	
1. Course	\$ 150
2. Expenses	<u>100</u>
Sub-Total	\$ 250
TOTAL	\$250,000
III. Total Certification Cost	
A. Public Sector	
1. Agent Cost	\$ 150,000
2. Worker Cost	<u>75,000</u>
	\$ 225,000

Total Certification Cost (con't)

B. Private Sector	
1. Agent Cost	\$ 500,000
2. Worker Cost	<u>\$ 250,000</u>
	\$ 750,000
Grand Total (Certification)	\$ 975,000

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This regulation will aid in the programs to improve the quality of abatement contractors in the state and may result in some employment increase by way of training instructors and the dependence of trained personnel, for a projected period of time not to exceed three years. It may result in some decrease in competition from out-of-state contractors that are not certified.

Patricia L. Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

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

The proposed amendments to the LHWR, Chapters 1, 2, 3, 7, 9, 12, 15, 21, 22, 23, 24, and 25 allow for the accumulation of hazardous waste at generation sites, requires additional reporting, requires container storage areas to be inspected at least three times per week, reduces the quantitative limits for small quantity generators from one thousand to one hundred kilograms per month and includes clarifications.

The proposed amendments are to become effective on November 20, 1986, or as soon thereafter as practical upon publication in the *Louisiana Register*.

A public hearing will be at 10 a.m. on October 6, 1986, in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 N. Fourth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

All interested persons are invited to submit written comments on the proposed amendments. Such comments should be submitted no later than October 10, 1986 to Glenn A. Miller, Administrator, Hazardous Waste Division, Department of Environmental Quality, Box 44307, Baton Rouge, LA 70804-4307. He may be contacted at the address above, or telephoned at (504) 342-1227. A copy of the proposed amendments may be obtained from Hazardous Waste Division at the address provided. In addition, copies of the proposed amendments are also available for inspection at the following locations from 8 a.m. until 4:30 p.m.

State Land and Natural Resources Building, Room 615, Sixth Floor, 625 North Fourth Street, Baton Rouge, LA.

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

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

Department of Environmental Quality, 804 31st Street,
Monroe, LA.

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

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

Patricia L. Norton
Secretary

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

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

Additional costs will be incurred by the state as radio
broadcasts must now be made in localities where permits or
petitions for variances are granted or denied. The estimated
cost of this will be \$2,000 per year, which will be absorbed in
the present budget.

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

This proposal will have no effect on revenue collections of
state or local governments, because no fee is being re-
quested.

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

Because of the various proposed rules both cost and
savings will be realized by directly affected persons or non-
governmental groups (i.e. generators). Cost will be incurred
because of the three inspection per week requirement as op-
posed to one inspection per week presently mandated. The
estimated increase in cost will be an average \$520 per facil-
ity, with a range of \$10 to \$2,000 dependent on the size of
the facility. There will be a minimum cost impact because of
reporting requirements.

Additionally, because of these rules, some affected per-
sons will realize a cost savings through storage of hazardous
waste not to exceed 55 gallons at generation sites as mani-
festing and transportation requirements will be reduced. The
total estimated savings to all small generators will be approx-
imately \$10,000 statewide. However, it is difficult to deter-
mine the net fiscal/economic impact to directly affected
persons or non-governmental groups because of the variety
in size of generators involved.

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

No estimated effect on competition or employment be-
cause existing personnel will absorb the workload.

Patricia L. Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Office of the Governor
Division of Administration**

Pursuant to the authority of the commissioner of adminis-
tration and the Division of Administration contained in R. S.

42:455, 456, and 457, the following rules and regulations for
application, solicitation, reporting, accounting and renewal of
payroll deduction for state employees are adopted. This rule su-
persedes and replaces any prior rule governing payroll deduc-
tions.

**Title 4
Administration
Part III. Payroll**

Chapter 1. Payroll Deductions

§101. Definitions

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

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

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

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

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

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

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

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

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

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

Permitted deductions are allowed by state statute rather
than mandated.

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

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

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

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

University is any one of the state higher education facili-
ties which fall under the jurisdiction of any of the three "govern-
ing boards."

UPS is the state Uniform Payroll System.

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

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

§103. Application Process

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

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

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

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

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

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

5. Designate a "coordinator" to represent the vendor as primary contact for resolution of invoicing, refund, or claims problems and for dissemination of information and requirements among representatives presenting the product or service(s) to state employees.

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

C. Applications for the purpose of providing deductions for IRA's are not permitted.

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

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

§105. Minimum Reserve Balances, Bonding Requirements

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

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

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

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

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

§107. Notification, Implementation, and Transition

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

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

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

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

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

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

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

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

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

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

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

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

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

§109. Deduction Authorization

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

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

1. Vendors that are currently using the form as published in UPS Memorandum #83-17 may continue using that form un-

til January 1, 1988. As of January 1988, these forms must be modified to contain the additional language "and any officer, employee, or agency thereof" AND "This form supersedes and replaces all prior authority for this deduction," as illustrated on the forms contained herein.

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

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

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

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

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

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

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

G. Department/agencies may elect to permit the use of the standard union dues deduction authorization as modified to reflect payment to council 17. Upon reorder the standard form (DA-PRo) will be used for union dues deductions.

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

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

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

§111. Solicitation of State Employees

A. Employees may be solicited for payroll deduction only:

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

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

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

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

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

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

F. Any vendor representative that has been barred from

state participation by a vendor shall not be allowed to represent any vendor for payroll deduction for a minimum of two years.

§113. Vendor Responsibility: Reconciliation

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

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

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

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

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

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

§115. Reporting

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

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

C. Vendors shall provide like assistance to other payroll systems as determined to control state cost of permitting deductions.

D. Annual renewal applications shall list specific products/service provided. No new 'lines' shall be added without prior approval through the annual renewal process.

E. Agency personnel shall be responsible for accepting only the standard deduction authorization forms from vendor representatives.

F. Departments/agencies shall be responsible for reporting any infractions of this rule and department policy committed by any vendor or vendor representative to the state payroll office and/or appropriate governing board or boards.

G. Vendors shall be responsible to report the dismissal of any representative participating in state payroll deduction to the state payroll office and/or appropriate governing board or boards.

H. Vendors with deductions permitted by statute shall provide informational annual renewal applications.

I. Each governing board shall provide the state payroll office an annual report relative to vendors currently approved for deductions within each system.

§117. Fees

A. Data, information, reports, or any other services provided to any vendor or any other party by the Uniform Payroll System or other state payroll system shall be subject to payment of a fee for the cost of providing said data, information, reports, and/or services.

B. Fees assessed shall be satisfied in advance of receipt of the requested data.

§119. Termination of Payroll Deductions

A. Unethical conduct or practices of the vendor will result in the termination of payroll deduction authority for that vendor.

B. Unethical or unprofessional conduct of any vendor representative shall result in that individual being barred from participation in state payroll deduction for any vendor.

C. Payroll deduction authority shall be revoked for any vendor that fails to maintain compliance with provisions of R. S. 42:455.

D. Payroll deduction authority may be revoked for any vendor that fails to comply with requirements of this rule.

§121. General

A. Payroll deduction authorization shall not be transferred in name, ownership, or function outside requirements stated herein.

B. Approval of a vendor in no way constitutes endorsement or certification of the vendor.

C. Vendor shall use invoice/billing identification structure that is compatible with payroll agency and control groups to facilitate the monthly reconciliation.

D. Vendors may not add products or services different from products or services indicated on currently approved application.

E. Vendors shall not be authorized to submit any deduction form which was obtained from an employee for the purpose of forming any part of that deduction to a third party.

F. Group Benefits HMO pass-through deductions and credit union reciprocal agreement payments to other state agency credit unions for transferred employees shall be the only exception to §121. E. herein, provided any insurance company or other provider for which Group Benefits collects through payroll deduction shall have met the requirements of R. S. 42:455.

G. Administrative responsibilities of this rule will preclude the Division of Administration from sponsoring applicants for vendor slots.

H. Pay clerks of UPS agencies will not refund amounts previously deducted for any vendors which receive consolidated remittance without authority from the state payroll office. Payroll systems independent of UPS shall establish written policy for remittance and refund of deductions taken.

I. Vendor coordinator shall be responsible for dissemination of information such as the requirements of this rule and department/agency policy and procedures to vendor representatives.

J. Departments shall provide vendor coordinators a copy of department policy relative to receipt, processing, and cancellation of payroll deduction forms, as well as solicitation guidelines prior to permitting access to employees.

§122. Appeal Process

A. Any provider or organization that is refused a deduction after having submitted a formal application shall have the right to have that decision reviewed by filing a written request for review with the director of the State Accounting Office of the Division of Administration. This appeal must be filed within 10 days from notice that the request for deduction has been denied.

B. The director of the State Accounting Office shall review the information submitted by the provider or organization to determine if the denial is justified. The director of the State Accounting Office shall render a decision within 14 days from the date of receipt of the appeal. The director may overrule the decision of the State Payroll Office and order that a deduction be granted. This decision shall be final.

C. If the director's decision is adverse to the provider or organization, it may appeal this decision to the commissioner of administration. This appeal must be made to the commissioner within 10 days of the receipt of the adverse decision rendered by the director of the State Accounting Office. The commissioner shall review all information available and render a written decision within 14 days of receipt of the appeal. The decision ren-

dered by the commissioner of administration shall be the final administrative ruling as to all parties.

D. If any provider or organization is refused a deduction by a governing board, as defined herein, the only administrative appeal available is an appeal to the applicable board to review its decision. If the board refuses or denies the appeal there shall be no further administrative relief available.

Interested persons may comment on the proposed rules to Frances Toney, Division of Administration, State Accounting Office, Box 94095, Baton Rouge, LA. 70804-9095 (Telephone 504/342-0713).

DA-PRc

**DEPARTMENT REQUEST
FOR
PAYROLL DEDUCTION VENDOR**

In accordance with the rule governing payroll deductions (Title _____, Chapter 3, 301) I, _____ NAME _____ TITLE _____ on behalf of the employees of _____ DEPARTMENT _____ hereby, request favorable consideration of a payroll deduction application submitted by:

I further certify: that this request does not represent a duplication of deductions currently available in the payroll system; that a review and/or survey conducted by this department has indicated a need for this particular deduction; and that the above named vendor applicant has provided evidence of having met and/or exceeded all requirements of R. S. 42:455.

Department _____

Signature _____

Title _____

Date _____

DA-PRo

**State of Louisiana Employee
PAYROLL DEDUCTION AUTHORIZATION
ALL OTHER VENDORS**

Employee Name	Social Security Number	Code
Department	Agency	Division

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

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

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

Vendor Rep. _____ Date _____

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

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

State of Louisiana Employee
PAYROLL DEDUCTION AUTHORIZATION
GENERAL INSURANCE VENDORS

Employee Name	Social Security Number	Code
Department	Agency	Division

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

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

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

Monthly Premium \$ _____
Semi-monthly Deduction \$ _____
Bi-weekly Deduction \$ _____

Beginning:
1st pay day in _____,
2nd pay day in _____,
3rd pay day _____.

Agent _____ Date _____

THIS FORM SUPERCEDES AND REPLACES ALL PRIOR AUTHORITY FOR THIS DEDUCTION

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

Darrell W. Hunt
Executive Assistant Commissioner

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The cost to the state for implementation of this rule is not anticipated to be appreciably more than the costs which are incurred in the administration of the present rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No direct generation of revenue will occur. There should be a reduction in time loss of employees and administrators due to requirements placed on vendors to be accountable for solicitation activity and reconciliation processes related to reconciliation, file maintenance, and recordkeeping.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
None generated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
State employees should benefit from assurance that products offered must meet certain minimum requirements. They should enjoy better quality products and vendors in lieu of being overwhelmed by multiple offerings for similar products and services. Agencies should benefit from a reduction in employee time loss.

Darrell W. Hunt
Executive Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Office of the Governor
Governor's Special Commission
on Education Services**

The Governor's Commission on Education Services proposes to amend the following in the Scholarship/Grant Division. Effective November 20, 1986, a processing fee of \$2.50 must accompany each T. H. Harris Scholarship application. During 1986-87, 15,380 applications were requested from the Scholarship/Grant Division, GSCES; 7,183 eligible applications were processed; of these, 1,770 new recipients were named for the year and 4,856 recipients received renewal funding. Interested persons may comment on the proposed amendment to Mona H. Durham, Director, Scholarship/Grant Division, Box 44127, Baton Rouge, LA 70804.

Mona H. Durham
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title : T. H. Harris Scholarship**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation costs to the agency are negligible.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Self-generated funds of approximately \$25,000 will be collected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Louisiana high school graduates and college students who apply for this scholarship will bear this cost.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Mona H. Durham
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Examiners for Speech Pathology and Audiology**

In accordance with applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Board of Examiners for Speech Pathology and Audiology has scheduled a hearing to consider the views of the public on the possible adoption of certain rules regarding the practice of speech pathology by applicants for a license to this board. The proposed rule is set forth below:

APPLICATION PERIOD

Upon receipt by the Louisiana Board of Examiners for Speech Pathology and Audiology of a completed Application for Licensure Form, duly notarized and accompanied by the required license fee, a person may be employed as a speech pathologist or audiologist or speech-language-hearing specialist while consideration of his/her application is pending by,

LBESPA, but in no event shall that employment period exceed 60 days from the date the completed application form and license fee is acknowledged by LBESPA to have been received. An acknowledgment will be sent to the applicant by first class mail, showing the date of receipt by LBESPA of the application form and fee.

The public hearing is scheduled for Tuesday, September 23, 1986, at 10 a.m., at the auditorium of the Louisiana State Library, 760 Riverside Mall in Baton Rouge. Anyone may appear and voice his/her opinion there at that time. Interested persons may also send comments in writing to the Louisiana Board of Examiners for Speech Pathology and Audiology in care of its Chairperson, Dianne P. Orlesh, at 213 Norland Avenue in New Orleans, LA 70114.

Dianne P. Orlesh
Chairperson

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation cost (savings) to the agency.
- 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 will be no costs and benefits to affected groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Joseph P. Tynan
Board Attorney

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

In accordance with R.S. 49:950 et. seq., the Louisiana Administrative Procedure Act, and pursuant to authority granted under R.S. 37:2401 et. seq., the Physical Therapy Practice Act, the Louisiana State Board of Medical Examiners hereby gives notice of its intent to adopt rules governing the licensing and practice of physical therapists in the state of Louisiana.

Interested persons may view the proposed rules or submit written comments on the rules to J. Morgan Lyons, M.D., Louisiana State Board of Medical Examiners, 830 Union Street, Suite 100, New Orleans, Louisiana 70112-1499. Written comments must be received by September 15, 1986.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Physical Therapists Licensing and Practice**

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

It is not anticipated that the proposed rules will have a material impact on the costs incurred by the Board in licensing or regulating physical therapists.

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

No material increase or decrease in net revenues is anticipated by virtue of the proposed rules.

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

It is not anticipated that the proposed rules will result in any additional costs or material economic benefits or detriments to licensed physical therapists or applicants for such licensure.

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

It is not anticipated that the proposed rules would have a significant or material effect on competition or employment in the public or private sector.

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

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

In accordance with R.S. 49:950 et. seq., the Louisiana Administrative Procedure Act, and pursuant to authority granted under R.S. 37:1270B(6) and R.S. 37:1281, the Louisiana State Board of Medical Examiners hereby gives notice of its intent to adopt certain amendments to its existing rules and regulations governing the licensing of physicians and surgeons. The amendments affect the fees to be charged for the various components of the FLEX examination. These amendments previously were adopted under emergency procedure as set forth in the August 20, 1986 *Louisiana Register* and were published in their entirety.

Interested persons may submit written comments on the rules to J. Morgan Lyons, M.D., Louisiana State Board of Medical Examiners, 830 Union Street, Suite 100, New Orleans, LA 70112-1499. Written comments must be received by October 15, 1986.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Physicians and Surgeons Amendments**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None. The amendment only effects a FLEX exam fee increase and therefore there are no associated implementation costs (savings.)
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The examination fee increase will have no effect on revenues because the examination fee is set by, and passed directly to, the testing agency which administers the FLEX exam.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-

GOVERNMENTAL GROUPS (Summary)

All persons seeking licensure as physicians or surgeons by the board are required to take the FLEX exam and are required to pay the examination fee.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that the proposed amendment, independent of the licensing law under which it is authorized, will have a significant impact on competition or employment in the public or private sector.

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

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources
Board of Optometry

The Louisiana State Board of Optometry Examiners (R.S. 37:1061 et seq.) advertises its intent to adopt Rules of Practice. The rules will regulate the practice of optometry in Louisiana. The rules set forth the legislative history and organization of the board. The rules provide regulations for licensure, employment, practice and rulemaking. The board intends to adopt the Rules of Practice in order to comply with the Louisiana Administrative Procedure Act, R.S. 49:950, et seq.

The following individual has the responsibility for responding to inquiries about the rule: James Sandefur, O.D., President, Louisiana State Board of Optometry Examiners.

Interested persons may obtain a copy of the proposed rules at the following address, and may comment on the rule, in writing, until 5 p.m., October 8, 1986, at the following address: Louisiana State Board of Optometry Examiners, Box 46431, Baton Rouge, LA 70895-6431.

James Sandefur, O.D.
President

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

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

Implementation costs will be minimal. No annual savings anticipated.

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

The rule will not accept revenue collection of state or local governmental units. The board operates on self-generated funds. The legislature sets and regulates the fees that shall be collected by the board. See R.S. 37:1058. There will be no request for an increase or reduction in these fees, as a result of the adoption of this rule.

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

There will be neither economic benefit nor costs to individuals affected by the rule. The rule will maintain the present operating procedure.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The board has no reason to believe that the rule will result in or in anyway affect competition and employment.

James D. Sandefur, O.D.
President

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources
Office of Family Security

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

Proposed Rulemaking

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

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

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

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

GA NEED STANDARD

This is not applicable since the GA program was discontinued as of 7-1-86.

COMMENTS

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 94065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

Notice of Public Hearing

A public hearing on the proposed rule will be held on October 8, 1986, in the Louisiana State Library Auditorium, 760 North Riverside, Baton Rouge, LA beginning at 9:30 a.m. All

interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

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

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

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

There is no additional cost in AFDC as this proposed increase in the need standard will not effect eligibility of applicants or have any effect on existing grants. The cost in FY 87-88 is \$60 (\$30 state and \$30 federal) for printing.

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 will be no costs to affected groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is anticipated.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Family Security, proposes to adopt the following rule in the Food Stamp Program.

Summary

This rule is mandated by federal regulation as published in the *Federal Register* Vol. 51, No. 98, Wednesday, May 21, 1986 pp. 18747 - 18753.

It was necessary to adopt this as an emergency rule to avoid sanctions as federal regulations mandate an August 1, 1986 implementation date. The emergency rule was published in the August 20, 1986 issue of the *Louisiana Register*.

Proposed Rulemaking

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

1. Definition of Elderly and Disabled

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

A member of a household who: (1) is 60 years of age or older; (2) receives Supplemental Security Income benefits under Title XVI of the Social Security Act or disability or blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act; (3) receives federally or state-administered supplemental benefits under Section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under title XVI of the Social Security Act; (4) receives federally or state-administered supple-

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

2. Standard utility allowance (SUA)

The standard utility allowance shall also be made available to those households receiving indirect energy assistance payments but who continue to incur out-of-pocket heating or cooling expenses during any month covered by the certification period. Households can switch between the SUA and actual utility costs at each recertification and one additional time during each 12 - month period following the initial certification.

3. Certification of Information

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

4. Liability for Overissuance of Coupon

All adult household members are jointly and severally liable for the value of any overissuance of benefits to the household. This is true regardless of whether the overissuance resulted from inadvertent error, an administrative error or an intentional program violation. This policy will be applied to any overissuances, occurring on or after June 20, 1986.

Comments

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 94065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

Notice Of Public Hearing

A public hearing on the proposed rule will be held on October 8, 1986, in the Louisiana State Library Auditorium, 760 North Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

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

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

Rule Title: Policy changes, Definitions, standard utility allowances, etc.

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The cost is \$1000 (\$500 federal and \$500 state) for administrative costs. Food Stamp benefits are provided as in-kind benefits (Food Stamps) the cost of which is borne at the federal level.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
By expanding the definition of elderly and disabled more clients might benefit from special allowances given the elderly and disabled.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition and employment.

Majorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

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

Summary

The Standards for Payment: Adult Day Health Care Services were originally published as an emergency rule effective March 8, 1985, in the *Louisiana Register*, Volume II, Number 3, dated March 20, 1985. They were published as a final rule effective July 1, 1985, in the *Louisiana Register*, Volume II, Number 6, dated June 20, 1985.

These Standards for Payment are being revised as a result of federal review of the Adult Day Health Care Program and because it has been determined through a year of experience that certain areas require changes in order to improve operation of the program.

Comments

Interested persons may obtain copies of the proposed rule and/or submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

Notice of Public Hearing

A public hearing on the proposed rule will be held on October 8, 1986, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

Regulatory Exception

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disap-

proval of the change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

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

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

**Rule Title: Revision of Standards for Payment:
Adult Day Health Care Centers**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs involved.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There are no costs and/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 and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

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

SUMMARY

Currently, the Durable Medical Equipment Program provides eyeglasses to adult categorically and medically needy Medicaid recipients in Louisiana who have had cataract surgery. As a result of a lawsuit, *Ledet vs. Fischer*, the federal district court has found that the Louisiana limitation, furnishing eyeglasses only to post-cataract patients, is not an appropriate limitation based on medical necessity under 42 CFR 440.230(d).

The provision of eyeglasses is an optional service under Title XIX and need not be provided by Louisiana. Continued provision of this service by the state will require the Medical Assistance Program to provide eyeglasses to those eligible recipients with either eye disease or refractory problems which can be corrected. Because the agency does not have sufficient funds available to provide increased eyeglass services, we are proposing to eliminate all optional eyeglass services provided under Title XIX. Under this proposed rule, Louisiana will no longer provide eyeglasses to adult categorically and medically needy recipients of Medicaid in Louisiana.

PROPOSED RULEMAKING

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

COMMENTS

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic statement is available for review in each local Office of Family Security.

NOTICE OF PUBLIC HEARING

A public hearing on this proposed rule will be held on October 8, 1986 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Eyeglass Program Discontinuance of Services

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

Expenditures in past years to furnish eyeglasses to post-cataract patients have averaged about \$25,000 per year, which is the approximate level of funding for the current year. Implementation of the Ledet vs. Fischer court order would expend eyeglass services to all adult categorically and medically needy recipients with eye disease or refractory problems. The cost of providing these expanded services, as estimated by the Office of Family Security, would be \$11,910,153 per year, including \$4,076,845 in state funds. This estimate assumes that 60 percent of Medicaid eligibles age 21 to 64 and 95 percent of those over 65 would have the degree of vision impairment (20/80) sufficient to qualify for services. Of the total number of potential users (198,503), OFS assumes that 40 percent per year or 79,401 would receive eyeglasses each year at a cost of \$150 per person.

Adoption of the proposed rule would eliminate all optional eyeglass services in the Medical Assistance Program, thereby precluding the need to implement the court order. Estimated savings, according to OFS would be \$7,940,046 (\$2,756,784 state) in 1986-87 and \$11,910,153 (\$4,076,845 state) in 1987-88 and 1988-89. It should be noted that funds have not been appropriated to cover the cost of providing services in accordance with the court order. The projected savings, therefore, are of unappropriated, rather than appropriated funds.

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

According to OFS, implementation of the proposed rule will decrease federal Title XIX funds by an estimated \$5,183,262 in 1986-87 and \$7,833,308 in 1987-88 and 1988-89.

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

Implementation of this proposed rule will eliminate all optional eyeglass services provided to eligible recipients. It is estimated that recipients in need of cataract eyeglasses will be required to pay from \$100 - \$200 per pair. Other recipients who were granted increased Title XIX benefits as a result of a Federal Court Order will be required to pay from \$12 - \$160 for eyeglasses.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment resulting from this proposed rule.

Melvin Myers, Jr.
Undersecretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

Summary

The Louisiana Maximum Allowable Cost (LMAC) reimbursement regulations currently cover 629 multiple source drugs. Circumstances have necessitated the review of all optional Medicaid Services. As a result, six 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 was implemented by emergency rulemaking effective August 15, 1986 in accordance with R.S. 49:953 B.

Proposed Rulemaking

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

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

Comments

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic statement is available for review in each local Office of Family Security.

Notice of Public Hearing

A public hearing on this proposed rule will be held on October 8, 1986 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Regulatory Exception

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

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

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

Rule Title: Pharmacy Program adding 6 drugs to LMAC regulations

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of this proposed rule will result in a savings to the state of: \$39,189 in FY 86/87; \$52,127 in FY 87/88; and \$54,213 in FY 88/89.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of this proposed rule will result in a reduction of: \$73,683 in federal funding in FY 86/87; \$100,159 in FY 87/88; and \$104,169 in FY 88/89.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This proposed rule will reduce program reimbursement to providers statewide by: \$112,872 in FY 86/87; \$152,286 in FY 87/88; and \$158,378 in FY 88/89.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

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

SUMMARY

Currently, physicians, osteopaths, optometrists, and registered nurse-midwives are paid at the lower of: billed charges; usual and customary fee profiles (established in 1982 based on billed charges from 1980 and 1981); or area prevailing fees (includes provider specialty and geographical area data established in 1982 based on billed charges from 1980 and 1981).

The Medical Assistance Program also has a "state maximum" pricing file from which reimbursement is made if: there is no usual and customary profile for the individual provider; or there is no area prevailing rate for that procedure in the individual provider's area or specialty.

In an effort to simplify the reimbursement methodology for these providers and make payments more equitable, the agency is proposing a flat fee for service reimbursement based on the revised state maximum pricing file. This will eliminate the current usual and customary fee profiles and area prevailing prices.

The state maximum pricing file was originally established in 1978 and has not been updated since 1982. Prices on that file are based on the California Relative Value System (CRVS) of establishing fees. Because many of the procedure descriptions have undergone radical changes since CRVS was established in 1974, the administrative staff of the agency and physician consultants have reviewed every procedure on file to: correct initially mispriced procedures; adjust prices where procedure code descriptions have radically changed; adjust prices for once "un-

usual" procedures which have now become routine; and establish prices for procedures not evaluated in the 1982 fee analysis and for new or updated procedures.

The agency's proposed reimbursement methodology will serve not only to correct reimbursement inequities between providers, but will also simplify the reimbursement methodology to these providers. State staff will only have one provider pricing file to keep updated and staff will be able to advise these providers immediately not only that a service is covered, but also the reimbursement amount. Under this methodology, fee file information will be readily available to providers.

This rule is allowed under 42 CFR 430 and 431.51(e)(1).

PROPOSED RULEMAKING

Effective for services rendered on or after December 1, 1986 reimbursement under Title XIX for physician, osteopath, optometrist, and registered nurse-midwife services shall be made at the lower of: (a) the provider's actual charge for the service; or (b) a statewide flat fee for service based on reasonable charges.

Fees shall be paid in accordance with the revised state maximum pricing file effective December 1, 1986.

COMMENTS

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic statement is available for review in each local Office of Family Security.

NOTICE OF PUBLIC HEARING

A public hearing on this proposed rule will be held on October 8, 1986 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing. Regulatory Exception

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

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

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

Rule Title: Physician Reimbursement Methodology

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The Office of Family Security has performed an analysis of the proposed reimbursement methodology which indicates that it will have a negligible effect on total expenditures for physician services in the Medical Assistance Program. A review of data on 615,386 claims from 1984 in the 90 procedure codes which are most heavily utilized shows that the proposed payment structure, if implemented at that time, would have resulted in an aggregate savings of \$48,548 or 0.2% change in total expenditures incurred under those procedure codes. However, according to the analysis, the amounts paid under individual procedure codes would have experienced significant changes in some cases. The OFS analysis takes into account more than 50 percent of total physician claims paid in 1984, including claims for lab services, which will not be impacted by this rule change. While available evidence indicates that the effect of the proposed

rule change will be negligible, the impact on payments made under new procedure codes or those with low utilization is unknown.

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

The effect on collection of federal Title XIX funds as a result of this proposed rule is estimated to be negligible.

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

This proposed rule will reduce reimbursement for certain provider services and increase reimbursement for other provider services. Recipients will benefit from additional freedom of choice in providers as more providers enroll and participate in Title XIX reimbursement.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Preventive and Public Health Services intends to amend the Fee Adjustment Schedule as contained in the regulations for the Family Planning Program found in the *Louisiana Register*, Vol. 11 No. 10, page 947 (October 20, 1985). Effective September 20, 1986 the current fee schedule is proposed to be replaced by the following:

FEE ADJUSTMENT SCHEDULE

%							
Poverty	I	II	III	IV	V	VI	
Income	100%	*100	110%	120%	130%	140%	
Family	No	9% of	18% of	27%	36%	45%	
Size	Charge	Charge	Charge	Charge	Charge	Charge	
1		5,360	5,896	6,432	6,968	7,504	
2		7,240	7,964	8,688	9,412	10,136	
3		9,120	10,032	10,944	11,856	12,768	
4		11,000	12,100	13,200	14,300	15,400	
5		12,880	14,168	15,456	16,744	18,032	
6		14,760	16,236	17,712	19,188	20,664	
7		16,640	18,304	19,968	21,632	24,128	
8		18,520	20,372	22,224	24,076	25,928	
9		20,400	22,440	24,480	26,520	28,560	
10		24,160	26,576	28,992	31,408	33,824	
11		26,040	28,644	31,248	33,852	36,456	
12		27,920	30,712	33,504	36,296	39,088	
13		29,800	32,780	35,760	38,740	41,720	
14		31,680	34,848	38,016	41,184	44,352	
15		33,560	36,916	40,272	43,628	48,326	
16		35,440	38,984	42,528	46,072	49,616	
17		37,320	41,052	44,784	48,516	52,248	

%							
Poverty	VII	VIII	XI	X	XI	XII	
Income	150%	160%	170%	180%	190%	200%	
Family	54% of	63% of	72% of	81% of	90% of	100% of	
Size	Charge	Charge	Charge	Charge	Charge	Charge	
1	8,040	8,576	9,112	9,648	10,184	10,720	
2	10,860	11,584	12,308	13,032	13,756	14,480	
3	13,680	14,592	15,504	16,416	17,328	18,240	
4	16,500	17,600	18,700	19,800	20,900	22,000	
5	19,320	20,608	21,896	23,184	24,472	25,760	
6	22,140	23,616	25,092	26,568	28,044	29,520	
7	24,960	26,624	28,288	29,952	31,616	33,280	
8	27,780	29,632	31,484	33,336	35,188	37,040	
9	30,600	32,640	34,680	36,720	38,760	40,800	
10	36,240	38,656	41,072	43,488	45,904	48,320	
11	39,060	41,664	44,268	46,872	49,476	52,080	
12	41,880	44,672	47,464	50,256	53,048	55,840	
13	44,700	47,680	50,660	53,640	56,620	59,600	
14	47,520	50,688	53,856	57,024	60,192	63,360	
15	50,340	53,696	57,052	60,408	63,764	67,120	
16	53,160	56,704	60,248	63,792	67,336	70,880	
17	55,980	59,712	63,444	67,176	70,908	74,640	

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

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

Interested persons may submit comments at the following address: Daneta Daniel Bardsley, Ed.D., Assistant Secretary of Preventative and Public Health Services, Department of Health and Human Resources, Box 60630, New Orleans, LA 70160.

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

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

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

There will be no expected increase in cost nor savings to the agency.

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

This change in fee schedule is expected to decrease revenue collection for Fiscal Year 1987 by \$50,000.

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

Some patients who were previously charged will not be because of the rise in the poverty index. The charges to other paying patients will be considerably less because they will be dropped to a lower paying group.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect is anticipated in competition and employment as the same kind and amount of services will be offered.

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

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

In accordance with the laws of the state of Louisiana, R.S. 40:4, 40:5, and the provisions of Chapter XIII of the State Sanitary Code, the state health officer has determined that the following amendments to the listing entitled "Mechanical Wastewater Treatment Plants for Individual Homes—Acceptable Units" are adopted:

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

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

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

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

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

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

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

Jet, Inc. 750 Alpha Drive (Including filter)	Model J-150	500 GPD
	Cleveland, Ohio 44143	
MO-Dad-1 P. O. Box 96 Denham Springs, LA 70726	Mo-Dad-1-500	500 GPD
	Mo-Dad-1-1000	1000 GPD
	Mo-Dad-1-1500	1500 GPD
MANUFACTURER	PLANT DESIGNATION	RATED CAPACITY
Multi-Flo, Inc. 2324 East River Road Dayton, Ohio 45439	Models FTB-0.5	500 GPD
	FTB-1.0	1000 GPD
	FTB-1.5	1500 GPD
Norwalk Wastewater Equipment Company 220 Republic Street Norwalk, Ohio 44857	SINGULAIR Model 820	500 GPD
	(Including filter, backwash chamber, backwash pump, and appurtenant piping)	
Okdham, Inc. Post Office Box 197 Sidney, Ohio 45365	Model WQM-50	500 GPD
	(Including filter)	
	Model WQM-50	1000 GPD
	(Including filter)	

Owens Manufacturing and Speciality Company
Post Office Box 2443
Lafayette, LA 70502

Kleen Tank
Model 650
(Including filter)

500 GPD

The specified changes are in compliance with the requirements set forth in Section 6.6 of Appendix A of Chapter XIII of the State Sanitary Code.

Comments regarding the proposed rule should be addressed to: Daneta Daniel Bardsley, Ed.D., Assistant Secretary, Office of Preventive and Public Health Services, Department of Health and Human Resources, Box 60630, New Orleans, LA 70160. A public review hearing will be held on October 6, 1986 at 10 a.m. at 325 Loyola Avenue, Room 511, New Orleans, to hear comments on the rule.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Individual Mechanical Sewerage Treatment Plants - Acceptable Units**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The consumer will be afforded a wider selection of products — thus enhancing competition and possibly resulting in reduced costs of the related products and services to the consumer.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Competition will be stimulated by the presence of the new product. Effect on employment cannot be estimated.

Daneta Daniel Bardsley
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Natural Resources
Office of Conservation**

The commissioner of conservation, Office of Conservation, Department of Natural Resources, does hereby give notice, in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. and R.S. 30.6, that he intends to promulgate rules and regulations as necessary to administer the provisions of Act 763 of 1986, suspending state royalties and severance tax from "certified Louisiana Economic Acceleration Program (LEAP) oil and natural gas wells." A public hearing will be held on October 6, 1986, to receive oral and written comments on this matter. The hearing will convene at 9 a.m. in the Office of Conservation Auditorium, located on the First Floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA

For information or copies of the proposed rules and regulations, please contact Fritz L. Spencer, Office of Conservation,

Herbert W. Thompson
Commissioner of Conservation

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

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

These rules then do not require any additional implementation costs above and beyond those required by Act 763.

Act 763 would require that a maximum of \$630,000 be paid to participating LEAP Gas users (not addressed by these rules) over the 1986-89 period from a special fund created by the legislation. There will be no impact on local governmental units.

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

These rules will have no effect on revenue collections of local governmental units or the state, beyond the effect resulting from Act 763 itself. The severance tax and royalty losses to the general fund over the next three years are estimated to be \$8,700,000 while additional sales tax and income tax revenues from additional drilling activity will be \$8,750,000. Thus the net impact on the General Fund over the three year period will be \$50,000.

In addition, the Louisiana Economic Diversification Fund established by the Act will receive an estimated \$1,700,000 over the three year period from oil royalties on LEAP well production.

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

The producers and owners of oil and gas leases qualifying for LEAP incentives will benefit through lower taxes and lower gas royalties. To the extent that the number of wells drilled increases, drilling operators, suppliers, etc will benefit from improved demand for these products and services. Minority businesses also receive preferential consideration under the provisions of the rules.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no significant effects on competition, other than the minority preference discussed above. Employment will be increased in the oil and gas drilling industry to the extent that the program encourages additional drilling activity.

Herbert W. Thompson
Commissioner of Conservation

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Natural Resources
Office of Conservation**

The Louisiana Department of Natural Resources, Office of Conservation, does hereby give notice in accordance with the

Administrative Procedure Act that it intends to implement "Rules of Procedure for Application of Tertiary Recovery Incentive."

Copies of the proposed rules may be obtained by calling the Office of Conservation at (504) 342-5540 or by writing to Box 94275, Baton Rouge, Louisiana 70804-9275, or may be obtained at the Office of Conservation, 625 North Fourth Street, First Floor, Baton Rouge. Any interested persons may submit written comments relative to these rules to Herbert W. Thompson, Commissioner of Conservation, at the above address on or before the close of business hours, October 3, 1986.

Herbert W. Thompson
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title : Procedure for application
of Tertiary Recovery Incentive**

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

Implementation of these rules of procedure for application of Tertiary Recovery Incentive will not result in any additional cost or saving to the state agency or local government unit. The Office of Conservation already requires hearings for secondary recovery and tertiary recovery projects in accordance with the provisions of Title 30.

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

The rules of procedure will not increase or decrease the revenue to the state agency or local government unit.

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

The rules of procedure will require one additional hearing before the commissioner of conservation; therefore, the added cost will be the normal fee for the hearing and the operators cost in preparation and presentation of testimony. The actual economic benefits are unknown and are dependent upon the price of oil.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The Office of Conservation currently holds hearings for unitization and other matters under the provisions of Title 30, and adoption of these rules will not increase or decrease the personnel or employment requirements of the office or the regulated community. These rules have no impact upon any form of competition.

Herbert W. Thompson
Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The secretary of the Department of Natural Resources does hereby give notice, in accordance with the Administrative Procedure Act, that he intends to promulgate rules and regulations as necessary to administer the provisions of Act 673 of 1986, establishing a severance tax exemption for oil produced

from wells drilled between July 15, 1986 and July 15, 1987. Copies of the proposed rule may be obtained by calling the legal division of the Department of Natural Resources at (504) 342-0126 or by writing to the legal division at Box 94396, Baton Rouge, LA 70804-9396, or may be viewed at the legal division of the Department of Natural Resources, 13th floor, 625 North Fourth Street, Baton Rouge, LA 70804-9396. The Department of Natural Resources will be open from 8:00 a.m. to 4:30 p.m. Interested persons may call C. H. Mandell or Charlene Ducote, at this time, holidays and weekends excluded, for a copy of this rule. Any interested person wishing to submit written comments relative to this rule may do so by submitting the same to the legal division, at the address set forth in this notice on or before the close of business hours, October 6, 1986.

Cuthbert H. Mandell
General Counsel

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Severance Tax Exemption**

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

These rules do not require any additional implementation costs above and beyond those required by Act 673 of 1986, as the Department of Revenue and Taxation contemplates using existing forms for claiming the tax exemption. Act 673 would require expenditures by the Department of Revenue and Taxation of between \$30,000 and \$32,000 for each fiscal year through 1989 for an additional auditor and data processing changes which will be necessary to account for the tax exemption for this special class of wells. Neither the Act nor these rules would require any implementation costs or savings to local governmental units.

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

These rules will have no effect on the revenue collections of local governmental units or the state, beyond the effect on the state resulting from the passage of Act 673 of 1986, itself. A severance tax loss has been projected for FY 86-87 as a result of the passage of Act 673, but this would be partially offset by taxes estimated at \$25,000-\$30,000 per well resulting from additional wells which would be drilled because of the exemption. Losses in the second and third year could range from \$4 million to \$8 million; however, taxable production in years past FY 88-89 will be less if Act 673 had not created the exemption.

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

These rules, by establishing that the severance tax exemption will be claimed on forms provided by the Department of Revenue and Taxation, require no cost of, or creates no economic benefit on behalf of, directly affected persons or non-governmental groups, beyond any costs or economic benefit which are created by the terms of Act 673 of 1986. The economic benefits which will accrue to directly affected persons would be the equivalent of the severance taxes on the first 50 barrels of oil produced each day until the annual production exceeds 10,000 barrels, through July 15, 1990. If the price of oil meets or exceeds \$21 per barrel, all severance taxes would be due and the economic benefit would be suspended.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Act 673 should have no effect on competition, as any

operator drilling an oil well between July 15, 1986 and July 15, 1987 is granted the severance tax exemption. The tax incentive for drilling new wells will result in higher employment for drilling and production activities; however, no employment figure prediction is reasonably possible because the price of oil, per barrel, also dictates the amount of drilling activity.

Cuthbert H. Mandell
General Counsel

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of State Police**

The Louisiana Department of Public Safety and Corrections announces its intent to amend the Hazardous Material/Waste Regulations pursuant to authority granted by Acts 83 and 449 of the 1979 Louisiana Legislature. A copy of these amendments will be made available for viewing and study at the State Police Hazardous Materials Unit, 7901 Independence Boulevard, Baton Rouge, LA.

These regulations establish the proper procedures for the safe transportation of Hazardous Materials and Hazardous Waste.

Interested persons may comment on the proposed amendments in writing until 4:30 p.m., November 7, 1986, at the following address: Lt. P. A. Touchard, State Police, Hazardous Materials Unit, Box 66614, Baton Rouge, LA 70896.

Additionally, a public hearing will be held if interested parties request.

Lt. Patrick A. Touchard
Supervisor

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

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

There will be no implementation costs (savings) to state or local governmental units.

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

There will be no effect on revenue collections of state or local governmental units.

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

There will be no costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Kenneth H. Williams
Trooper, First Class

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Revenue and Taxation

The Department of Revenue and Taxation advertises its intent to adopt a regulation to provide for the proper and orderly administration of the state sales tax exemption for purchases of specialty items by carnival organizations and non-profit organizations participating in a carnival organization's parade during a Mardi Gras season.

Interested persons may submit written comments on the proposed regulation to the following address: R. Charles Bradley, Jr., Director, Sales Tax Section, Louisiana Department of Revenue and Taxation, Box 3863, Baton Rouge, LA 70821. A public hearing for the purpose of hearing objections to and comments on this proposed regulation will be held on September 30, 1986 at 9 a.m., in the second floor conference room of the Department of Revenue and Taxation, which is located at 330 North Ardenwood Drive, Baton Rouge, LA.

The text of the proposed regulation is as follows:

Proposed Regulation

Article 47:305.40 Exclusions and Exemptions; Purchases of Mardi Gras specialty items

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

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

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

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

The resale of specialty items by the purchasing organization to its members shall be regarded as exempt sales under the provisions of this section, but only when those items are used exclusively in conjunction with a Mardi Gras parade or ball. The sale of novelty items such as shirts and hats, on a continuing

basis, which are not used exclusively in conjunction with a Mardi Gras parade or ball, shall be regarded as taxable sales under the provisions of this Chapter.

Shirley McNamara
Secretary

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Article 47:305.40
Exclusions and Exemptions; Purchases
of Mardi Gras Specialty Items

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The Department of Revenue and Taxation does not anticipate that it will incur any implementation costs or savings in administering this regulation.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The Department of Revenue and Taxation has estimated that this legislation will result in lost sales tax revenue of \$56,000 for FY 86-87 (assumes effect of HCR 55), \$78,000 for FY 87-88, and \$81,000 for FY 88-89.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There will be an undeterminable benefit to the various carnival and nonprofit organizations which sponsor Mardi Gras parades and balls. Importers of the exempted specialty items may experience a slight increase in sales to the extent that qualifying organizations' purchasing power is increased by the sales tax exemption.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no anticipated effect on competition and employment.

Shirely McNamara
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Revenue and Taxation
Tax Commission

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), notice is hereby given that the Louisiana Tax Commission intends to hold a public hearing on Wednesday, November 19, 1986, at 10 a.m., in the Mineral Board Hearing Room, Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

The purpose of this hearing is to adopt proposed guidelines for ascertaining the Fair Market Value of personal property and the guidelines governing the Use Value of agricultural, horticultural, marsh and timber land.

ALSO

Pursuant to R.S. 49:953(2) (A), the Louisiana Tax Commission will hold a public hearing on Wednesday, October 8, 1986, at 10 a.m., to afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing, to the proposals. This hearing will be held in the Conser-

vation Hearing Room, Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

The following changes will be made:

Amend the current guidelines of the Louisiana Tax Commission, consisting of a minimum of 13 pages, all with respect to assisting the assessors and the taxpayers in determining the Fair Market Value, as required by law, of personal property and the Use Value of agricultural, horticultural, marsh and timber land. Amendments to the Real Property Report Forms Section are also being proposed.

At this time, the following pages are being proposed for amendment:

RF-1, LF-2 and LF-3, WC-3 and WC-4, OG-9, PL-1, AC-2, IV-1, GB-10 and GB-12, UV-3 and UV-5.

The proposed changes to the guidelines of the Louisiana Tax Commission are available in the office of the Louisiana Tax Commission, 923 Executive Park Avenue, Baton Rouge, LA, between the hours of 8 a.m. and 4 p.m. Ed Leffel is the person responsible for responding to inquiries concerning the intended action.

Those desiring to be heard will be given reasonable opportunity to make their presentations. The commission will also conduct any further business that comes before it.

Jamar W. Adcock
Chairman

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

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

Implementation costs to the agency are the costs of reproduction and distribution of updated regulations. These costs are estimated at \$1,274 for the 1986-87 fiscal year.

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

These revisions increase the assessed value of existing personal property of a given age by an average of 1 percent over value for 1986. Assuming that the average age of personal property statewide remains unchanged, this revision will increase property assessments by 1 percent or \$40 million. At existing millages (averaging 80.3 mills), this will increase personal property taxes by an estimated \$3.2 million for 1987-88.

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

The initial burden of these additional tax collections would fall on property owners affected by the revised assessment guidelines. The ultimate impact of the additional collections has not been determined.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Effects on competition and employment have not been identified or estimated.

Jamar W. Adcock
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et.seq., notice is hereby given that the Louisiana Department of Transportation and Development intends to adopt the following fee schedule, effective November 20, 1986, that will apply to Driveway Permits, Project Permits, Geophysical Permits and Traffic Control Device Permits, issued by the department's Right of Way Permit Section, all in accordance with the provisions of Revised Statutes 48:344 and 48:381.

**PROPOSED FEE SCHEDULE
RIGHT OF WAY PERMIT FEE**

Proposed Fee Schedule for Driveway Permits

Residential, including Churches	None
Agricultural	None
Local and State Governmental Agencies	None
Commercial	\$160 per Permit
Subdivision/Street Intersections	\$160 per Permit
Crossover and/or Turning Lane	\$160 per Permit

Proposed Fee Schedule for Project Permits

Local and State Governmental Agencies	None
Utilities	\$160 per Permit
Exceptions: Residential, including Churches service crossings and/or service taps	None
Tree Trimming/Clearing All	\$160 per Permit
Right of Way Grading and Excavation All	\$160 per Permit
Railroad Crossing All	\$160 per Permit

Proposed Fee Schedule for Geophysical Permit

Cables only	\$160 per Permit
Vibrator Trucks	\$160 per Permit

Proposed Fee Schedule for Traffic Control Device Permit

Local and State Governmental Agencies	None
Commercial	\$160 per Permit

Proposed Fee Schedule for Other than Above Type Permits

Commercial	\$160 per Permit
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Note: Definition

- Driveway Permit
Permit - limited to a single parcel.
- Project Permit
Permit - limited to within a parish of (a) one continuous installation within the right of way; (b) battery of crossings within a 150 foot spacing.

ESTIMATED REVENUE

	ESTIMATED NO. ISSUED	RATE (Fee)	REVENUE
Driveway Permits	585	\$160	\$93,600
Project Permits	3030	\$160	\$484,800
Geophysical Permits	50	\$160	\$8,000
Traffic Control Device	10	\$160	\$1,600
TOTAL	3675		\$588,000

ESTIMATED PROGRAM COST

State Engineer IV	1 @ \$37,608	\$37,608
Engineer Specialist III	2 @ \$30,756	\$61,612

Word Processor Operator I	1 @ \$15,432	\$15,432
Typist Clerk III	1 @ \$14,436	\$14,436
Engineer Specialist III	9 @ \$30,756	\$276,804
TOTAL		\$405,892
+ 40% Additives		162,356
SALARIES		\$568,248
EQUIPMENT		
Automobile	9 @ \$2,000	\$18,000
TOTAL ESTIMATED COST		\$586,248
Right of way permits issued per year		5,000
Undistributed average cost per permit		\$117.25

This cost does not reflect district clerical personnel, headquarters accounting personnel, office supplies, and other related costs.

This notice shall supersede the notice of intent published in the April 20, 1986, issue of the *Louisiana Register* on Page 263.

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this notice of intent to: Eugene P. Waguespack, Chief Maintenance and Operations Engineer, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245.

Robert G. Graves
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Permit Fee Sch.**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed permit fee schedule will generate an estimated \$588,000 per year. The funds will be used to administer the right of way permit program.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The proposed permit fee will cost the utility companies \$484,800 per year, commercial construction \$93,600 per year and Geophysical Surveys \$8,000 per year for permits issued on state highways.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
None

Robert G. Graves
Secretary

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Department of Transportation and Development
Office of Highways**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Department of Transportation and Development, pursuant to LSA-R.S.

48:307(B), as amended by Act No. 568 of 1986, intends to adopt the following rules and regulations governing the placement and operation of vending machines on interstate highway right-of-way rest areas:

PROPOSED RULES

- 1. Areas to be covered are DOTD controlled and maintained rest areas on interstate highways in the state of Louisiana.
- 2. Products to be dispensed must be prepared off DOTD rights-of-way and prepackaged for dispensing through automated vending machines - no manual dispensing shall be allowed. The list of allowable products is all - inclusive as follows, non-alcoholic beverages and prepackaged food products in accordance with all health laws, as determined by the DHHR and health codes as may apply.
- 3. The type enclosure, location within rest areas and approval of all original plans and subsequent modifications to same are to be with prior approval of DOTD and FHWA. Original guidelines are as follows: vending building enclosure is to be a maximum of 80 square feet, building is to be separate and apart from existing structures, machines are to be totally secured to prevent or minimize vandalism, location is to be in area so designated by DOTD. Vending building enclosures shall compliment design of existing rest area facilities and shall be on separate utility meters. Construction cost for these facilities to be borne by DHHR.
- 4. Any cooperative agreements between DOTD and DHHR are to be submitted to the Division of Administration and FHWA for approval prior to consummation.
- 5. All subsequent agreements entered into by DHHR are subject to DOTD and FHWA approval prior to execution as well as subject to Act No. 568 of the 1986 Regular Session, R.S. 46:333, applicable federal statutes and regulations, as well as any other state or local laws as may be applicable. These agreements will also be subject to all applicable Public Procurement and Bid Laws. An annual statement of receipts shall be provided DOTD by DHHR for all vending services. DOTD reserves the right to audit any and all agreements and receipts and disbursements derived from same.
- 6. DHHR shall be responsible for maintenance and upkeep of vending building and area, said area to be that portion of the rest area within 150 feet of this vending building. DHHR will provide adequate litter containers and adequate and timely disposal service for same within this 150 foot area. DOTD will continue routine maintenance of all other areas of rest areas.
- 7. Upon termination of any agreement entered into to provide these services, DOTD shall have the sole right and discretion to either retain any facilities constructed on DOTD property pursuant to this agreement or to require DHHR either remove these facilities and restore DOTD's right-of-way to its former condition or to reimburse DOTD for doing same.
- 8. DHHR shall assume all responsibility and agrees to hold DOTD harmless from any and all liability which may result to any persons or property as a result of the maintenance and operation of the services in the rest areas and tourist centers and from any other injury or damage to persons or property occurring through the fault of DHHR, its employees, agents, or assigns. DHHR agrees to defend any and all lawsuits arising in the above described instance.

All interested persons so desiring shall submit written data, views, comments or arguments no later than 30 days from the date of publication of this notice of intent to: Mr. Sidney J. Babin, Jr., Chief Landscape Architect, Department of Transportation and Development, Box 94245, Capitol Station, Baton Rouge, LA 70804-9245, Telephone: (504) 342-7558.

Robert G. Graves
Secretary

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

Rule Title: Vending Services at Interstate Rest Areas

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None. The Division of Blind Services, DHHR, will negotiate contracts with those vendors who are willing to pay all costs of construction, installation, operations and maintenance of each vending machine location at an interstate rest area location and agree to pay a percentage of all vendor revenues (range from 6-15% depending on the product dispensed) to the Blind Vendor Hospital Benefit Fund, to be administered by the private sector.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None. The Randolph Sheppard Act provides that the State cannot receive revenues from such vendor type operations on federal property.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The Blind Vendor Hospital Benefit Fund is anticipated to receive \$1,000.00 per month from each vendor location constructed at an interstate rest area location. Costs to the vendor are estimated to be \$10,000.00 for construction and \$400.00 per month for utilities per location, plus costs of equipment maintenance and supplies. Revenues are estimated at \$14,000.00 per location per month.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Cannot be determined.

Jerry Swearingen
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The alligator industry of Louisiana represents a renewable resource, valuable to the economy providing income to in excess of 1,000 participants for the 30-day harvesting season. The annual harvest of surplus and nuisance animals is in keeping with wise wildlife management techniques based upon scientific research and resulting management.

The regulations governing the taking, tagging, tag allotment, sale and shipment of alligators and products for the 1986 season may be viewed at the Quail Drive Office off Perkins Road, Baton Rouge, LA, phone: (504)342-9259.

The department secretary shall be authorized to close or extend the alligator season as biologically justifiable.

Interested persons may submit written comments on the proposed rule to Johnnie Tarver, Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle
Secretary

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

Rule Title: 1986-87 Annual Alligator Harvest Program

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

Annual cost of implementation is approximately \$1,000 for tags and forms in compliance with CITES (Convention on International Trade in Endangered Species) and Federal Export regulations.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Severance tax (\$.25/skin) is collected by Department of Wildlife and Fisheries on each hide exported. (\$.25)(18,000) = \$4,500 accountable to the Conservation Fund.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Annual harvest of alligators at the trapper level is approximately \$2,500.00 and is projected to increase as the harvesting allotment figures are adjusted to allow maximum utilization. This income may be multiplied as the skins move through commerce from the harvester, landowner, fur buyer, fur dealer, tannery, fabricator, dresser, wholesaler and finally the retailer.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The AHP stimulates employment in the entire state especially in areas of largest harvest, i.e., coastal parishes. Approximately 20,000 hides and 500,000 pounds of meat enter commerce as a result of the AHP. Temporary employment far in excess of 1,000 persons will result.

J. Burton Angelle
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to prohibit the use of fish nets (gill nets, trammel nets, hoop nets, fish seines) in Anacoco Lake, Lake Vernon and that portion of Anacoco Bayou between the two lakes, Vernon Parish, Louisiana.

Interested persons may submit written comments on the proposed rule until 4:30 p.m., October 3, 1986 to the following address: J. Burton Angelle, Secretary, Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA, 70895.

J. Burton Angelle
Secretary

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

**Rule Title: Prohibit Certain Netting
in Vernon and Anacoco Lakes**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Not applicable. Vernon Parish Enforcement Agents are presently employed to patrol Vernon and Anacoco Lakes as part of their routine duty in Vernon Parish. Whether or not netting is banned will not affect their present job description duties and cost.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No effect.

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

Recreational fishermen will enjoy more successful fishing trips due to gamefish population enhancements. Since the lakes do not support a viable commercial fishery, since catfish are the primary commercial species sought after, and since catfish can still be harvested adequately with other commercial gear (slat traps and set lines), cost and benefits to affected commercial fishermen will demonstrate no significant change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Negligible or no effect on commercial fishermen. More successful fishing trips to recreational fishermen should benefit the economy of the area.

Mary Mitchell
Chief Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Louisiana Wildlife and Fisheries Commission sets the Calcasieu Lake Oyster Season for 1986-87 in accordance with the following rules and regulations:

1. That the oyster season in Calcasieu Lake be fixed to extend from one-half hour before sunrise on Monday, November 10, 1986 through one-half hour after sunset on Saturday, March 29, 1987 with the right being reserved to close said season sooner if biologically justifiable.

2. The open areas shall be confined to the areas of Calcasieu Lake with the exception of Calcasieu River and Ship Channel, East Fork, West Fork and Oyster Bayou which shall be closed.

3. All oysters shall be put into sacks before leaving the oyster fishing area in Calcasieu Lake. Oysters not in sacks leaving the fishing area in Calcasieu Lake shall be confiscated and violator subject to penalty set forth in Title 56: Section 115.

4. The taking of oysters for home consumption shall be limited to three bushels (two sacks per boat per day).

5. The three-inch culling law shall be observed by all fishermen fishing the area and the culls shall be scattered around the perimeter of the reefs to provide for expansion of future harvesting.

6. That oyster fishing be limited only to the use of tongs and to daylight hours.

The secretary be and is hereby authorized and empowered to change the limit or close said season, if biologically sound.

The Louisiana Wildlife and Fisheries does hereby open the public seed ground areas in the following manner:

I. East of the Mississippi River

1. All the public grounds east of the Mississippi River Gulf Outlet should open 1/2 hour before sunrise on October 14.

2. All public grounds east of the Mississippi River Gulf Outlet and east of Mississippi River should open 1/2 hour before sunrise September 3. The exceptions will be the shell plant areas. The Bay Gardene Oyster Reservation will be open September 3 for seven days for bedding only and then close September 10 and then reopen October 14 for both sacking and bedding.

II. West of the Mississippi River

1. The Sister Lake Oyster Seed Reservation and the Hackberry Bay Oyster Seed Reservation will open September 3. However, the Sister Lake Oyster Seed Reservation will remain open for nine days for bedding only and then close September 10 and then reopen on October 14 for both bedding and seed production.

2. The Vermilion Bay Oyster Seed Reservation will open on September 3, and could be set aside for bedding purposes only.

3. The Calcasieu Lake Public Tonging Reefs will open November 10 and close March 29.

4. The Bay Junop Oyster Seed Reservation will remain closed for the 86/87 oyster season.

The Secretary be and is hereby authorized and empowered to close the Bay Gardene Oyster Seed Reservation, the Sister Lake Seed Reservation, Hackberry Bay Oyster Seed Reservation or all three if it becomes necessary, and that he also be authorized to close shell plant areas if they materialize and when they are properly marked.

Interested persons may submit written comments until 4:30 p.m., September 30, 1986, at the following address: J. Burton Angelle, Secretary, Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle
Secretary

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

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

There should be no additional cost since the department is programmed to undertake this activity.

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

The more oysters harvested will result in more severance tax due to the state with no direct increase to local government units. Indirectly the employment in the local area could be affected by a slight employment increase.

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

None

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The fishery community particularly the oyster fishery in the coastal parishes is heavily dependent on this season.

Mary Mitchell
Chief Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Louisiana Department of Wildlife and Fisheries Commission hereby expresses intent to prohibit the use of gill nets, trammel nets, seines and trawls from the Cove immediately adjacent to Cypremort Point State Park, St. Mary and Iberia Parishes, Louisiana. The boundaries of the closed area shall be:

landward of a line from the point of land commonly known as Blue Point to the point of land commonly known as Cypremort Point including all waters therein to the existing shoreline.

Interested persons may submit written comments on the proposed rule until 4:30 p.m., October 1, 1986, at the following address: J. Burton Angelle, Secretary, Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle
Secretary

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

Rule Title: Prohibit Certain Netting – Cypremort Point

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Not applicable. Department enforcement agents already employed in Iberia Parish will enforce this rule as part of their routine duties.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Not applicable.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Not applicable. The relatively small area to be closed to netting will not affect the commercial fishery.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No effect.

Mary Mitchell
Chief Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to designate certain species of fish in the state of Louisiana as freshwater species for the purpose of enforcement as provided in R.S. 56:334.2.

Language contained in Act 904 of the 1986 Regular Session of the Louisiana Legislature instructed the staff of Louisiana Department of Wildlife and Fisheries to designate by rule those fish which are considered to be saltwater fish and those fish which are considered to be freshwater fish.

To fulfill directives of Act 904, the following list of Families and examples of fish in those Families which occur in fresh and saltwater for all or part of their life cycles was developed. This list is intended for enforcement purposes only, as directed, and in no way implies biological preference, distribution, or requirements of those fish listed.

Family	Acipenseridae	Sturgeon Family	Atlantic Sturgeon
Family	Polyodontidae	Paddlefish Family	Paddlefish
Family	Lepisosteidae	Gar Family	Gars
Family	Amidae	Bowfin Family	Bowfin
Family	Cyprinidae	Minnnow Family	Carp, etc.
Family	Catostomidae	Sucker Family	Smallmouth buffalo Bigmouth buffalo Black buffalo, etc.
Family	Ictaluridae	Freshwater Catfish Family	Blue catfish Channel catfish Flathead catfish etc.

Family	Percichthyidae	Temperate Bass Family	White bass Yellow bass Striped bass Hybrid striped bass
Family	Centrarchidae	Sunfish Family	Warmouth Bluegill Largemouth bass White crappie Black crappie, etc.
Family	Sciaenidae	Drum Family	* Freshwater drum

* Only member of family Sciaenidae considered freshwater fish.

The above fish may be taken by recreational fishermen in saltwater areas of Louisiana without possession of a saltwater angling license. Methods of recreational fishing shall include all legal means (hook and line, bow and arrow, SCUBA) as established in Louisiana by statute.

Interested persons may submit written comments on the proposed rule until 4:30 p.m., October 2, 1986 at the following address: J. Burton Angelle, Secretary, Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Designate certain species and freshwater species for Enforcement Purposes**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Decrease of revenues because of fewer saltwater angling licenses being purchased. Decrease will probably be less than \$2000 annually.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
None
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
None

Mary Mitchell
Chief Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to prohibit a method of hunting wild geese known as "crawling or creeping." This method of approaching or stalking feeding or resting flocks of wild geese has been abused resulting in excessive kills and crippling of wild geese many of which remain un-retrieved and wasted. The commission at its regular scheduled meeting July 9, 1986 in Baton Rouge, Louisiana took action which was supported by conservation organizations and law enforcement personnel to curb further waste of our valuable migratory bird resources. This change in hunting methods permitted by law will be duly noted in the department's 1986-87 Migratory Bird Hunting Regulations Pamphlet.

Interested persons may submit written comments regarding the proposed rule until September 1, 1986 to Hugh Bate-man, Chief, Game Division, Box 15570, Baton Rouge, LA 70805.

J. Burton Angelle
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Methods of Goose Hunting**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
None
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
None

Mary Mitchell
Chief Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

The Louisiana Wildlife and Fisheries Commission advertises its intent to amend the Louisiana Department of Wildlife and Fisheries Seafood Division Policies as they pertain to oyster fisheries to comply with R.S. 56:429 concerning the holding of a public auction to dispose of leases that are in default of annual rent and to compile a single document containing previously approved survey section rules.

**PROPOSED RULE ADDITIONS
TO COMPLY WITH R.S. 56:429**

All except Sections H and I on pages 6 and 7 have been previously adopted by commission action.

WHEREAS, there is a need to have procedures to comply with R.S. 56:429 concerning the holding of an auction to dispose of leases that are in default of annual rent, and

WHEREAS, there is a need to compile a single document containing the Louisiana Department of Wildlife and Fisheries Seafood Division Policies as they pertain to the Oyster Fisheries - Survey Section,

NOW THEREFORE BE IT RESOLVED, by the Wildlife and Fisheries Commission that the following regulations be adopted:

**DEPARTMENT OF WILDLIFE AND FISHERIES
SEAFOOD DIVISION POLICIES
AS THEY PERTAIN TO OYSTER
FISHERIES-SURVEY SECTION**

A. Office Policies and Procedures:

1. Office hours will be from 8:30 a.m. to 4:30 p.m., Monday through Friday excluding state holidays.
2. No one is to go into the lease document or quadrangle files, or application registration without permission of and

accompaniment by designated office personnel.

B. The taking of Oyster Lease Applications:

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

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

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

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

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

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

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

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

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

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

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

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

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

8. Survey Application Fees:

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

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

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

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

c. Survey application fees for restakes of one's own lease are established as follows:

\$25 PER SHOT POINT

d. Survey application fees for restakes of someone else's lease are established as follows:

\$90 for the first two shot points

\$50 for each additional shot point thereafter

e. The Survey Section shall notify owner(s) of lease to be restaked.

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

C. Private Surveyors Surveying Oyster Leases for Oyster Farmer:

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

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

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

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

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

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

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

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

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

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

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

12. Use standard signs and symbols.

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

the survey.

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

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

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

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

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

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

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

E. Oyster Lease Posting Requirements

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

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

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

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

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

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

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

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

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

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

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

4. In subsequent years the number of applications not surveyed by August 1 will be determined. This number will be subtracted from a base of 500 to determine the number of appli-

cants to be accepted. On October 1 appointments will be taken and the rules in paragraphs G-3 and G-4 will apply.

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

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

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

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

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

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

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

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

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

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

Interested persons may appear at the meeting of the Commission October 3, 1986 in the Baton Rouge Office building of the Department of Wildlife and Fisheries on Quail Drive. Interested persons may submit written comments until 4:30 p.m., October 2, 1986 at the following address: J. Burton Angelle, Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle
Secretary

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

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

There should be no additional cost since the department would implement this program by using existing resources.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF

STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Approximately 2,000 acres of leases are delinquent each year. This rule should reduce delinquencies and provide revenues for those leases released, thereby reducing postponements of lease payments (2,000 × \$2.00/acre \$4,000) at minimum and/or generating one-time auction sale revenues of up to \$1,000 per acre on prime tracts (estimated 200 acres × \$1,000 = \$200,000).

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

This rule change will enhance opportunities for new oyster fishermen in oyster producing areas.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Provide for additional employment opportunities.

Mary Mitchell
Chief Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

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

Special Pompano Permit Regulations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16. If citation(s) are issued to any permittee regarding fishery laws or conditions regulated by the permit, all permittee's permits will be revoked until such time as the permittee appears before department officials for the purpose of reviewing the citation issued. The secretary, after reviewing the proceedings, may reissue or suspend the permit. The permittee may lose all rights and privileges to participate in the program, if found guilty by legal or civil process.

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

Interested persons may submit written comments on the proposed rules until 4:30 p.m., October 2, 1986, at the following address; J. Burton Angelle, Secretary, Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Harvest Pompano and Black Drum

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Benefits commercial fishermen by allowing harvest of pompano in saltwater. Also contributes to local state economy by offering sales and employment.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

None to competition; some part-time employment.

Mary Mitchell
Chief Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The fur industry of Louisiana represents a major resource of economy and income for many of the citizens of our state; and as this resource is a renewable natural one, which has proven under wise management to increase in importance in our state; annual harvest of the surplus animals is in keeping with wise wildlife management techniques based on scientific management.

Federal restrictions imposed by the CITES Scientific authority concerning out-of-state shipment for otter and bobcat furs continue to require placement of a possession tag by trappers or buyers to insure state origin and use of the zonation concept has been determined to be beneficial in reducing late caught unprime furs and has produced mainly favorable comments generated within the fur industry. Therefore, the Louisiana Department of Wildlife and Fisheries Commission does hereby establish the 1986-87 furbearers trapping season for the northern zone as being November 20, 1986 through February 15, 1987 and the southern zone as being December 1, 1986 through February 28, 1987, and sets a bag limit for daytime and nighttime raccoon and opossum hunting outside the trapping season of one raccoon and/or opossum per hunter per day or night.

The regulations governing the buying, tagging and shipment of bobcat and otter pelts adopted for the 1986-87 trapping season may be viewed at the Quail Drive Office off Perkins Road, Baton Rouge, LA. Phone 342-9259. The department secretary shall be authorized to close or extend the trapping season as biologically justifiable.

Interested persons may submit written comments on the proposed rule to Johnnie Tarver, Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: 1986/87 Trapping Season

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Annual cost of implementation is approximately \$1,500 for tags to affix to bobcat and otter pelts in compliance with International Trade Convention Treaty requirements. Minimum expense is also required for necessary shipping tags which the department is required to provide dealers and buyers.

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

Severance tax is collected by the Department of Wildlife and Fisheries on each furbearer pelt shipped out of the State of Louisiana. Severance tax varies in amount depending upon species. Additional revenue is generated to the department by the sale of trapping licenses to approximately 10,000 trappers.

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

Annual harvest of furbearing animals in Louisiana averaged approximately \$5,000,000 last year. This income is of importance to trappers, landowners, fur buyers and fur dealers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The annual trapping season stimulates employment in the entire state and provides the major source of income for several thousand families. Approximately 1,656,157 pelts are harvested from the state each year and approximately 1,500,000 pounds of meat from various species is also utilized. Louisiana leads the nation in the production of wild furs.

J. Burton Angelle
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

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

EXPERIMENTAL FISHERIES PROGRAM

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

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

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

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

Saltwater Area Underutilized Species Permit Regulations

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

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

3. All permits shall be applied for and/or granted from

January 1 to July 31 of each year. All permits expire December 31 following the date of issuance. All permits shall be returned to the department by January 31 following expiration.

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

5. Permit requests for experimental gear shall include complete descriptions of the gear and methods used, including drawings or pictures, and the specie(s) to be fished. All potential permittees shall request an appointment by contacting Seafood Division personnel at 400 Royal Street, New Orleans. Proof of ownership of the proposed permitted vessel(s) shall be provided at the time of appointment and the person requesting a permit shall show proof that all applicable licenses have been applied for before a permit is issued. Proof of bona fide residency is also required at this time.

6. Permits will be issued only for such time to allow the department to properly evaluate the gear or methods being used. The department may withdraw any permit because it has a deleterious effect, may withdraw any permit in order to conduct its own evaluation of the gear or fishery, may effect management regulations which render any permit inoperative or may extend any permit as a means of regulating the fishery until such time the fishery comes under statutory laws.

7. The secretary reserves the right to limit the number of permits issued each year. When the number is limited, permits will be granted on a first come, first served basis. A permit does not entitle the bearer the exclusive harvest of the resource.

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

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

10. All permittees shall notify the department prior to leaving port to fish under permitted conditions and immediately upon returning from permitted trip. The department shall be notified by calling a designated phone number. Commonly accepted passive gear, i.e. eel pots, shall be exempted from this requirement.

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

12. A report shall be received by the department no later than 30 days following the last day of each month. If any permittee does not report monthly as required, his permit shall be suspended. If no report is received by January 31 following suspension, the deposit is forfeited.

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

14. When a permit is issued for an underutilized specie(s) or for the development of a new fishery, only the permitted specie(s) can be harvested. All other species shall be returned to unrestricted waters with a minimum of handling. No other fish may be in the possession of the permittee and all fish on board

the permitted vessel shall have head and caudal fin (tail) intact.

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

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

17. If citation(s) are issued to any permittee regarding fisheries laws or conditions regulated by the permit, all permittee's permits will be suspended until such time as the permittee appears before department officials for the purpose of reviewing the citation issued. The secretary, after reviewing the proceedings, may reinstate or revoke the permit. The permittee may lose all rights and privileges to participate in the program. If found guilty by legal or civil process the deposit is also forfeited.

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

Freshwater Area Underutilized Species Permit Regulations

1. Permits will be issued to use experimental gear for the harvest of underutilized specie(s) and to harvest said underutilized specie(s) in a manner that will not be deleterious to established fisheries or the fish community.

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

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

4. The holder of a permit shall have the permit in possession at all times when fishing underutilized species with permitted gear. No permit is transferrable without written permission from the department secretary.

5. The holder of a permit shall report monthly the catch taken as a result of the permit and any other information required by the department.

6. Information gained by the department through the issuance of a permit is not privileged and will be public information.

7. Permit requests for the development of new gear shall include complete descriptions of the gear and methods used, including drawings or pictures, the specie(s) to be fished and the area to be fished.

8. Requests for permits shall be accompanied by proof that all applicable licenses have been applied for.

9. Permits will be issued for such time as to allow the department to properly evaluate the gear or methods being used. The department may: (1) withdraw any permit because it has a deleterious effect; (2) withdraw any permit in order to conduct its own evaluation of the gear or fishery; or (3) impose management regulations which render any permit inoperative.

10. Only those species permitted can be harvested. All other species shall be returned to the water with a minimum of handling. No other fish may be in the possession of the permittee and all fish on board shall have the head and caudal fin (tail) intact.

11. Each applicant for a permit under the program will be assessed an administrative fee of \$20 per permit.

12. When permitted gear is on board or in possession of

the permittee, the permittee is assumed to be operating under condition of the permit. No gear other than permitted gear may be on board or in possession of the permittee.

13. If citation(s) are issued to any permittee regarding fishery laws or conditions regulated by the permit, all permittee's permits will be suspended until such time as the permittee appears before department officials for the purpose of reviewing the citation issued. The secretary, after reviewing the proceeding, may reinstate or revoke the permit. The permittee may lose all rights and privileges to participate in the program if found guilty by legal or civil process.

14. Permits may not be issued to any applicant found guilty of a fisheries Class II violation or greater.

15. The secretary reserves the right to limit the number of permits issued each year. When the number is limited, permits will be granted on a first come first served basis.

16. Permits will be issued on a calendar year basis and will expire on December 31 of the year issued.

Interested persons may submit written comments on the proposed rules until 4:30 p.m., October 2, 1986, at the following address: J. Burton Angelle, Secretary, Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Harvest Underutilized Species

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None.

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

Benefits commercial fishermen by allowing harvest of underutilized species in saltwater and freshwater. Also contributes to local state economy by offering sales and employment.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

None to competition; increase employment in commercial fisheries industry.

Mary Mitchell
Chief Fiscal Officer

Mark C. Drennen
Legislative Fiscal Officer

Legislation

LEGISLATION

Louisiana Administrative Procedure Act

(EDITOR'S NOTE: The following Act amended R.S. 49:950-970 (The Administrative Procedure Act) in the 1986 Regular Session. There are some procedural changes which should be noted regarding the Office of the State Register and agencies involved in rulemaking.)

Act 494
Regular Session, 1986
House Bill No. 1124

AN ACT

To amend and reenact R.S. 49:967(D), relative to the setting of shrimp seasons by the Wildlife and Fisheries Commission and the Department of Wildlife and Fisheries, to exempt the setting of shrimp seasons from legislative oversight, and to provide for related matters.

Be it enacted by the Legislature of Louisiana: Section 1. R.S. 49:967(D) is hereby amended and reenacted to read as follows: §967. Exemptions from provisions of Chapter

* * *

D. The provisions of R.S. 49:968 shall not apply to any rule or regulation promulgated by the Department of Wildlife and Fisheries or the Wildlife and Fisheries Commission relative to hunting seasons, trapping seasons, alligator seasons, shrimp seasons, oyster seasons, finfish seasons and size limits and all rules and regulations pursuant thereto. The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission may employ the provisions of R.S. 49:953(B) in promulgating rules and regulations relative to hunting seasons, trapping seasons, alligator seasons, shrimp seasons, oyster seasons, and finfish seasons and size limits and all rules and regulations pursuant thereto.

* * *

Act 419
Regular Session, 1986
House Bill No. 388

AN ACT

To amend and reenact R.S. 49:968(G), relative to legislative review of agency rules in accordance with the Administrative Procedure Act, to prohibit the proposing more than once during the interim between regular legislative sessions of a rule change that is the same or substantially similar to a proposed rule change previously determined to be unacceptable by an oversight subcommittee, and to provide for related matters.

Be it enacted by the Legislature of Louisiana: Section 1. R.S. 49:968(G) is hereby amended and reenacted to read as follows:

§968. Review of agency rules

* * *

G. After receipt of the report of the subcommittee, the governor shall have ten calendar days in which to disapprove the action taken by the subcommittee. If the action of the subcommittee is not disapproved by the governor within ten calendar days from the day the subcommittee report is delivered to him,

the rule change shall not be adopted by the agency until it has been changed or modified and subsequently found acceptable by the subcommittee, or has been approved by the standing committee, or by the legislature by concurrent resolution. The agency shall not propose a rule change that is the same or substantial similar to a proposed rule change determined to be unacceptable by an oversight committee within four months after issuance of a written report by the subcommittee as provided in Subsection F of this Section nor more than once during the interim between regular sessions of the legislature.

Committee Reports

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on August 27, 1986 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the *July Louisiana Register* with the following results:

The Department of Environmental Quality proposes to increase all previously existing Louisiana Department of Environmental Quality Fee Systems which are listed below. The proposed amendments would increase these fees by 30 percent, and would become effective on October 1, 1986.

- 1) Office of Air Quality and Nuclear Energy - Air Quality Division
 - 2) Office of Air Quality and Nuclear Energy - Nuclear Energy Division
 - 3) Office of Solid and Hazardous Waste - Hazardous Waste Division
 - 4) Office of Solid and Hazardous Waste - Solid Waste Division
 - 5) Office of Water Resources
- Approved by a vote of 6-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight

met on August 27, 1986 and reviewed certain changes in state regulations proposed by the Louisiana Department of Natural Resources for which notice of intent was published in the July *Louisiana Register* with the following results:

1) Proposal by the Office of Conservation to amend Enforcement Regulation for Intrastate Natural Gas Pipelines.

Approved by a vote of 5-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on August 27, 1986 and reviewed certain changes in state regulations proposed by the Louisiana Department of Natural Resources for which notice of intent was published in the July *Louisiana Register* with the following results:

1) Proposal to amend those fees imposed for the purpose of funding the Fishermen's Gear Compensation Fund. An additional fee will be assessed on September 20, 1986, in the amount of \$300 for each state mineral lease and each state right-of-way within the coastal zone.

Approved by a vote of 6-0.

Clyde W. Kimball
Chairman

Potpourri

POTPOURRI

Department of Health and Human Resources Cancer and Lung Trust Fund Board

The deadline for accepting proposals for cancer and/or respiratory disease research grants is November 1, 1986. Applications will be accepted for the following proposals: 1) to establish a consortium of institutions interested in cancer research and

cancer control activities; 2) original research on cancer with direct application to Louisiana populations; 3) smoking and its relationship to cancer and/or respiratory diseases in Louisiana; 4) occupation and its relationship to cancer and/or respiratory diseases in Louisiana; and, 5) nutrition and its relationship to cancer in Louisiana. Applications may be obtained by mail from Box 60630, Room 503, New Orleans, LA 70160. Applications may also be obtained at the following Office of Preventive and Public Health Services locations:

State Office Building, Fifth Floor, 1525 Fairfield Avenue, Shreveport, LA 71130, (318) 226-7470.

4240 Legion Street, Lake Charles, LA 70601, (318) 491-2040.

302 Jefferson St., Room 612, Lafayette, LA 70501, (318) 265-5311.

State Office Building, 325 Loyola Avenue, Room 503, New Orleans, LA 70112, (504) 568-2606.

2913 Betin Street, Monroe, LA 71201, (318) 362-5222.

1335 Jackson Street, Alexandria, LA 71301, (318) 487-5262.

1220 Main Street, Baton Rouge, LA 70802, (504) 342-1616.

206 East Third Street, Thibodaux, LA 70301, (504) 446-0431.

Additional information may be obtained by contacting Vincent Giuffre, (504) 568-2606.

Pelayo Correa, M.D.
Chairman

POTPOURRI

Department of Natural Resources Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56:700.1 through 56:700.5, and regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980, notice is given that 80 claims amounting to \$79,688.49 were received during the month of August, 1986.

The following claims are the subjects of public hearings to be held at the locations indicated:

Friday, October 10, 1986, at 2:30 p.m., in the Police Jury Office, 8201 West Judge Perez Drive, in Chalmette, LA.: CLAIM NO. 86-3347

Xoan Dinh Vu, of New Orleans, LA, while trawling on the vessel, "BEACH BOY," in Lake Borgne, St. Bernard Parish, encountered an unidentified submerged obstruction on May 24, 1986. Causing damage and/or loss. Amount of Claim: \$1,854.09
CLAIM NO. 86-3356

William Leonard Craig, of Port Sulphur, LA, while enroute back from fishing oysters on the vessel, "LA 3778 BL," in Lake Grand Ecaille, Plaquemines Parish, encountered submerged rocks on April 7, 1986. Causing damage and/or loss. Amount of Claim: \$4,765.93
CLAIM NO. 86-3372

Errol D. Lovell, Sr., of Meraux, LA, while trawling on the vessel, "HOPE'S DIAMOND," in the Fish and Smack, out of Hope Dale, St. Bernard Parish, encountered an unidentified submerged obstruction on June 1, 1986. Causing damage and/or loss. Amount of Claim: \$813.56

CLAIM NO. 86-3380

Bernard J. Welb, of New Orleans, LA, while trawling on the vessel, "MISS JUDY," in Lake Pontchartrain, westside of Lake Front airport, Orleans Parish, encountered an unidentified submerged obstruction on June 6, 1986. Causing damage and/or loss. Amount of Claim: \$168.95

CLAIM NO. 86-3393

Clifford F. Vicknair, of Slidell, LA, while trawling on the vessel, "LA 4911 AT," in Lake Pontchartrain, south shore area, Orleans Parish, encountered an unidentified submerged obstruction on June 10, 1986. Causing damage and/or loss. Amount of Claim: \$670

CLAIM NO. 86-3398

Sheila Morales, of St. Bernard, LA, while trawling on the vessel, "LA 9723 AP," in Bayou Frenepiqua, St. Bernard Parish, encountered an unidentified submerged obstruction on June 11, 1986. Causing damage and/or loss. Amount of Claim: \$1,955.18

CLAIM NO. 86-3418

Percy Jeanfreau, of Braithwaite, LA, while trawling on the vessel, "SINGING RIVER," in Seven Dollar Bay, near Ship Channel, St. Bernard Parish, encountered a submerged pipe on June 11, 1986. Causing damage and/or loss. Amount of Claim: \$1,201.16

CLAIM NO. 86-3420

Robert W. Kenney, of Kenney Seafood, Inc., Slidell, LA, while trawling on the vessel, "PAPPY," in Lake Borgne, St. Tammany Parish, encountered an unidentified submerged obstruction on June 9, 1986. Causing damage and/or loss. Amount of Claim: \$200

CLAIM NO. 86-3422

Charles R. Robin, III, of St. Bernard, LA, while trawling on the vessel, "LADY LISA," in Breton Sound, St. Bernard Parish, encountered a submerged pipe on June 3, 1986. Causing damage and/or loss. Amount of Claim: \$530

CLAIM NO. 86-3429

Ernest J. Campo, of St. Bernard, LA, while trawling on the vessel, "JEAN MARIE," in Lake Borgne, St. Bernard Parish, encountered a submerged pipeline on June 14, 1986. Causing damage and/or loss. Amount of Claim: \$1,317.18

CLAIM NO. 86-3431

Peter Gerica, of New Orleans, LA, while trawling on the vessel, "MISS LUCY," in Lake Borgne, between Rigolets and Unknown Pass, St. Bernard Parish, encountered an unidentified submerged obstruction on June 10, 1986. Causing damage and/or loss. Amount of Claim: \$500

CLAIM NO. 86-3456

Barry J. Melerine, of Violet, LA, while trawling on the vessel, "LUCKY LADY," in Bay Eloi, north side of Ship Channel, St. Bernard Parish, encountered an unidentified submerged obstruction on June 22, 1986. Causing damage and/or loss. Amount of Claim: \$1,197.40

CLAIM NO. 86-3457

Raymond C. Gilham, of Metairie, LA, while trawling on the vessel, "LA 2201 AP," in Lake Pontchartrain, one mile east of Causeway, Jefferson Parish, encountered an unidentified submerged obstruction on June 19, 1986. Causing damage and/or loss. Amount of Claim: \$600

CLAIM NO. 86-3469

Gene Alonzo, of Hopedale, LA, while trawling on the vessel, "TAMMY GINA," in Point Fortuna, St. Bernard Parish, encountered a submerged pipe on June 22, 1986. Causing damage and/or loss. Amount of Claim: \$977.03

CLAIM NO. 86-3472

Warren J. Thibodeaux, of New Orleans, LA, while trawling on the vessel, "HONEY SUCKER," in Breton Sound, at

approximate LORAN-C readings of 29,018.2 and 46,935.3, St. Bernard Parish, encountered an unidentified submerged obstruction on June 20, 1986. Causing damage and/or loss. Amount of Claim: \$1,696.84

CLAIM NO. 86-3480

Charles A. Morales of St. Bernard, LA, while trawling on the vessel, "LA 5314 AB", in Black Bay, about midway from the Beacon of Mozambique Point and the Point, Plaquemines Parish, encountered an unidentified submerged obstruction on June 25, 1986. Causing damage and/or loss. Amount of Claim: \$588.71

CLAIM NO. 86-3500

Ricky Guerra, of St. Bernard, LA, while trawling on the vessel, "LADY LINDA," in Breton Sound, St. Bernard Parish, encountered an unidentified submerged obstruction on July 3, 1986. Causing damage and/or loss. Amount of Claim: \$1,575

CLAIM NO. 86-3502

Richard J. Berrigan, of Mandeville, LA, while trawling on the vessel, "MISS DEBBIE," in Lake Pontchartrain, 2-1/2 miles north of Lincoln Beach, Orleans Parish, encountered a large submerged pipe on July 4, 1986. Causing damage and/or loss. Amount of Claim: \$790

CLAIM NO. 86-3348

James E. Menner, of Slidell, LA, while trawling on the vessel, "LA 8537 AX," in Lake Pontchartrain, St. Tammany Parish, encountered an unidentified submerged obstruction on May 28, 1986. Causing damage and/or loss. Amount of Claim: \$66.25

CLAIM NO. 86-3376

James Menner, of Slidell, LA, while trawling on the vessel, "LA 8537 AX", in Lake Pontchartrain, west side of Causeway, about four blocks from bridge, St. Tammany Parish, encountered an unidentified submerged obstruction on June 4, 1986. Causing damage and/or loss. Amount of Claim: \$130.75

CLAIM NO. 86-3362

Gary J. Treuil, of Metairie, LA, while trawling on the vessel, "DAWN MIST," in Bayou Boudreau, St. Bernard Parish, encountered an unidentified submerged obstruction on May 19, 1986. Causing damage and/or loss. Amount of Claim: \$824

CLAIM NO. 86-3363

Gary J. Treuil, of Metairie, LA, while trawling on the vessel "DAWN MIST," in Lake Borgne, Orleans Parish, encountered an unidentified submerged obstruction on May 21, 1986. Causing damage and/or loss. Amount of Claim: \$856

CLAIM NO. 86-3378

Martin A. Kain, Jr., of New Orleans, LA, while trawling on the vessel, "MISS JUANITA," in Lake Pontchartrain, about 1-1/2 mile off Lincoln Beach, Orleans Parish, encountered an unidentified submerged obstruction on June 9, 1986. Causing damage and/or loss. Amount of Claim: \$488.32

CLAIM NO. 86-3379

Martin A. Kain, Jr., of New Orleans, LA, while trawling on the vessel, "MISS JUANITA," in Lake Pontchartrain, about 1-1/2 mile off beach, Orleans Parish, encountered an unidentified submerged obstruction on June 9, 1986. Causing damage and/or loss. Amount of Claim: \$502.67

CLAIM NO. 86-3411

Marcello Reynon, Jr., of Marrero, LA, while trawling on the vessel, "LADY CRESHIA," in Lake Pontchartrain, Orleans Parish, encountered an unidentified submerged obstruction on June 12, 1986. Causing damage and/or loss. Amount of Claim: \$965.90

CLAIM NO. 86-3412

Marcello Reynon, Jr., of Marrero, LA, while trawling on the vessel, "LADY CRESHIA," in Lake Pontchartrain, Jefferson Parish, encountered an unidentified submerged obstruction on

June 5, 1986. Causing damage and/or loss. Amount of Claim: \$529.95

CLAIM NO. 86-3424

Robert E. Graf, of St. Bernard, LA, while trawling on the vessel, "TRICKI NICKI," in Black Bay, 1500' off of Fiddler Point to the north, St. Bernard Parish, encountered an unidentified submerged obstruction on May 29, 1986. Causing damage and/or loss. Amount of Claim: \$763.80

CLAIM NO. 86-3573

Robert E. Graf, of St. Bernard, LA, while trawling on the vessel, "TRICKI NICKI," in Lake Pontchartrain, east side of Causeway Bridge, Orleans Parish, encountered an unidentified submerged obstruction on July 11, 1986. Causing damage and/or loss. Amount of Claim: \$763.80

CLAIM NO. 86-3473

Richard Luscy, of St. Bernard, LA, while trawling on the vessel, "RICHARD'S PRIDE," in Lake Fortuna, 600 to 800 feet from Gulf Outlet, St. Bernard Parish, encountered an unidentified submerged obstruction on June 26, 1986. Causing damage and/or loss. Amount of Claim: \$941.06

CLAIM NO. 86-3558

Richard Luscy, of St. Bernard, LA, while trawling on the vessel, "RICHARD'S PRIDE," in Grand Pass, Lake Robin, St. Bernard Parish, encountered an unidentified submerged obstruction on July 4, 1986. Causing damage and/or loss. Amount of Claim: \$784.

CLAIM NO. 86-3507

Ben Guerra, Jr., of St. Bernard, LA, while trawling on the vessel, "CAPT. BEN," in Black Bay, Plaquemines Parish, encountered an unidentified submerged obstruction on July 7, 1986. Causing damage and/or loss. Amount of Claim: \$593.84

CLAIM NO. 86-3508

Ben Guerra, Jr., of St. Bernard, LA, while trawling on the vessel, "CAPT. BEN," Lake Lery, St. Bernard Parish, encountered an unidentified submerged obstruction on July 8, 1986. Causing damage and/or loss. Amount of Claim: \$566.80

CLAIM NO. 86-3539

Anthony Guerra, of St. Bernard, LA, while trawling on the vessel, "SANTA MARIA," in Breton Sound, St. Bernard Parish, encountered a submerged pipeline on July 2, 1986. Causing damage and/or loss. Amount of Claim: \$1,504.48

CLAIM NO. 86-3540

Anthony Guerra, of St. Bernard, LA, while trawling on the vessel, "SANTA MARIA," in Lake Borgne, St. Bernard Parish, encountered an unidentified submerged obstruction on July 8, 1986. Causing damage and/or loss. Amount of Claim: \$1,601.36

CLAIM NO. 86-3319

George J. France, of Slidell, LA, while trawling on the vessel, "LA BRINA JO," in the Gulf of Mexico, Grand Isle, Jefferson Parish, encountered an unidentified submerged obstruction on April 21, 1986. Causing damage and/or loss. Amount of Claim: \$100

CLAIM NO. 86-3320

George J. France, of Slidell, LA, while trawling on the vessel, "LA BRINA JO," in Barataria Pass 1/2 mile north of Grand Isle, one block east of line to Gulf of Mexico, Jefferson Parish, encountered a submerged tree stump on May 1, 1986. Causing damage and/or loss. Amount of Claim: \$80

CLAIM NO. 86-3321

George J. France, of Slidell, LA, while trawling on the vessel, "LA BRINA JO," in Bayou St. Denis, encountered an unidentified submerged obstruction on May 21, 1986. Causing damage and/or loss. Amount of Claim: \$740

CLAIM NO. 86-3435

Roland G. Navarro, of St. Bernard, LA, while trawling on

the vessel, "VALLEY LIGHT," by Shell Keys, Iberia, Parish, encountered an unidentified submerged obstruction on May 22, 1986. Causing damage and/or loss. Amount of Claim: \$1,022.45

CLAIM NO. 86-3436

Roland G. Navarro, of St. Bernard, LA, while trawling on the vessel, "VALLEY LIGHT," in Breton Sound, at approximate LORAN-C readings of 28,966.0 and 46,920.1, Plaquemines Parish, encountered an unidentified submerged obstruction on June 10, 1986. Causing damage and/or loss. Amount of Claim: \$4,044.90

CLAIM NO. 86-3437

Roland G. Navarro, of St. Bernard, LA, while trawling on the vessel, "VALLEY LIGHT," in Shell Keys, Iberia Parish, encountered an unidentified submerged obstruction on May 27, 1986. Causing damage and/or loss. Amount of Claim: \$1,022.45

Friday, October 24, 1986, at 2:30 p.m., in the St. Bernard Police Jury Office, 8201 West Judge Perez Drive, Chalmette, LA:

CLAIM NO. 85-2986 (RESCHEDULED)

Charles A. McKay, of Violet, LA, while trawling on the vessel, "BODY & SOUL," in Breton Sound, north of Main Pass, Plaquemines Parish, encountered an unidentified submerged obstruction on November 29, 1985. Causing damage and/or loss. Amount of Claim: \$845.49

CLAIM NO. 86-3170 (RESCHEDULED)

Jesse N. Alfonso of St. Bernard, LA, while trawling on the vessel, "LADY WENDY," in the Gulf Outlet, 1/2 mile from rocks, St. Bernard Parish, encountered an unidentified submerged obstruction on November 11, 1985. Causing damage and/or loss. Amount of Claim: \$3,463.55

CLAIM NO. 86-3207

Martin A. Kain, Jr., of New Orleans, LA, while trawling on the vessel, "MISS JUANITA," in the Gulf of Mexico, right side of Grand Pass, Orleans Parish, encountered an unidentified submerged obstruction on March 16, 1986. Causing damage and/or loss. Amount of Claim: \$1,029.22

CLAIM NO. 86-3209

Kenneth R. Adams, Jr. of New Orleans, LA, while trawling on the vessel, "SHANNA BABY," in West Bay, between Tiger Pass and Southwest Pass, Plaquemines Parish, encountered an unidentified submerged obstruction on January 13, 1986. Causing damage and/or loss. Amount of Claim: \$838

CLAIM NO. 86-3229

Gary J. Treuil, of Metairie, LA, while trawling on the vessel, "LA 5011 BG," in the Rigolets, St. Tammany Parish, encountered an unidentified submerged obstruction on February 5, 1986. Causing damage and/or loss. Amount of Claim: \$614

CLAIM NO. 86-3232

Tilman J. Carolise, Sr., of Venice, LA, while trawling on the vessel, "HONEY," in the Gulf of Mexico, between Gaspar Pass and Main Pass, Plaquemines Parish, encountered an unidentified submerged obstruction on April 13, 1986. Causing damage and/or loss. Amount of Claim: \$930

CLAIM NO. 86-3254

Eddie Goutierrez, of Braithwaite, LA, while trawling on the vessel, "MISS TIFFANY," in Four Bayou Pass, Plaquemines Parish, encountered an unidentified submerged obstruction on April 21, 1986. Causing damage and/or loss. Amount of Claim: \$756

CLAIM NO. 86-3255

Joseph F. Hamann, Sr., of Venice, LA while trawling on the vessel, "CAPT. JIM," in East Bay, at approximate LORAN-C readings of 28,923.8 and 46,782.6, Plaquemines Parish, encountered an unidentified submerged obstruction on March 14,

1986. Causing damage and/or loss. Amount of Claim: \$750
CLAIM NO. 86-3271

Stanley Weiskopf, Jr., of Braithwaite, LA, while trawling on the vessel, "LITTLE REFFER," in the Gulf of Mexico, Sandy Point, Plaquemines Parish, encountered an unidentified submerged obstruction on April 19, 1986. Causing damage and/or loss. Amount of Claim: \$912

CLAIM NO. 86-3294

Lanny D. Lafrance, of Braithwaite, LA, while trawling on the vessel, "EDDIE RABBIT," in Grand Bayou, Plaquemines Parish, encountered an unidentified submerged obstruction on April 16, 1986. Causing damage and/or loss. Amount of Damage: \$1,244.28

CLAIM NO. 86-3295

Phillip Morales, of St. Bernard, LA, while trawling on the vessel "MR. CASEY," in Breton Sound, Plaquemines Parish, encountered an unidentified submerged obstruction on May 14, 1986. Causing damage and/or loss. Amount of Claim: \$1,790

CLAIM NO. 86-3314

Roland G. Navarro, of St. Bernard, LA, while trawling on the vessel, "VALLEY LIGHT," in the Gulf of Mexico, between West Pass and Freshwater Bayou, at approximate LORAN-C readings of 27,295.2 and 11,107.2. Vermilion Parish, encountered an unidentified submerged obstruction on May 7, 1986. Causing damage and/or loss. Amount of Claim: \$1,022.45

CLAIM NO. 86-3327

Roy E. Darby, of Slidell, LA, while trawling on the vessel, "LA 424 RU," in Lake Borgne, Orleans Parish, encountered an unidentified submerged obstruction on May 20, 1986. Causing damage and/or loss. Amount of Claim: \$1,011

CLAIM NO. 86-3328

Ronald Serigne, of St. Bernard, LA, while trawling on the vessel, "LIL ROCH," in Lake Fortuna, St. Bernard Parish, encountered a submerged pipe on May 21, 1986. Causing damage and/or loss. Amount of Claim: \$802.57

CLAIM NO. 86-3329

John S. Domingo, of St. Bernard, LA, while trawling on the vessel, "CAPT. JOHN," in Lake Borgne, at approximate LORAN-C readings of 28,906.0 and 47,018.5, St. Bernard Parish, encountered an unidentified submerged obstruction on May 22, 1986. Causing damage and/or loss. Amount of Claim: \$832.07

CLAIM NO. 86-3339

Clarence R. Lovell, of Meraux, LA, while trawling on the vessel, "LITTLE DARLING," in Bayou Petre, St. Bernard Parish, encountered an unidentified submerged obstruction on May 27, 1986. Causing damage and/or loss. Amount of Claim: \$858.51

CLAIM NO. 86-3342

Daniel Morales, Sr., of St. Bernard, LA, while trawling on the vessel, "BLUE WIND TEAL," in Lake Cuatro Caballo, Plaquemines Parish, encountered an unidentified submerged obstruction on May 27, 1986. Causing damage and/or loss. Amount of Claim: \$762.87

CLAIM NO. 86-3365

Carl Melerine, of St. Bernard, LA, while trawling on the vessel, "LUCKEY STRICK II," in Bay Crabe, Plaquemines Parish, encountered an unidentified submerged obstruction on May 23, 1986. Causing damage and/or loss. Amount of Claim: \$1,495

CLAIM NO. 86-3373

Huey J. Daigle, of Metairie, LA, while trawling on the vessel, "FISHING FOOL," in Lake Pontchartrain, Orleans Parish, encountered an unidentified submerged obstruction on June 2, 1986. Causing damage and/or loss. Amount of Claim: \$465.78

CLAIM NO. 86-3375

Raymond Melerine, of St. Bernard, LA, while trawling on the vessel, "RAYMOND'S BABY," in Seven Dollar Bayou, St. Bernard Parish, encountered an unidentified submerged obstruction on June 4, 1986. Causing damage and/or loss. Amount of Claim: \$825

CLAIM NO. 86-3382

Joan R. Cure, of St. Bernard, LA, while trawling on the vessel "LADY JOAN," in Lake Borgne, about two miles outside of Rigolets, St. Bernard Parish, encountered an unidentified submerged obstruction on June 9, 1986. Causing damage and/or loss. Amount of Claim: \$1,300

CLAIM NO. 86-3390

Joey G. Latapie, of St. Bernard, LA, while trawling on the vessel "CAPT. TRAVIS," in Lake Borgne, half mile from Saint Joe Channel, St. Tammany Parish, encountered an unidentified submerged obstruction on June 8, 1986. Causing damage and/or loss. Amount of Claim: \$1,105

CLAIM NO. 86-3419

Anthony Morales, of St. Bernard, LA, while trawling on the vessel, "PATRICIA ANN," in Garfish Pass, between Lake Campo and Garfish Pass, Plaquemines Parish, encountered an unidentified submerged obstruction on June 11, 1986. Causing damage and/or loss. Amount of Claim: \$966.40

CLAIM NO. 86-3433

Richard J. Berrigan, of Mandeville, LA, while trawling on the vessel, "MISS DEBBIE," in the Rigolets at Lake Borgne, St. Tammany Parish, encountered an unidentified submerged obstruction on June 10, 1986. Causing damage and/or loss. Amount of Claim: \$1,000.

CLAIM NO. 86-3453

Lester Evans, of St. Bernard, LA, while trawling on the vessel, "CAPTAIN SWAMPY," in Breton Sound, one mile SE of Point Chico, St. Bernard Parish, encountered an unidentified submerged obstruction on June 20, 1986. Causing damage and/or loss. Amount of Claim: \$2,077.25

CLAIM NO. 85-3098

Leslie Fitch, of Metairie, LA, while trawling on the vessel, "LA 4490 AP," in Lake Pontchartrain, about 2-1/2 miles off the Industrial Canal, Orleans Parish, encountered an unidentified submerged obstruction on December 16, 1985. Causing damage and/or loss. Amount of Claim: \$650

CLAIM NO. 85-3099

Leslie Fitch, of Metairie, LA, while trawling on the vessel, "LA 4490 AP," in Lake Pontchartrain, approximately four miles off South Point, Orleans Parish, encountered an unidentified submerged obstruction on December 22, 1985. Causing damage and/or loss. Amount of Claim: \$539

CLAIM NO. 86-3222

Byron Charrier, III, of St. Bernard, LA, while trawling on the vessel, "KING KONG," in the Gulf of Mexico, at approximate LORAN-C readings of 27,732.7 and 46,886.7, St. Mary-/Terrebonne Parish, encountered an unidentified submerged obstruction on March 17, 1986. Causing damage and/or loss. Amount of Claim: \$1,450

CLAIM NO. 86-3223

Byron Charrier, III of St. Bernard, LA, while trawling on the vessel, "KING KONG," in the Gulf of Mexico, off Blue Point, at approximate LORAN-C readings of 27,744.0 and 46,880.2, St. Mary-/Terrebonne Parish, encountered a submerged four inch pipe on March 19, 1986. Causing damage and/or loss. Amount of Claim: \$1,450.

CLAIM NO. 86-3253

Stanley Weiskopf, Sr. of Braithwaite, LA, while trawling on the vessel, "KAREN SUSAN," in Four Bayou Pass, Plaquemines Parish, encountered an unidentified submerged obstruction on April 22, 1986. Causing damage and/or loss. Amount

of Claim: \$823

CLAIM NO. 86-3455

Stanely Weiskopf, Sr. of Braithwaite, LA, while trawling on the vessel, "KAREN SUSAN," in Ship Channel, near Beacon #47, St. Bernard Parish, encountered a huge submerged log on June 21, 1986. Causing damage and/or loss. Amount of Claim: \$670

CLAIM NO. 86-3312

Roland E. Navarro, of Meraux, LA, while trawling on the vessel "MISS WOZZIE," West of Grand Island Pass, Jefferson Parish, encountered an unidentified submerged obstruction on May 14, 1986. Causing damage and/or loss. Amount of Claim: \$1,138.05

CLAIM NO. 86-3313

Roland E. Navarro, of Meraux, LA, while trawling on the vessel "MISS WOZZIE," West of Grand Island about 1-1/2 miles off beach, Jefferson Parish, encountered an unidentified submerged obstruction on May 6, 1986. Causing damage and/or loss. Amount of Claim: \$1,138.05

CLAIM NO. 86-3440

Roland E. Navarro, of Meraux, LA, while trawling on the vessel, "MISS WOZZIE," four or five miles from Point Fortune, at approximate LORAN-C readings of 28,983.8 and 46,918.3, Plaquemines Parish, encountered two submerged pipes on June 8, 1986. Causing damage and/or loss. Amount of Claim: \$1,405.32

CLAIM NO. 86-3326

Wallace Perez, Sr., of St. Bernard, LA, while trawling on the vessel, "LADY LORRAINE," in Lake Borgne, St. Bernard Parish, encountered an unidentified submerged obstruction on May 21, 1986. Causing damage and/or loss. Amount of Claim: \$762.78

CLAIM NO. 86-3354

Wallace Perez, Sr., of St. Bernard, LA, while trawling on the vessel, "LADY LORRAINE," in Lake Borgne, 1-1/4 mile

due north of Shell Beach Canal, St. Bernard Parish, encountered an unidentified submerged obstruction on May 29, 1986. Causing damage and/or loss. Amount of Claim: \$762.78

CLAIM NO. 86-3377

Kenneth J. LeFebvre, Sr., of St. Bernard, LA, while trawling on the vessel, "BAYOU BLUES," in Lake Borgne, St. Bernard Parish, encountered an unidentified submerged obstruction on June 2, 1986. Causing damage and/or loss. Amount of Claim: \$641

CLAIM NO. 86-3425

Kenneth J. LeFebvre, Sr. of St. Bernard, LA, while trawling on the vessel, "BAYOU BLUES," in the Gulf Outlet Ship Channel, about three miles pass Shell Beach, St. Bernard Parish, encountered an unidentified submerged obstruction on June 17, 1986. Causing damage and/or loss. Amount of Claim: \$387.84

CLAIM NO. 86-3448

Brian Thibodeaux, of New Orleans, LA, while trawling on the vessel "MASTER BRIAN," in Eloi Bay, St. Bernard Parish, encountered an unidentified submerged obstruction on June 11, 1986. Causing damage and/or loss. Amount of Claim: \$650.

CLAIM NO. 86-3449

Brian Thibodeaux, of New Orleans, LA, while trawling on the vessel, "MASTER BRIAN," in Breton Sound, St. Bernard Parish, encountered an unidentified submerged obstruction on June 15, 1986. Causing damage and/or loss. Amount of Claim: \$970

Any person may submit evidence or make objections in person at the hearings. Written comments can be mailed to: Administrator, Fishermen's Gear Compensation Fund, Box 94396, Capitol Station, Baton Rouge, LA 70804, and must be postmarked no later than seven days after the hearing(s).

B. JIM PORTER
SECRETARY

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