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Executive Orders

EXECUTIVE ORDER EWE 84-8

Executive Order EWE 84-6, dated May 4, 1984, which creates The Governor's Commission for Women, is hereby amended as follows:

Section 1. The commission shall be composed of not more than 40 members.

Section 2. The numbers of gubernatorial appointees selected from the state at large is increased from 10 members to 20 members.

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 10th day of May, 1984.

Edwin W. Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE 84-9

WHEREAS, one of the primary responsibilities and functions of the government of this state is to improve the quality of life enjoyed by its citizens,

WHEREAS, in order to promote the welfare of the state as a whole, it is imperative that the special problems and needs of particular persons in our society be recognized and met,

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

Section 1: The Commission on Children and Youth is established in the Office of the Governor.

Section 2: The commission shall be composed of not more than 25 members, each of whom shall be appointed by the governor. The chairman of the commission shall be appointed by the governor from the membership of the commission.

Section 3: The duties of the commission are to:

(A) Study the problems and needs of the following persons:

- (1) Runaway and/or homeless children;
- (2) Children in foster care, either freed or not freed for adoption;
- (3) Abused children and their families;
- (4) Emotionally disturbed children and their families;
- (5) Substance abusing children and their families;
- (6) Physically and mentally handicapped children and their families;

(7) Adjudicated children, including delinquent children;

(8) Single, pregnant teens.

(B) Review the adequacy, integration, and structure of existing federal and state laws, programs, and services for the above-mentioned persons.

(C) Submit a written report to the governor by October 31, 1984, detailing the factual findings of the commission.

(D) Design and conduct a Louisiana Conference on Children and Youth to be held in 1985. The conference will serve as a forum for the commission's findings and for receiving informa-

tion and recommendations in the subject area from the general public.

(E) Submit written recommendations for legislation to the governor prior to the 1985 Regular Session of the Louisiana Legislature.

Section 4: The secretary of the Department of Health and Human Resources and the director of the State Planning Office shall make available to the commission any resources and equipment necessary for the performance of its duties.

Section 5: The commission is authorized to receive or accept grants, donations, or contributions of money or services from public or private sources and is further authorized to expend any funds made available from public or private sources to carry out the purposes of this order.

Section 6. No member shall receive a per diem or reimbursement of personal expenses from public funds.

Section 7. The commission shall terminate not later than 30 days after submission of its written recommendations to the governor.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 4th day of June, 1984.

Edwin Edwards
Governor of Louisiana

Policy and Procedure Memoranda

POLICY AND PROCEDURE MEMORANDUM

Office of the Governor
Division of Administration
Policy and Procedure Memorandum
No. 68

SUBJECT: Revenue and Expenditure Recognition of Governmental Fund Types of the General and Special Revenue Nature on a Modified Accrual Basis of Accounting

TO: All Administrative Boards, Commissions, Departments, Agencies, Institutions and Offices with the Executive Branch of the State Government

EFFECTIVE DATE: June 30, 1984

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

Title 39; Section 92: Fiscal Reporting; Within six months after the close of each fiscal year, the commissioner of administration shall cause to be prepared a comprehensive annual financial report containing those financial statements, including notes thereto, which are necessary for a fair presentation of the financial position and results of operations of the state in conformity with generally accepted accounting principles.

I. Introduction:

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

II. Purpose and Scope:

2.1 The purpose of this Policy and Procedure Memorandum is to establish criteria to be applied in the accrual of revenues and expenditures for governmental fund types of the general and special revenue nature for financial reporting purposes in accordance with generally accepted accounting and financial reporting principles. As of the effective date of this memorandum all boards, commissions, departments, agencies, institutions and offices within the Executive Branch of State Government shall report financial activity on a modified accrual accounting basis as described herein.

III. Revenues:

3.1 Revenues associated with the economic activity of a particular fiscal year must be recognized (accrued) and reported in that fiscal year;

- a. when the revenues are collected during the fiscal year to which they are associated, or
- b. when the revenues are collected within 45 days after the end of the fiscal year to which they are associated.

3.2 Certain revenues may be excluded from the accrual requirements outlined in paragraph 3.1 provided

- a. the amount is not material or the cost of attaining the data for accruing the revenue exceeds the benefits derived from its accrual. For purposes of the State of Louisiana's financial statement "materiality" is generally defined as less than one-half of one percent of the total estimated revenues of that fund.
- b. the amount is not measurable and cannot be reasonably estimated with an acceptable degree accuracy.
- c. the revenue will not be available (collected) within the fiscal year or soon enough after the fiscal year end to be used to pay liabilities of that fiscal year.

3.3 Specified exceptions to the 45 day cut-off rule (3.1.b.) to be included are as follows:

- a. gas royalties for the month of June when the revenue from this source is material and predictable or measurable.
- b. natural gas franchise tax due for the quarter ending June 30 of each year but does not become delinquent until 60 days thereafter.

3.4. Refunds of revenue are to be paid from current year receipts; however, refunds paid during the 45 day period at the end of each fiscal year which are attributable to prior year activities must be accumulated separately and reported as a liability on the appropriate fiscal year end financial statement.

IV. Expenditures:

4.1 Expenditures with the exception of payroll and payroll related items shall be recognized in the fiscal year in which the liability for the expenditure was incurred. Payroll and payroll related expenditures shall remain on the appropriated basis.

4.2 Obligations outstanding at the end of a fiscal year must be separated so there is a clear distinction between encumbrances and accounts payable.

4.3 Encumbrances are defined as obligations for which the State is committed, but for which goods and/or services have not yet been received or rendered and accepted. An encumbrance becomes a liability when the goods are received and accepted or the services are rendered in accordance with terms of the service agreement or contract.

Any questions concerning this Memorandum should be di-

rected to the State Accounting Office of the Division of Administration, Box 44095, Baton Rouge, LA 70804.

Stephanie L. Alexander
Commissioner

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture Agriculture Finance Authority

In accordance with the emergency provisions of the Administrative Procedure Act (LRS 49:953(B)), notice is hereby given that the Department of Agriculture, Louisiana Agricultural Finance Authority, at a regularly scheduled meeting held on May 10, 1984, determined that an economic emergency continues to exist throughout the agricultural community with respect to the non-availability of capital at reasonable interest rates for agricultural purposes.

The Authority further determined that, in order to expedite the release of bond proceeds for loans in the agricultural community and, in order to alleviate these conditions to the extent possible, it is necessary to amend Rule 1.04 on an emergency basis which had previously been adopted on March 29, 1984.

Therefore, under the authority contained in the provisions of LRS 49:953(B) and LRS 3:266, the Authority adopted an amendment to its rules and regulations on an emergency basis as follows:

Rule 1.04 of said rules and regulations will be amended to read as follows:

1.04 Maximum Interest Rate on Variable Rate Loans

No loan containing variable interest rates shall be approved at any rate which exceeds 85 percent of the base rate on corporate loans at large U.S. money center commercial banks as published in "The Wall Street Journal" as the "Prime Rate" as of the date on which interest to be due from the Borrower first begins to accrue and at any subsequent adjustment of said rate.

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Department of Agriculture Livestock Sanitary Board

In accordance with the emergency provisions of LRS 49:953 B, the Administrative Procedure Act, notice is hereby given that the Department of Agriculture, Louisiana State Livestock Sanitary Board, at a meeting held on May 18, 1984, determined that a fallacy in the Louisiana State Livestock Sanitary Board's Regulation 28 has created an emergency situation affecting the health of horses and other equidae in Louisiana. Therefore, in order to protect the health of Louisiana horses, the Board amended Regulation 28 on an emergency basis, which establishes a minimum distance of 200 yards which animals positive to the Coggins test for Equine Infectious Anemia must be kept from equidae

owned by other individuals. The Board took this action anticipating a final rule to be adopted after the conventional administrative procedures are conducted.

The Board amended Regulation 28, Section 4, Paragraph 1, to read as follows:

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

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, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953 B, to rescind two rules and reinstate policy in the Title XIX State Plan.

RULE

Effective June 1, 1984, the following rules concerning therapeutic leave days for residents of Intermediate Care Facilities for the Handicapped (ICFs/H) shall be rescinded:

1. Rule adopted February 1, 1983, as published in the *Louisiana Register* on January 20, 1983, in Volume 9, Number 1, page 14. This rule allotted a number of therapeutic leave days per facility to be reimbursable under Title XIX based on the number of certified recipients enrolled in the facility as of January 1, 1983. This number would have been recomputed annually based on specified formula.

2. Rule adopted April 20, 1983, as published in the *Louisiana Register* on April 20, 1983, in Volume 9, Number 4, page 214. This rule amended the first rule by imposing limits for the number of days reimbursable under Title XIX for certain types of absences which are exempt from consideration as therapeutic leave days.

The Medical Assistance Program shall, simultaneously, with the rescission of the above rules, reinstate policy concerning therapeutic leave days as it existed prior to March 1, 1983. This policy is found in the Title XIX State Plan in the following places:

1. Attachment 4.19C, pages 1 and 2:

Payment for Reservation of Beds—A temporary absence of a recipient from a long term care facility, tuberculosis or mental hospital shall not interrupt the monthly payment to the facility provided the facility keep a bed available for the recipient.

The bed is reserved for up to 15 days per hospitalization for treatment of an acute condition.

The bed is reserved for up to 18 days per calendar year for leave(s) of absence. The bed of a recipient of an ICF/MR is reserved for 25 days per calendar year for leave(s) of absence. A leave of absence is defined as a visit with relative or friend.

The period of absence is determined by counting as the first day of absence the day the recipient left the facility. Only a period of 24 hours or more shall be considered an absence. The Office of Family Security, Long Term Care Regional Office, shall review whether hospitalization is for an acute condition or if a recipient's plan of care provides for leaves of absence.

The fiscal intermediary for the Office of Family Security makes payment to the facility subject to the limitations of 15 days

per hospitalization for acute conditions or 18 days (25 days for ICF/MR) for leaves of absence per calendar year.

2. Attachment 4.19D, pages 21 through 23:

III. PAYMENT LIMITATIONS

A. The facility is not to require or expect that a recipient have a sitter bill the family for such services, but permit families to employ and pay sitters directly when indicated. Use of a sitter shall be entirely at the discretion of the recipient or his family with the recommendation of the attending physician and approval of the facility, but shall not be required by the facility. Payment of a sitter shall be made by the family, not the facility. A sitter is to abide by the rules and regulations of the facility regarding sitters, including health standards and professional ethics. The provision of a sitter does not absolve the facility of its responsibility for the patient including nursing care, housekeeping, and laundry.

B. The facility is to request payment not to exceed 15 days per hospitalization for a recipient who is hospitalized for a temporary period or to exceed 18 days per calendar year when a recipient is temporarily absent from the facility for a leave of absence.

1. Hospitalization must be a result of physician orders for his bed to be reserved.

2. Leaves of absence (defined to include visits with relatives or friends) must constitute a part of the recipient's individual plan of care, as documented in the medical records at the facility.

C. The facility is not to require that any part of a recipient's income established by DHHR as needed for personal care be paid as a part of the facility's basic per diem rate.

D. The facility is not to solicit or accept on behalf of the recipient from relatives, friends, or charitable groups for payment in excess of the maximum rate for the facility based on its certification. A facility shall not require or accept an advance deposit (except for the applicable patient liability for current month) from an individual whose Medicaid eligibility has been established. If a facility requires a deposit by an applicant for Medicaid benefits or responsible person upon admission to the facility or payment in advance prior to establishing eligibility, such deposit shall be refunded and/or credit given upon receipt of payment. Proof of such refund or credit shall be made available upon receipt of payment to the Parish Office of Family Security. Credit on the facility's book in lieu of a refund to the applicant or responsible relative is acceptable with certain limitations. Such credit shall not exceed an amount equal to the patient liability for 60 days following the date the applicant is determined eligible for services to be billed. Any deposit exceeding such amount shall be immediately refunded to the applicant or responsible relative.

If an individual not determined Title XIX eligible enters a facility as a private pay patient and later is found eligible for Medical Assistance, whether Title XIX payment for SNF or ICF services is made retroactive to date of admission or application (if later) depends on the agreement between the facility and the individual or his responsible person. If the facility has agreed to accept Title XIX payment back to the date of admission or application, refund of less for services collected from the individual or his responsible person (beyond applicable income) shall be made **immediately** upon receipt of Title XIX payment except as provided for applying toward the account as allowed above.

Refunds of patient liability collected in advance for the month are to be refunded promptly if the recipient leaves the facility prior to the end of the month. The proportionate amount for the remaining days of the month shall be refunded to the recipient or his responsible person no more than 15 days following discharge. There is to be no penalty charged the recipient or his family if the recipient is discharged without prior notice or within the initial month or some other "minimum stay" period established by

the facility. Proof of refund of unused applicable income is to be furnished to the Parish Office upon request.

E. The facility is not to require, expect, or permit tips for services by facility employees.

F. The facility is not to expect, accept, or require that a discount or rebate be given the facility by any provider for prescription services rendered by pharmacists to medical assistance recipients.

G. The facility is to order from pharmacy of recipient's choice at least a one-month supply of medications unless the attending physician specifies a smaller quantity for a special medical reason. If a one-month supply is less than 100 unit doses, 100 unit doses may be ordered.

H. The administrator is to certify to the recipient of prescribed medications by signing or requiring that an authorized representative sign the pharmacy claim bill form.

I. If the facility is using a unit dose drug system, no additional charges are to be imposed upon the recipient or family.

J. Medical Assistance recipients admitted to a facility shall be under the care of a physician. The attending physician is to be of the recipient's choice. If the recipient does not have personal physician who will attend him following admission, the facility is to assist by referring him to a physician who participates in the Medical Assistance Program if a participating physician is available.

IV. CONSIDERATION OF INCOME IN DETERMINING PAYMENT

A. RECIPIENT RECEIVING CARE UNDER TITLE XIX ONLY—Income (patient liability as determined by OFS Parish Office) shall be applied in computing the OFS payment to the facility beginning with the first day the recipient or applicant is determined categorically and medically eligible, or date of admission if later. OFS will pay the nursing home the per diem rate less the recipient's per diem applicable income, as determined by the Fiscal Intermediary, for the number of eligible days.

If a recipient or applicant transfers from one facility to another or from the intermediate distinct part care section of a facility to the skilled care section or vice versa, payment to the first and second facility shall be determined by computing the facility per diem for the number of days in the first and second facility, less the recipient's per diem applicable income for the number of eligible days in each facility.

B. RECIPIENT RECEIVING CARE UNDER TITLE XVIII BENEFITS—When a recipient is eligible for Title XVIII-A (Medicare) benefits, his income shall be counted in determining the vendor payment for the period (up to 100 days) he remains eligible for Title XVIII-A, including the period for which co-insurance is being paid under Title XIX.

C. PAYMENT POLICY IN REGARD TO DATE OF ADMISSION, DISCHARGE, OR DEATH—Medical assistance payment can be authorized on behalf of a recipient for the date of admission, provided he is both categorically eligible and medically certified as of that date. Medical Assistance does not cover the date of discharge. The patient or his family are not to be billed for facility fee for the date of discharge. The day of death is covered by Medical Assistance.

D. PAYMENT DURING A TEMPORARY ABSENCE OF THE RECIPIENT FROM THE FACILITY—A temporary absence of a recipient from a long term care facility, including a tuberculosis or mental hospital, shall not interrupt the monthly payment to the facility provided:

1. the facility keeps a bed available for the recipient's return;
2. the absence is for
 - (a) hospitalization for an acute condition and does not exceed 15 days per hospitalization, or

(b) a leave of absence, defined as a visit with relatives or friends and included in the individual plan of care, not to exceed 18 days per calendar year.

NOTE: Admission to a mental hospital from a nursing home does not constitute a basis for Medical Assistance Payment to reserve a bed in the nursing home.

The period of absence shall be determined by counting as the first day of absence the day the recipient left the facility. Only a period of 24 hours or more shall be considered an absence. Likewise, a leave of absence for hospitalization or home visit is broken only if the recipient returns to the facility for 24 hours or longer.

Upon admission, a recipient must remain in the facility at least 24 hours for claim to be made for payment for a day of service by the facility or for the recipient's bed to be reserved. For example, an individual admitted to a long term care facility in the morning and transferred to the hospital that afternoon would not be eligible for any payment for long term care facility services.

This emergency rule is necessary to prevent imminent peril to the health and welfare of Medicaid recipients in ICF/H facilities, because without this action federal funding for leave days in excess of 25 per recipient per year will continue to be disallowed. Taking this action, however, will ensure that funds will be available for payment of services.

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

Rules

RULE

Department of Corrections Office of the Secretary

The Department of Corrections, Office of the Secretary, effective June 20, 1984, hereby amends Department Regulation 30-19 as follows:

1. Section 5, (B)(2)(b) - Delete: "only when there is good cause to believe contraband is contained herein, and then"

2. Section 5, (D) - Will read as follows: These items shall be available for purchase by the inmates and shall be provided to indigent inmates in sufficient quantity for all legal and official correspondence, and for at least two letters of personal correspondence each week. Legal and official correspondence is correspondence addressed to courts, prosecuting attorneys, probation and parole officers, Department of Corrections' officials, identifiable attorneys and identifiable members of the press. The institution is not required to provide postage for registered, certified or special delivery mail.

3. Section 7, (A)(5) - Will read as follows: The printed matter contains material which reasonably construed, is written for the purpose of communicating information which could promote the breakdown of order through inmate disruption such as strikes or riots or fomentation of inmate unrest.

4. Section 10 - Change August 8, 1978 to January 20, 1979, and delete: "insofar as that regulation dealt with Adult inmate correspondence."

A copy of the entire rule may be obtained from the Department of Public Safety and Corrections, Box 44304, Baton Rouge LA 70804.

C. Paul Phelps
Secretary

RULES

Board of Elementary and Secondary Education

Rule 3.05.01

The Board adopted the Migrant Education State Plan for Fiscal Year 1985.

Rule 3.01.70.dd

Revised mild/moderate certification requirements.

Rule 3.01.51

Revised Bulletin 741, *Louisiana Handbook for School Administrators*.

James V. Soileau
Executive Director

RULE

Department of Environmental Quality Office of Air Quality

Under the authority of the Environmental Quality Act, La. R.S. 30:1051 et seq., in accordance with the provisions in La. R.S. 49:951 et seq., the Secretary of the Department of Environmental Quality adopted the regulations for Prevention of Significant Deterioration (PSD). Preceding final adoption by the Secretary, the regulations were forwarded to and found acceptable by the Joint Committee on Natural Resources.

Prevention of Significant Deterioration (PSD) is a mechanism for assuring that existing clean air areas remain clean. The purpose of the PSD regulation is to manage economic growth in a way consistent with concern for good air quality. It not only requires that a new source or a modification to an existing source not cause a violation of national ambient air quality standards (NAAQS), but also that the increased emissions associated with such sources not cause degradation of the air quality greater than an incremental increase in concentrations deemed significant by the EPA. This increment limitation applies only to sulfur dioxide and suspended particulate matter at this time.

In FY 82, the state requested and received the responsibility for implementation of technical and administrative review of the PSD program from EPA. The adoption of the state PSD regulations will enable EPA to delegate the enforcement function of PSD to Louisiana. Furthermore, since the partial delegation in 1981, Louisiana has co-signed PSD permits with EPA. This adoption will mean that sources will receive PSD permits issued solely by the state.

Persons requesting copies and/or further information concerning the adoptions may contact Ms. Terrie deLorimier, Office of Air Quality, Box 44066, Baton Rouge, LA 70804-4066, or phone (504) 342-1206.

Patricia L. Norton
Secretary

RULE

Department of Environmental Quality Office of Air Quality

Pursuant to the provisions of La. R.S. 30:1066(1) and 1084 A(1) and in accordance with La. R.S. 49:951, the Secretary of the Department of Environmental Quality adopted a revision to the Louisiana State Implementation Plan.

This proposed action allows Conoco Chemicals Company, Incorporated and Ethyl Corporation adequate time to implement Volatile Organic Compound (VOC) bubbles under a schedule. Under justifiable circumstances, certain point sources were unable

to meet the December 31, 1982 deadline to be in compliance with the Clean Air Act. Therefore, excess reductions achieved at other sources within the same facilities were used to offset the emission levels of the subject point sources. The "bubble" will be in effect until the schedule which brings the total facility into compliance is met. There will be no adverse effects on the ambient air quality.

Persons requesting copies and/or further information concerning the adoption may contact Ms. Terrie deLorimier, Office of Air Quality, Box 44066, Baton Rouge, LA 70804-4066, or phone (504) 342-1206.

Patricia L. Norton
Secretary

RULE

Office of the Governor Division of Administration Architects Selection Board

Pursuant to the provisions of Act 721, 1975 Regular Legislative Session (R.S. 38:2310 through R.S. 38:2316, Revised Statutes of 1950) effective date September 12, 1978, the Louisiana Architects Selection Board, hereinafter referred to as Board, has promulgated such rules and procedures as it deemed necessary to carry out the provisions of the said statutes. These rules are established by the Board, and are subject to change by said Board, in accordance with the Administrative Procedure Act.

ARTICLE I NAME

The name of this Board is the "Louisiana Architects Selection Board", hereinafter referred to as "Board", and its domicile shall be in Baton Rouge, Louisiana.

ARTICLE II AUTHORITY

The Louisiana Architects Selection Board shall be organized in accordance with the provisions of Act 721, 1975 Regular Legislative Session (R.S. 38:2310 through R.S. 38:2316, Revised Statutes of 1950) effective date September 12, 1975, as amended by Act 525, 1976 Regular Legislative Session.

ARTICLE III OBJECTIVE

The objective of this Board is to provide a system for the procurement of services rendered by architects, licensed to practice in the State of Louisiana, that is impartial, equitable and in the best public interest of the citizens of Louisiana.

ARTICLE IV MEMBERS

Section 1. The Board shall be composed of seven members, serving terms in accordance with the provisions of the authority stated in Article II.

Section 2. Any member desiring to resign from the Board shall submit his resignation in writing by registered mail, to the Governor of Louisiana and the President of State Board of Architectural Examiners, with copies addressed to the Chairman of the Board. The effective date of resignation shall be the date of registered mailing to the Governor's Office.

Section 3. The filling of a Board vacancy for the unexpired term due to resignation, or death, or removal from office by just cause, shall be made in accordance with the provisions of the authority stated in Article II.

ARTICLE V OFFICERS

Section 1. The Officers of this Board shall be a Chairman and a Secretary, elected by the Board at the first regular meeting following each January 1 and July 1.

Section 2. The duties of the Chairman shall be as follows:

- a. Be the presiding officer at meetings of the Board.
- b. Call meetings of the Board.
- c. Coordinate the activities of the Board.
- d. Appoint all committees and serve as an ex-officio member thereof.
- e. Be responsible for implementing all orders and resolutions of the Board.
- f. Have the authority to issue the Official Advertisement of the intent of an agency to contract for Design Services.

Section 3. The duties of the Secretary shall be as follows:

- a. In the event of absence or incapacity of the Chairman, assume his duties as outlined above.
- b. Authenticate by his signature when necessary all acts, orders and proceedings of the Board, including the minutes.
- c. Tabulate and record the results of all balloting at the meetings.

ARTICLE VI MEETINGS

Section 1. A regular meeting of the Board shall be held on the last Friday of January and July.

Section 2. Special meetings may be called by the Chairman or shall be called upon the written request of a simple majority of the total membership of the Board. Except in cases of emergency, at least three days notice shall be given for special meetings.

Section 3. A simple majority of all members of the Board shall constitute a quorum.

Section 4. All meetings shall be held in public.

ARTICLE VII COMMITTEES

Committees, standing or special, shall be appointed by the Chairman of the Board as he shall deem necessary to carry on the work of the Board.

ARTICLE VIII PARLIAMENTARY AUTHORITY

The rules contained in the current edition of "Robert's Rules of Order Newly Revised" shall govern the Board except as modified herein or as provided for in Article X "Amendment to Rules".

ARTICLE IX VOTING

Only the votes of members present at the meeting shall be counted in the Board's official actions. Proxy votes are not allowed.

ARTICLE X AMENDMENTS TO RULES

These rules may be amended in accordance with the Louisiana Administrative Procedure Act.

ARTICLE XI APPLICATION

Section 1. Any applicant (proprietorship, partnership, corporation or joint venture of any of these) meeting the requirements of Title 38 of the Louisiana Revised Statutes of 1950, R.S.

38:2310 through R.S. 38:2316, may submit an application for selection consideration for a particular project upon which Official Advertisement has been published. The information submitted shall contain data concerning its experience, previous projects undertaken, present state projects now being performed, scope and amount of work on hand, and any other information that the Board deems appropriate.

Section 2. The Louisiana Architects Selection Board adopts the use of Form LA-1 as the format for submitting a firm's experiences to the Board. In this Form LA-1, principal shall be defined as follows: "Principal: a licensed architect who has the right and authority to exercise control over the project; who shares in profits, losses, and responsibility for incurred liabilities". The Board has the right to require proof of compliance with the above definition.

Section 3. Consultants may be listed at the option of the applicant.

Section 4. All applications to be considered shall be received by the Board at the office of Facility Planning and Control Department during the time prescribed in the advertisement.

Section 5. The Board may, at its option and with the concurrence of the Division of Administration and the User Agency, conduct design competitions in accordance with nationally accepted professional standards. Final selection of the applicant from among the competition submissions will be made within 30 days of deadline date of receipt of the entries. No closed competitions will be allowed.

ARTICLE XII SELECTION

Section 1. After the deadline for applications, the office of Facility Planning and Control shall forward copies of the applications together with any available description of the job to the Board members.

Section 2. The selection procedure shall be as follows:

a. User Agency shall give scope of project and make recommendations supporting data, of a firm or firms for the project under consideration.

b. Discussion of applications and recommendation by the Board members.

c. The Board shall then take a vote. Each Board member present shall by written ballot vote for three applicants. This is a weighted vote, first choice three points, second choice two points, third choice one point. Each Board member shall vote for the first, second and third choice of applicants for each project, except where fewer than six applicants have applied, in which case Board members shall vote for only two applicants. In cases where there are three or fewer applicants, Board members may vote for only one applicant. In all cases, Board members may abstain from voting entirely.

d. The Secretary shall tabulate these ballots aloud and report to the Board the results of the balloting.

e. The two applicants receiving the most votes shall be considered nominated, then be voted on by written ballot, each Board member - one vote.

f. The results of this balloting shall be announced by the Secretary. The applicant selected must receive a majority vote.

g. In case of a tie for nomination, there shall be a runoff election to reduce the nominees to two in accordance with procedures prescribed in "c" of this section.

h. In case no applicant receives a majority vote for selection, a discussion will be held, and new balloting for selection shall take place.

i. The selection of an architect by the Board shall be final unless formal charges of having submitted false information required by R.S. 38:2313 are made against the selected architect by

Facility Planning and Control in writing with proper accompanying documentation to the Board members and the selected architect within seven days of the selection. When a formal charge is made the Board shall within 10 calendar days hold a hearing at which time the evidence of false information shall be presented and the selected architect shall be given opportunity to present rebuttal. If the Board determines that the charges of false information are not sufficiently documented, the selection shall become final. If the Board determines that the information was false, the application will be rejected and the project readvertised. The applicant shall be allowed to reapply.

ARTICLE XIII EMERGENCY PROCEDURES

The emergency procedures of the Board are as follows:

1. Notification of emergency to the Division of Administration by the User Agency is received.
2. Chairman of the Board is notified by the Division of Administration that an emergency does exist.
3. The Chairman of the Board then:
 - a. Authorizes the advertisement; and,
 - b. Sets date for meeting for selection within 72 hours after advertisement is printed, not including Saturdays, Sundays and holidays.
4. Meeting will convene at 10 a.m. on the day designated pursuant to 3(b) above to receive applications.
5. Applications will be distributed as the first order of business.
6. Meeting will then adjourn and reconvene one hour later (11 a.m.) after review of applications and then selections shall be made.

ARTICLE XIV COMMUNICATIONS WITH APPLICANT FIRMS

No member of the Board shall communicate in any manner concerning a project application with any representative of an applicant firm or anyone communicating on behalf of an applicant firm. This restriction shall apply from the time advertisement of a project begins until the opening of the Board meeting at which the project application will be considered.

ARTICLE XV SEVERABILITY

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

ARTICLE XVI INFORMATION

Any person may obtain information concerning the Board, its rules, regulations and procedures from the Board's secretary at the Office of Facility Planning and Control, Office of the Governor, Box 44095, Capitol Station, Baton Rouge, LA 70804. Requests for information shall be made verbally or in writing. There may be a nominal fee charged to defray the cost of information furnished. Said fee shall be set by Facility Planning and Control, with the approval of the Board.

ARTICLE XVII

All rules or parts of rules previously adopted by this Board are hereby repealed and superseded.

Alden Holloway
Chairman

RULE

Office of the Governor Division of Administration Office of Contractual Review

Regulations for the Procurement of
Professional, Personal, and Consulting Services

All Contracts for Personal, Professional or Consulting Services

I

Delegation of Authority

The Director of Contractual Review may delegate in writing certain responsibilities set forth herein; however, he shall review any actions taken by his designee.

II

Definitions and Classes of Contractual Services

The following services shall be contracted out in accordance with these regulations:

A. "Personal Service" means work rendered by an independent contractor which requires the use of creative or artistic skills, such as, but not limited to, graphic artists, sculptors, musicians, photographers, and writers, or which requires the use of highly technical or unique individual skills or talents, such as, but not limited to, paramedicals, therapists, handwriting analysts, and expert witnesses for adjudications or other court proceedings.

B. "Professional Service" means work rendered by an independent contractor who has a professed knowledge of some department of learning or science used by its practical application to the affairs of others or in the practice of an art founded on it including, but not limited to lawyers, doctors, dentists, veterinarians, architects, engineers, landscape architects, and accountants. A profession is a vocation founded upon prolonged and specialized intellectual training which enables a particular service to be rendered. The word "professional" implies professed attainments in special knowledge as distinguished from mere skill. For contracts with a total amount of compensation of seventy-five thousand dollars or more, the definition of professional service shall be limited to lawyers, doctors, dentists, veterinarians, architects, engineers, landscape architects, accountants and any other profession that may be added by regulations adopted by the Office of Contractual Review of the Division of Administration.

C. "Consulting Service" means work, other than professional or personal service, rendered by an independent contractor who possesses specialized knowledge, experience, and expertise to investigate assigned problems or projects and to provide counsel, review, design, development, analysis, or advice in formulating or implementing programs or services or improvements in programs or services, including, but not limited to, such areas as management, personnel, finance, accounting, planning and feasibility studies, data processing, advertising and public relations.

D. Interagency contracts between governmental entities as defined in R.S. 39:1484(23) for any of the services enumerated in A, B, or C above shall be governed by these regulations, except that contracts between boards of higher education and their respective institutions shall be exempt.

III

Contracts for \$5,000 or Less

A. The Director of the Office of Contractual Review may, in accordance with R.S. 39:1488, 1490B(3), and 1508, delegate to other state using agencies certain responsibilities in the review and approval process of professional, personal and consulting service contracts, to specifically include contracts for professional,

personal and consulting services for \$5,000 and under. Such delegations of authority may be made upon written request by the head of the using agency and shall be provided for in a written Memorandum of Agreement between the Office of Contractual Review and each using agency receiving such a delegation. All provisions of law and of these regulations not delegated remain applicable. Upon execution of the Memorandum of Agreement as herein provided, such delegation of authority shall remain in full force and effect, until it may be cancelled in writing, by the Director of the Office of Contractual Review.

B. A contract meeting the definition of "small purchase" under R.S. 39:1508 may be approved by the agency director without the necessity of forwarding a copy to the Office of Contractual Review. The agency shall maintain a file for all small purchase contracts. This file shall be available for inspection by the Director of the Office of Contractual Review or his designee upon request.

C. The using agency shall submit a quarterly report to the Office of Contractual Review and to the Division of Administration Budget Office. This report shall contain a listing of all small purchase contracts to include: the name of contractor, amount of contract, specific nature of services rendered, date of contract, and total dollar amount of all small purchase contracts entered into by the using agency for that quarter. If no such contracts have been entered into during this period, a report shall still be submitted notifying the Office of Contractual Review of same. See Attachment E for format of report.

IV Contract Contents

A. Each contract for professional, personal, and consulting services shall follow the provisions of R.S. 39:1498.1.

B. Contracts funded fully or in part by Federal funds, in addition to meeting all the requirements of these guidelines and R.S. 39:1428-1473, shall meet all applicable Federal standards and shall contain all necessary clauses required by Federal statutes, rules or regulations. The burden of complying with Federal regulations shall rest with the using agency.

C. Travel expenses shall be reimbursed in accordance with Division of Administration Policy and Procedure Memorandum 49 (the State General Travel Regulations): Persons performing services under contracts approved by the Office of Contractual Review shall be considered to be "other persons" under Section 1.C(3) of the State General Travel Regulations.

D. When a contract is to include travel and/or other reimbursable expenses, it shall contain language to effect the following:

1. Travel and other reimbursable expenses shall constitute part of the total maximum payable under the contract. Travel expenses shall be reimbursed in accordance with Division of Administration Policy & Procedure Memorandum 49; or

2. No more than (a certain sum) of the total maximum amount payable under this contract shall be paid or received as reimbursement for travel and other reimbursable expenses. Travel expenses shall be reimbursed in accordance with Division of Administration Policy & Procedure Memorandum 49.

E. If the using agency desires to reimburse the contractor other than in accordance with rates established in Policy & Procedure Memorandum 49, such reimbursement must be approved by the Commissioner of Administration as a waiver to the requirements of PPM 49.

V Modification of Contract

All amendments to contracts for professional, personal and consulting services shall be submitted to the Office of Contractual

Review and shall become effective only upon approval by the Director of the Office of Contractual Review. If an amendment extends a contract beyond one year, justification for a multi-year contract must be submitted with said amendment in accordance with Part XII, and if an amendment increases the amount of a contract to \$25,000 or more, an extra copy of the contract and amendment must be submitted in accordance with Part VII.

VI Termination of Contract

Whenever a contract is terminated prior to the termination date stated in the contract, the Office of Contractual Review shall be notified in writing by the using agency of such prior termination, and the reasons therefor.

VII Submission of Contracts

The original contract and two copies of said contract and attachments shall be submitted to the Office of Contractual Review for contracts less than \$25,000. Contracts for \$25,000 or more must be submitted with three copies (the extra copy will be forwarded to the Legislative Fiscal Office). The Office of Contractual Review will not accept for review and approval any contract that is not accompanied by the necessary attachments and copies as required herein. (Attachments being submittal letters, R.S. 39:1497 certification, BA-22, etc.)

VIII Contractual Review Process

A. Contracts arriving in the Office of Contractual Review will be date stamped and logged in. Contracts should be submitted prior to their effective dates and no contract shall be approved which has been submitted 60 days after its effective date, unless written justification is provided by the using agency and approval granted by the Director of Contractual Review or his designee. All submittals will be required to have a cover letter attached thereto in conformity with Attachment D.

B. If a contract does not appear to be out of the ordinary and appears to have the necessary attachments and inclusions, it will be routed to the appropriate Budget Analyst for the submitting agency. A BA-22, or its equivalent, shall be submitted with every contract submitted to the Office of Contractual Review.

C. Contracts that are incomplete as to form may be returned to the submitting agency. If a contract is merely missing an attachment then the necessary attachment may be secured from the submitting agency.

D. Contracts returned from Budget

1. Not Recommended for Approval - If a contract is not recommended for approval, the Office of Contractual Review shall discuss the reason with the Budget Analyst. If the problem cannot be resolved the contract shall be returned to the submitting agency with a letter explaining the problem.

2. Recommended for Approval - If a contract is recommended for approval the review process shall continue.

E. Legal and content review - There are a number of different types of contracts, and content requirements may vary a little. All contracts shall contain the following:

1. Signatures of both the head of the using agency or his designee and the contractor - At least one submitted copy of each contract shall bear an actual, nonfacsimile signature of each party.

2. Scope of services that clearly and completely identifies the work to be performed and products to be delivered.

3. Beginning and termination dates for the contract - Normally, such contracts should be for a term no longer than one year, although the Director of Contractual Review may approve contracts with terms up to three years. Contracts shall not include a

clause permitting automatic renewal or extension of the original beyond a three year period.

4. The maximum amount of compensation to be paid under the contract - This maximum must be inclusive of all payment, fees, travel expenses, etc. When applicable the amounts shall be stated by category and then given as a comprehensive total.

5. A statement giving the Legislative Auditor authority to audit the financial records of the contractor relative to work done under the contract.

6. A clause providing that the contractor shall not assign any interest in this contract, and shall not transfer any interest in the same (whether by assignment or novation), without the prior written consent of the submitting agency thereto, provided, however, that claims for money due or to become due to the contractor from the using agency under this contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to both the using agency and the Director of the Office of Contractual Review.

7. The Office of Contractual Review shall notify the using agency in writing when an assignment of proceeds notice has been received from a contractor.

8. A statement giving the contractor the responsibility for paying any taxes which may be due as a result of the contract. The taxes could include state or federal income taxes or payroll taxes.

F. Each contract submitted for approval shall be accompanied by a certification letter as described in R.S. 39:1497, signed by the using agency's representative (See Attachment B).

G. Proof of review and approval by other agencies shall accompany submitted contracts as follows; or contracts will be returned to the submitting agency without final approval:

1. Civil Service - All contracts must have Civil Service approval except agreements between state agencies. If a non-state agency is involved, the contract must have Civil Service approval.

2. Attorney General - Contracts for legal services that are not consulting work and that do involve or lead to litigation must be reviewed by the Attorney General for approval of the fee structure. Approval of the Attorney General can be evidenced by the signature on the contract documents or by a letter from the Attorney General. Contracts with Louisiana District Attorneys do not require this approval.

3. Legislative Auditor - Contracts for financial auditing of state agencies must have prior written approval of the Legislative Auditor.

4. If the contractor is a corporation not incorporated under the laws of the state of Louisiana, then the contractor must secure a certificate of authority pursuant to R.S. 12:301-302 from the Secretary of State of Louisiana and a copy of such certificate must be attached to the contract.

5. The Office of Telecommunications Management shall review and recommend any contract containing elements of telecommunication services before returning it to the Office of Contractual Review for completion of the analysis.

H. Consulting Services Contracts for \$75,000 or more. If a contract is for services defined as consulting in R.S. 39:1484(4) and is for an amount equal to or exceeding \$75,000, it must have been awarded pursuant to the requirements of R.S. 39:1503, unless exempt by Section XV(A) or (B). Failure to so comply shall result in the using agency having to reconduct the process. A statement in accordance with R.S. 39:1503 C as to why the award was made must be submitted with the contract.

I. Data Processing Consulting Service contracts for more than \$100,000 shall be procured in accordance with Section XVII through XXI of these regulations.

J. When a contractor is a corporation, a formal, dated,

Board Resolution must be secured and attached to the contract indicating that the signatory is a corporate representative and authorized to sign said contract.

K. When it has been determined that a contract is complete, the contract shall be returned to the submitting agency with an approval letter attached and signed by the Director of Contractual Review.

L. A performance evaluation for every personal, professional, or consulting service contract shall be done by using agency in accordance with R.S. 39:1500. This performance evaluation shall be retained by the using agency for all small purchase contracts approved under delegated authority. For all other contracts this performance evaluation shall be submitted to the Office of Contractual Review within one hundred twenty days after the termination of the contract. An example evaluation form can be found in Attachment F. Using agencies should use their own formats.

IX

Exempt Occupations

The following list of occupations shall be construed as falling within the definition of medical, nursing or allied health fields given in R.S. 39:1498.2. Personnel employed in these fields would therefore be exempt from the prohibition contained in R.S. 39:1498(4) which disallows personal, professional or consulting service contracts between the state of Louisiana and state employees: Audiologist, Dental Assistant, Dentist, Electroencephalograph Technician, Hospital Chaplain, Inhalation Therapist, Medical Laboratory Technologist, Nurse Anesthetist, Occupational Therapist, Optometrist, Osteopath, Pharmacist, Psychologist, Physical Therapist, Physician, Podiatrist, Practical Nurse, Professional Dietitian, Psychiatrist, Radiologic Technologist, Radioisotope Technologist, Registered Nurse, Respiratory Therapy Technician, Respiratory Therapy Technologist, Social Worker, Speech Pathologists, and Ultrasonography Technologist.

Other Specialists as may be included later by the Director of the Office of Contractual Review.

X

Delegation of Signature Authority

R.S. 39:1502 requires that the head of the using agency or his designee shall sign all contracts for personal, professional or consulting services. All delegations of signature authority by the head of the using agency must be in writing and must be approved by the Office of Contractual Review. Normally delegations of signature authority to the level of Assistant Secretary or equivalent will be approved if circumstances warrant the delegation. Delegations of signature authority to a level below that of Assistant Secretary may be granted in unusual situations - for example, where the volume of contracts is very heavy.

In addition, autonomous or semi-autonomous boards or commissions may sign their own contracts if such authority is granted them by their enabling legislation or by the heads of the agency in which they are placed.

XI

Confidentiality of Technical Data or Trade Secrets

The using agency shall be responsible for protecting technical data, financial information, overhead rates, and trade secrets which may come into their possession from individuals and businesses doing business with the State. Any such information received by the Office of Contractual Review shall be returned to the using agency upon completion of said review.

XII
Multi-Year Contracts

All contracts in excess of one year shall be submitted to the Office of Contractual Review with written reasons why a multi-year contract is needed. Justification of multi-year contracts shall be submitted in accordance with R.S. 39:1514 in compliance with the Delegation of Authority from the Commissioner of Administration.

XIII
Determination of Responsibility

A. In order to qualify as responsible, an offerer must meet the following standards as they relate to the particular procurement under consideration:

1. Has adequate financial resources for performance, or has the ability to obtain such resources as required during performance.

2. Has the necessary experience, organizations, technical qualifications, skills, and facilities, or has the ability to obtain them (including probable subcontractor arrangements).

3. Is able to comply with the proposed or required time of delivery or performance schedule.

4. Has a satisfactory record of integrity, judgment, and performance (contractors who are seriously delinquent in current contract performance, considering the number of contracts and the extent of delinquencies of each, shall in the absence of evidence to the contrary or evidence of compelling circumstances, be presumed to be unable to fulfill the requirement).

5. Is otherwise qualified and eligible to receive an award under applicable laws and regulations.

B. An offerer shall present acceptable evidence of financial resources, experience, organization, technical qualifications, skills, and facilities, to perform the service called for by the contract.

C. No contract for consulting services for \$75,000 or more shall be awarded to any person or firm unless the head of the using agency has first determined that such person or firm is responsible within the meaning of Sections A and B.

D. In any case where a contract for consulting services is for \$75,000 or more, the head of the using agency shall prepare, sign, and place in the contract file a statement of the facts on which a determination of responsibility was based. Any supporting documents or reports and any information to support determinations of responsibility of the offerer or potential subcontractors should be kept on file with the agency, subject to inspection upon the request by the Director of Contractual Review or his designee.

E. Before making a determination of responsibility, the head of the using agency shall have sufficient current information to satisfy himself that the prospective contractor meets the standards in Section A and B. Information from the following sources shall be utilized before making a determination of responsibility:

1. Information from the prospective contractor, including representations and other data contained in proposals, or other written statements or commitments, such as financial assistance and subcontracting arrangements.

2. Other existing information within the agency, including financial data, the list of debarred and ineligible bidders and records concerning contractor performance.

3. Publications, including credit ratings and trade and financial journals.

4. Other sources, including banks, other financial companies, and State departments and agencies.

F. To the extent that a prospective contractor cannot meet the standard in Section A.2 except by means of proposed subcontracting, the prospective prime contractor shall not be

considered to be responsible unless recent performance history indicates an acceptable subcontracting system or prospective major subcontractors are determined by the head of the using agency to satisfy that standard.

XIV
Suspension, Debarment and Reinstatement

A. Authority. After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the Director of the Office of Contractual Review shall have authority to suspend or debar a person for cause from consideration for a contract, provided that doing so is in the best interest of the State.

B. Suspension. The Director of the Office of Contractual Review may suspend a person from consideration for a contract if he determines in writing that there is probable cause to believe that such person has engaged in any activity which might lead to debarment. Said suspension shall not exceed 60 days if debarment is not forthcoming.

C. Causes for Debarment. The causes for debarment include, but are not limited to, the following:

1. Conviction for a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract.

2. Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a state contractor.

3. Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals.

4. Violation of contract provisions, or a recent record of failure to perform, or of unsatisfactory performance in accordance with the terms of one or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment; and

5. Any other cause the Director of Contractual Review determines to be so serious and compelling as to affect responsibility as a state contractor, including debarment by another governmental entity for any cause listed in regulations.

D. Decision. The Director of the Office of Contractual Review shall issue a written decision stating his reasons and findings therein.

E. Notice of decisions. A copy of the decisions under Subsection D of this Section shall be mailed or otherwise furnished immediately to the debarred or suspended person and any other party intervening.

F. Finality of decision. A decision under Section D of this Part shall be final and conclusive, unless appealed as provided for in Section G.

G. Appeal. The Contractor or business who is directly affected by the decision of the Director of Contractual Review may appeal in writing to the Commissioner of Administration within ten days of the receipt of said decision.

H. Reinstatement. If the Commissioner finds that the Director of Contractual Review was in error, then he may reinstate said individual or business. If the Commissioner affirms the decision of the Director of Contractual Review that decision is final and conclusive.

1. The Director of Contractual Review, upon request of a debarred contractor, shall review the requesting debarred contractor's file on an annual basis, and may reinstate said contractor for future consideration if he believes the circumstances warrant reinstatement and it would be in the best interest of the state. A list of debarred contractors shall be kept by the Office of Contractual Review and made available upon request to our state agencies.

Contracts for Consulting Services Where
Compensation equals or exceeds \$75,000

XV
Source Selection Methods

Pursuant to R.S. 39:1496 professional or personal services contracts for any amount, and consulting services contracts less than \$75,000 may be awarded without competitive negotiation or bidding, therefore this part shall be applicable to consulting services contracts for \$75,000 or more.

A. Emergency Purchases. An emergency situation must be determined in writing by the Director of Contractual Review or his designee. The using agency which requests an emergency procurement must indicate in writing the basis of the emergency.

B. Sole Source Procurement. A determination in writing, supported by using agency documentation, must be made by the Director of Contractual Review or his designee that only one source exists for the services requested by the using agency.

C. A determination by the Director of Contractual Review that contracts are necessary under Sections A or B above will dispense with the requirement of a Request for Proposal pursuant to 39:1496(B).

D. Record. A record of emergency procurements and Sole Source Procurements shall be maintained by the Office of Contractual Review, and shall contain:

1. Contractor's name
2. The amount of contract
3. Services to be rendered
4. Reason for the emergency or sole source procurement

XVI
Request for Proposals

A. Prequalification of Offerers. A using agency which intends to issue a Request for Proposal (RFP) shall request the Prequalified Offerers list, as described below, prior to issuing an RFP. A using agency shall forward a notice of the request for proposals to those businesses on said list who offer the services requested in the RFP.

1. The Office of Contractual Review shall prepare and maintain a prequalified list of offerers to be used in the Request for Proposal procedure as provided for in R.S. 39:1506.

2. Contractors who are interested in being placed on this list shall submit a statement of qualifications to the Office of Contractual Review. This statement must describe the potential contractor's current qualifications by subject area and include key personnel currently employed or associated, and be accompanied by a resume of each. Additionally, a list should be provided describing previous work done (by subject area), with whom (governmental agency or private business) and the names of contact persons for each client listed.

3. Each statement of qualifications shall have attached to it a financial statement or other evidence of financial solvency.

4. Finally, any other current information or material which would further describe a potential contractor's qualifications will be accepted.

B. Advertisements. Written notices shall contain a general description of the consulting services desired and state the name and address of the using agency desiring to contract for consulting services; where and how the Request for Proposal may be obtained and where proposals are to be sent; in the event of a proposer's conference, the date, time and place it will be held; the date and time not later than which proposals must be received; and the date, time, and place that a proposal may be accepted.

C. Questions to be received from potential contractors must be in writing and all responding answers must be provided by the using agency to all potential contractors participating in the

selection process. A proposer's conference may be provided in lieu of the above question-and-answer process. However, copies of the proceedings shall be made available to all those who are participating in the selection process.

D. Written or oral discussions shall be conducted by the using agency with all responsible offerers who submit proposals determined in writing to be reasonably susceptible of being selected for award. Discussions shall not disclose any information derived from proposals submitted by competing offerers. Discussions need not be conducted:

(1) With respect to prices, where such prices are fixed by law or regulation, except that consideration shall be given to competitive terms and conditions; or

(2) Where time of delivery or performance will not permit discussions; or

(3) Where it can be clearly demonstrated and documented from the existence of adequate competition or accurate prior cost experience with that particular service that acceptance of an initial offer without discussion would result in fair and reasonable prices, and the Request for Proposals notifies all offerers of the possibility that an award may be made on the basis of the initial offers.

E. In addition to the requirements of R.S. 39:1503(B) and these regulations, a Request for Proposals shall:

1. Specifically define the task and desired results of project;

2. Identify agency liaison personnel and resources available to the consultant, both in preliminary studies and the project itself;

3. State approximately when the consultant can begin the study, plus an estimate of the time necessary to accomplish the work;

4. Specify applicable procedures concerning billing, documentation requirements, progress reports, and final reports;

5. Specify that a minimum of two copies of the proposal be submitted;

6. Inform the potential contractors of the criteria and the selection methodology and the weight which will be applied to each significant evaluation criteria to be used in evaluating the proposals' responsiveness to the RFP.

7. Require potential contractors to include the following information in their proposals:

a. A description of the consultant firm's qualifications to include a specific list of personnel to be used in this project and their qualifications (at least list the number and the qualifications of each position). However, a resume will be required on each of the key personnel. Additionally consultant must stipulate that these personnel will not be removed from the contract without prior approval of the using agency.

b. A list of the agencies with names and contact persons, for whom similar work has been done.

c. The length of time needed for the project, broken down by phases, if phasing is necessary.

d. The proposed methodology for accomplishing the project with a precise statement of what the State will receive as an end product of the project (this is sometimes referred to as the technical section of the proposal).

e. An itemized cost statement showing various classes of man-hours at appropriate rate, delineated by phases, if phasing is used, and an itemized listing of all other expenses or fees that are expected to be paid by the State and a complete breakdown of consultant overhead rate.

F. The final selection of a contractor shall be made by the using agency in accordance with the selection criteria established in the RFP. However, no contract may be enforced against the

State until approval of the contract has been granted by the Director of the Office of Contractual Review. When a final selection has been made by the using agency, the contract file containing that information outlined in sections A through E including the Request for Proposals, and the proposed contract, along with a selection memorandum justifying the final selection shall be sent to the Office of Contractual Review for final concurrence (R.S. 39:1503C). The selection memorandum shall include, but not be limited to:

1. A list of criteria used along with the weight assigned each criteria.

2. Scores of each proposal considered in each of the categories listed above along with overall scores of each proposal considered.

3. A narrative justifying selection.

G. Right to Protest. Any Contractor who is aggrieved in connection with the request for proposal or award may protest to the head of the agency issuing the proposal, at which time the agency shall notify the Office of Contractual Review that a protest has been lodged. Said protest shall be in writing and state fully the reason(s) for the protest. A protest of a solicitation must be filed at least fourteen days prior to the date for receipt of proposals. Protests with respect to an award shall be submitted within fourteen days after the award has been announced by the agency.

H. Stay of Award during protest. If a person protests the request for proposal, then an award shall not be made until said protest is resolved. If a person protests an award, then work on the contract shall not be commenced until the protest is resolved administratively.

I. Decision. The head of the agency must notify the protesting party within ten days after receipt of said protest whether or not the protest is denied or granted. If granted as to the proposal the request for proposal may be amended if possible or cancelled and reissued. If the protest is granted as to the award then the contract will be voided and the remaining proposals may be re-evaluated for another selection. If another selection can not be made or if it appears to be in the best interest of the state, a new request for proposal shall be issued.

J. Appeal. If an aggrieved party is not satisfied with the agency's decision, then that party may appeal said decision in writing to the Commissioner of Administration. Such appeals must be made within fourteen days of receipt of the agency's decision by the protesting party. The protesting party should fully explain the basis of his appeal. The Commissioner then must render a decision in writing within ten days of receipt of the appeal or the date of the hearing. The Commissioner's decision is final and an aggrieved party must bring judicial action within six months from receipt of said decision; an agency may proceed with an award after the Commissioner so decides.

K. Delays. The delays provided for in this part may be extended only with the concurrence of the using agency, the protesting party and the Commissioner of Administration.

Contracts for Data Processing Consulting Services

XVII

Contracts for data processing consulting services in an amount equal to or greater than \$75,000 and less than or equal to \$100,000 shall be subject to all the statutory and regulatory requirements generally applicable to consulting services contracts equal to or greater than \$75,000.

CONTRACTS FOR DATA PROCESSING CONSULTING SERVICES IN AN AMOUNT GREATER THAN \$100,000

XVIII

PROCUREMENT SUPPORT TEAM

A procurement support team shall be formed in accord-

ance with the procedures defined herein for every contract for the procurement of data processing consulting services in an amount greater than \$100,000. The formation of a procurement support team shall be accomplished by the Office of Contractual Review and shall include one or more representatives from each of the following: the Office of Contractual Review, the Attorney General's Office; the using agency initiating the procurement action; and the Legislative Fiscal Office. The procurement support team shall submit a recommendation to the director of the Office of Contractual Review concerning the final contract.

At least two members of each procurement support team should have formal training in computer contract negotiations. The Legislative Fiscal Office and the Attorney General's Office shall each designate in writing to the Office of Contractual Review the names of a primary and an alternate team member, and should insure that at least one of these individuals has received formal training in computer contract negotiations. It shall thereafter be the responsibility of each named agency to keep the Office of Contractual Review advised of any changes in designated individuals. At least four members, one from each office designated, must be present to constitute a quorum.

XIX

PROCUREMENT SUPPORT TEAM INVOLVEMENT

Procurement support team participation must include, as a minimum, review of the Request for Proposals, review of using agency evaluation of proposals and award of contract, and review and/or negotiation of contract terms. Procurements requiring a procurement support team will involve the active participation of all of the members of the procurement support team as a unit. There will be at least one joint meeting per phase during the process. The procurement support team will make written evaluations and recommendations as a group; these will not supplant written individual agency approvals as required by statute or regulations. The team leader will be designated by the Office of Contractual Review.

All data processing consulting service contracts in an amount greater than \$100,000 shall be subject to the statutory and regulatory requirements for consulting service contracts in general. The recommendation of a procurement support team member is not to be construed as approval by the agency which that team member represents, in those cases where formal agency approval of the final agreements is required.

In situations where formal negotiations with prospective contractors, or a successful proposer, is appropriate, such negotiations will be conducted by a negotiations team appointed by the procurement support team leader. One member of the negotiating team will be designated as lead negotiator. The results of such negotiations will, of course, be subject to all statutory required reviews. The lead negotiator and at least one other member of the negotiating team should have formal training in computer contract negotiations.

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

A. Legislative Fiscal Office. The Legislative Fiscal Office shall have primary responsibility for the financial analysis of RFP's, and review of funding procedures, and certification of specific appropriation for the purpose prior to the final contract award.

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

C. Office of Contractual Review. The Office of Contractual Review shall have primary responsibility for insuring compliance with RFP procedures and regulations.

D. The Using Agency. The using agency shall have primary responsibility for the determination of the compliance of proposals with the functional requirements, drafting of the Requests for Proposals, the evaluation of proposals, the award of the contract and for all management decisions at each phase of the procurement process.

E. The Office of Information Resources shall provide technical staff to the Procurement Support Team. They shall provide advice and support in the area of data processing techniques, negotiation techniques, and developing the structure and content of Requests for Proposals.

XX
EMERGENCY PROCUREMENTS

Notwithstanding the guidelines established in Section XV(A), procurements of data processing consulting services in an amount greater than \$100,000 under emergency conditions shall involve a procurement support team designated by the Office of Contractual Review and under the direction of a team leader designated by the Office of Contractual Review.

XXI
PROCUREMENT SUPPORT TEAM
PROCUREMENT SCHEDULE

Each using agency contemplating a contract requiring more than \$100,000 of data processing consulting services shall write the Director of the Office of Contractual Review notifying him prior to the drafting of the Request for Proposals. The Office of Contractual Review shall then contact the appropriate agencies and obtain from those agencies the names of the individuals designated to participate on the particular procurement support team. The Office of Contractual Review shall then designate a team leader, insure that at least two members of the procurement support team have received formal training in computer contract negotiations, and forward to the team leader the names of the other team members, along with any information received from the using agency.

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

At the end of the procurement process one copy of the documentation related to the procurement will be retained on file by the Office of Contractual Review. The team leader will make written status reports at the end of each phase to the Office of Contractual Review. Such status reports shall be presented to the Office of Contractual Review at each regular meeting.

Each member of the procurement support team must review as a minimum the Request for Proposals, the using agency's proposal evaluation, the award of contract and the final contract. As a minimum, this review must be indicated by the signature of each team member. Where team evaluations are made, each PST team member must sign the evaluation, or his designating or qualifying reports.

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

After a procurement process has been completed, PST team

members and the using agency are encouraged to submit written evaluations and comments of the process, and suggestions for future improvements. Such evaluations, comments, and suggestions shall be sent to the Office of Contractual Review.

XXII
Revised Statutes

A. These regulations shall be read and interpreted jointly with Louisiana R.S. 39:1481-1526.

B. A rule or regulation shall not change any contract commitment, right, or obligation of the state or of a contractor under a state contract in existence on the effective date of that rule or regulation (R.S. 39:1491D).

Attachment A

Sample Contract adaptable for use by state agencies. (This sample contract contains the minimum language required in a state contract. Additional items may be added as required by the individual agency's needs and applicable federal requirements.)

STATE OF LOUISIANA
PARISH OF _____

CONTRACT

Be it known, that on this ____ day of ____, 19 _____, the _____ (Agency Name) _____ (hereinafter sometimes referred to as "State") and _____ (Contractor's name and legal address) _____ (hereinafter sometimes referred to as "Contractor") do hereby enter into contract under the following terms and conditions.

1.

Contractor hereby agrees to furnish the following services:
(If the Scope of Services is more lengthy than will fit here, it may be attached separately as an addendum.)

2.

In consideration of the services described above, state hereby agrees to pay to Contractor a maximum fee of _____. Payment will be made only on approval of _____. If progress and/or completion to the reasonable satisfaction of the agency is obtained, payments are scheduled as follows:

3.

This contract may be terminated by mutual consent of both parties upon _____ days written notice.
(Other conditions for termination may be stated here.)

4.

Upon completion of this contract, or if terminated earlier, all records, reports, worksheets or any other materials related to this contract shall become the property of the State.

5.

Contractor hereby agrees that the responsibility for payment of taxes from the funds thus received under this agreement and/or legislative appropriation shall be said contractor's obligation and identified under Federal tax identification number _____.

6.

The contractor shall not assign any interest in this contract and shall not transfer any interest in same (whether by assignment or novation), without prior written consent of the State, provided however, that claims for money due or to become due to the Contractor from the State may be assigned to a bank, trust company, or other financial institution without such prior written consent. Notice of any such assignment or transfer shall be furnished promptly to the State.

7.

It is hereby agreed that the Legislative Auditor of the State of Louisiana shall have the option of auditing all accounts of contractor which relate to this contract.

This contract shall begin on _____ and shall terminate on _____.

THUS DONE AND SIGNED AT Baton Rouge, Louisiana, on the day, month and year first written above.

CONTRACTOR

STATE AGENCY

Attachment B

Sample Certification as required by R.S. 39:1497
Ms. Bonita B. Brown, Director
Office of Contractual Review
Division of Administration
State Capitol Annex
Baton Rouge, Louisiana 70804

Dear Ms. Brown:

In reference to the attached contract we do certify the following:
1. Either no employee of our agency is both competent and available to perform the services called for by the proposed contract or the services called for are not the type readily susceptible of being performed by persons who are employed by the state on a continuing basis.

2. The services are not available as a product of a prior or existing professional, personal or consulting service contract.

3. When applicable, the requirements for consultant service contracts, as provided for under R.S. 39:1503-1507, have been complied with.

4. The Department of _____ has developed and fully intends to implement a written plan providing for:

A. The assignment of specific Agency personnel to a monitoring and liaison function.

B. The periodic review of interim reports or other indicia of performance to date; and

C. The ultimate use of the final product of the service.

Sincerely,

Attachment C

Suggested checklist for review of personal, professional and consulting contracts.

1. Minimum Contract Content:

- | Yes | No | |
|-------|-------|--|
| _____ | _____ | 1. Contains a date upon which the contract is to begin and upon which the contract will terminate. |
| _____ | _____ | 2. Contains a description of the work to be performed and objectives to be met. |
| _____ | _____ | 3. Contains an amount and time of payments to be made. |
| _____ | _____ | 4. Contains a description of reports or other deliverables to be received, when applicable. |
| _____ | _____ | 5. Contains a date of reports or other deliverables to be received, when applicable. |
| _____ | _____ | 6. When a contract includes travel and/or other reimbursable expenses, it contains language to effect the following:
a. Travel and other reimbursable expenses constitute part of the total |

maximum payable under the contract; or

b. No more than (a certain sum) of the total maximum amount payable under this contract shall be paid or received as reimbursement for travel or other reimbursable expenses; and

c. Travel expenses shall be reimbursed in accordance with Division of Administration Policy and Procedure Memorandum 49 (The State General Travel Regulation).

- | | | |
|-------|-------|---|
| _____ | _____ | 7. Contains the responsibility for payment of taxes, when applicable. |
| _____ | _____ | 8. Contain the circumstances under which the contract can be terminated either with or without cause and contains the remedies for default. |
| _____ | _____ | 9. Contains a statement giving the Legislative Auditor the authority to audit records of the individual(s) or firm(s). |
| _____ | _____ | 10. Contains an Assignability clause. |
| _____ | _____ | 11. Budget Form BA-22 P.S. fully completed and attached to the contract. |

2. Determination of Responsibility of Contractor:

- | Yes | No | |
|-------|-------|---|
| _____ | _____ | 1. Has adequate financial resources for performance, or has the ability to obtain such resources as required during performance. |
| _____ | _____ | 2. Has the necessary experience, organization, technical qualifications, skills, and facilities, or has the ability to obtain them (including probable subcontractor arrangements). |
| _____ | _____ | 3. Is able to comply with the proposed or required time of delivery or performance schedule. |
| _____ | _____ | 4. Has a satisfactory record of integrity, judgment and performance (contractors who are seriously delinquent in current contract performance, considering the number of contracts and the extent of delinquencies of each, shall, in the absence of evidence to the contrary or compelling circumstances, be presumed to be unable to fulfill this requirement). |
| _____ | _____ | 5. Is otherwise qualified eligible to receive an award under applicable laws and regulations. |
| _____ | _____ | 6. If a contract for consulting services is for \$75,000 or more, the head of the submitting agency has prepared, signed and placed in the contract file a statement of the facts on which a determination of responsibility was based. |
| _____ | _____ | 7. On subcontracting, it has been established that contractor's recent performance history indicates acceptable subcontracting systems; or, major subcontractors have been determined by the head of the submitting agency to satisfy standard. |

3. Consulting Contract for \$75,000 or more:
 Contract file attached and this includes:
 _____ Criteria for Selection.
 _____ Proposals.
 _____ Pertinent Documents.
 _____ Selection Memorandum.
 _____ Request for Proposals.
 _____ Contract.

Attachment D
 Agency Transmittal Letter

Ms. Bonita B. Brown, Director
 Office of Contractual Review
 Division of Administration
 Fifth Floor - Capitol Annex
 P.O. Box 44095
 Baton Rouge, Louisiana 70804

Ms. Brown:

The following contract(s) is/are being submitted to your office this date for review and approval in accordance with R.S. 39:1481 et seq. and the rules and regulations adopted pursuant thereto:

Submitting Agency	Contractor	Amount
Upon approval of said contract(s) please return to: (List Return Address)		
Your cooperation in this regard is greatly appreciated.		

Attachment E

Ms. Bonita B. Brown, Director
 Office of Contractual Review
 Division of Administration
 Fifth Floor - Capitol Annex
 P.O. Box 44095
 Baton Rouge, Louisiana 70804

Ms. Brown:

During the quarter ending _____ the following contracts for \$5,000 or less were approved by the Department of _____.

Contract Date	Contractor	Purpose or Service Rendered	Contract Amount

Total			

cc: Budget Analyst

Bonita B. Brown
 Director, Office of Contractual Review
 Division of Administration

Attachment F
 Performance Evaluation
 (Example Only)

Agency Name _____
 Office Name _____
 Agency Contract No. _____
 DOA Contract No. _____
 Contractor _____

Beginning & Ending Dates for Contract: _____ to _____
 Description of Services:

Deliverable Products:
 (What were final products, if any? Were they delivered on time? Were they usable? . . .)

Overall Performance:
 (List weak points, strong points, Would you hire this contractor again?)

Signature of Program Official _____
 Approved by: _____

Bonita B. Brown
 Director

RULES

**Office of the Governor
 Division of Administration**

FISCAL POLICY AND PROCEDURE MEMORANDUM NO. 63
 (Revised June, 1984)
 UNIFORM POLICY FOR USE AND MANAGEMENT OF
 STATE VEHICLES

In accordance with the Notice of Intent published in the April, 1984 *Louisiana Register*, the Division of Administration has adopted as a rule a change to PPM 63 which was printed in total in the April, 1984 *Louisiana Register* also. The change deletes Sections V.F., G., H., I., and J., and Changes Section V.E. to read: V.E. Reimbursement for Commute Miles

At the present time, State employees who are permitted to commute in State-owned vehicles between their residences and official domiciles or duty stations shall retain responsibility for personally reporting the fair market value of this fringe benefit to the Internal Revenue Service. The Commissioner of Administration may delegate to the Governor the authority to issue Executive Orders in regard to commute fees or income reporting. In the absence of such, or of further rule-making by the Commissioner, commute fees will not be collected by the State.

All State departments, agencies, commissions, and other entities are requested to make these changes to the Rules printed in April and begin their implementation. The forms mentioned in PPM 63 are not available yet, but when they are, all agencies will be sent copies and instructions. Those sections of PPM 63 requiring use of particular forms will therefore be implemented once the forms become available; deadlines will be extended to accomplish this. Agencies requesting to use their own forms to accomplish the purposes of PPM 63 should send copies of such to the Division of Administration for approval.

Stephanie L. Alexander
 Commissioner

RULE

**Office of the Governor
 Governor's Office of Elderly Affairs**

In accordance with Louisiana Revised Statutes 49:951 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs has revised its hearing procedures to read as follows:
 Section 1004 (Repealed)

NOTE: The Governor's Office of Elderly Affairs is no longer required to provide an opportunity for a hearing to a defunded nutrition project on the basis of its having been in effect on September 29, 1978.

Section 501(b) of the 1978 amendments of the Older Americans Act provided that "Any project receiving funds under Title VII of the Older Americans Act of 1965, as in effect on the day

before the effective date of this Act, shall continue to receive funds under Part C of Title III of such Act, as amended by this Act, if such project meets the requirements and criteria established in such Title III, as amended by this Act, except that a State, pursuant to regulations prescribed by the Commissioner on Aging shall not discontinue the payment of such funds to a project unless such a State, after a hearing (if requested by the person responsible for administering such project), determines that such project has not carried out activities supported by such funds with demonstrated effectiveness.”

In the 1981 Amendments, Section 501(b) was amended to read as follows: “No contract awarded after September 30, 1982, shall be entered into for the provision of nutrition services unless such contract has been awarded through a competitive process. Whenever there is no evidence of improved quality of services or cost effectiveness on the part of another bidder, a provider of services who received funds under Title VII of the Older Americans Act of 1965 as in effect on September 29, 1978, shall be given preference.

Sandra C. Adams
Director

RULE

Office of the Governor Office of Elderly Affairs

In accordance with Louisiana Revised Statutes 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Office of Elderly Affairs has adopted policies for implementing programs under the Older Americans Act and for the operation of state-funded senior centers.

These policies are established in accordance with the federal regulations, as stated in the *Federal Register*, Volume 45, Number 63, Monday, March 31, 1980, Page 21149, Subsection 1321.15(b) “State Agency Policies.” The regulations require the state agency to develop and follow written policies to carry out its functions and set forth the manner in which the policies must be adopted.

A public hearing was conducted November 22, 1983 to receive comments on the revised Policy Manual draft which was issued subsequent to the Notice of Intent published in the April 20, 1983 edition of the *Louisiana Register*. Oral and written comments have been reviewed and incorporated in the final version.

A section of Fiscal Requirements has been added to the proposed Policy Manual. Copies of the Fiscal Requirements section of the proposed manual may be obtained by writing: Ms. Betty Nelond, Planning Supervisor, Governor’s Office of Elderly Affairs, 4528 Bennington Avenue, Box 80374, Baton Rouge, LA 70898-0374.

The policies will become effective June 20, 1984. Printed copies will be made available at cost.

Sandra C. Adams
Director

RULE

Governor’s Special Commission on Education Services Loan/Grant Division

The Loan/Grant Division of the Governor’s Special Commission on Education Services has adopted the following rule as an amendment to its policies and procedures:

A one percent per annum insurance fee will be charged to

students who apply for a Louisiana guaranteed student loan for any academic period beginning on or after July 1, 1984.

As authorized by federal law and regulations, the Commission will assess the insurance premium to the lender on each loan. The lender may pass this charge on to the borrower and deduct it at the time loan funds are disbursed.

The fee insures the holder of the loan against losses it may suffer if the student borrower defaults or is adjudicated a bankrupt on the loan. The fee allowed by federal law is a one-time charge of one percent per annum on the loan, beginning with the month following the month funds are disbursed and ending 12 months after the borrower’s anticipated date of graduation.

The student loan is provided to students attending eligible postsecondary schools worldwide and are made through authorized lenders in the community such as commercial banks, credit unions, savings and loan associations, insurance companies and some schools and guaranteed at 100 percent of principal and interest to lenders by the Governor’s Special Commission on Education Services.

Richard W. Petrie
Director, Loan/Grant Division

RULE

Department of Health and Human Resources Board of Veterinary Medicine

APPLICATION FOR LICENSE (R.S. 37:1520A)

Subsection A.

The application for licensure to practice veterinary medicine in the State of Louisiana shall be in writing, signed by the applicant, contain the information set forth in R.S.37:1520(A), and shall include a sworn affidavit that the applicant has not practiced veterinary medicine in this state without a license, temporary permit or exception from licensure as provided by R.S.37:1514 for the two year period immediately prior to the date of application.

In addition to the above requirements, the Board may also require that any applicant furnish the following information:

1. A current photograph of the applicant;
2. A transcript of the applicant’s veterinary school records;
3. A copy of the applicant’s diploma from an accredited veterinary medical school;
4. A certificate by the applicant that the applicant has not been arrested or indicted for or been convicted, pled guilty or pled nolo contendere to either a felony or misdemeanor, other than minor traffic violations, and, in the event that the applicant is unable to so certify, may require the applicant to explain in full and/or provide further documentation;
5. A certificate that the applicant has never had his or her license to practice veterinary medicine revoked, suspended or denied, and, in the event that the applicant is unable to so certify, the Board may request or require full explanation and/or documentation concerning such revocation, suspension or denial;
6. A list of the veterinary license which the applicant currently holds;
7. The score on any previous National Examinations or State Examinations (whether Louisiana State Examinations or State Examinations from other States) previously taken by the applicant;
8. A list of licensed veterinarians for reference and/or letters of recommendations from licensed veterinarians, furnished for the purpose of determining the applicant’s professional capabilities and ethical standards;
9. A certificate that the applicant has received and read the

Louisiana Veterinary Practice Law and the rules and regulations promulgated by the Board.

The Board may require such application to be sworn to by the applicant, notarized, or attested to by the applicant under penalty of perjury.

The Board may reject any applications which do not contain full and complete answers and/or information as requested, and may reject any application if any of the information furnished in the application is fabricated, false, misleading or incorrect.

The Board shall reject the application of an applicant who has practiced veterinary medicine in this state without a license, temporary permit, or exception from licensure as provided by R.S.37:1514, during the two year period immediately prior to the date of application.

Alan R. Albritton
Chairman

RULE

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

Effective June 20, 1984, the Department of Health and Human Resources, Office of Health Services and Environmental Quality, is adopting the following rule pursuant to LSA-R.S.40:33 and R.S.40:41(D).

LSA-R.S.40:41(D) as amended by the 1983 Legislature provides for the disclosure of vital records for public health research purposes and in the administration of the programs of the Department in accordance with rules and procedures established by the State Health Officer.

GENERAL RULE

I. DEFINITIONS

1. Research: A systematic epidemiological and/or public health investigation designed to develop or contribute to medical knowledge.

2. Limited Research: The investigator or researcher provides the name, date and place of birth/death for all requests and assures that no contact with the subjects or subjects' families will occur.

3. Department: Department of Health and Human Resources.

4. Human subject: A person to whom the record pertains or his next of kin as described in LSA-R.S. 40:41(C).

5. Panel: Refers to Vital Records Review Panel consisting of the State Health Officer, the state registrar of vital records and the tumor registry administrator as described in R.S. 40:41(D), along with a representative from Louisiana State University (LSU) Medical School - New Orleans and a representative from Tulane University Medical School.

II. PANEL

A. PANEL MEMBERS — The State Health Officer, the State Registrar, and the Tumor Registry administrator form the nucleus of the panel and shall be called "Class A" members. One representative each from Louisiana State University, New Orleans and Tulane Medical Schools will be appointed for two year terms by the State Health Officer in consultation with the deans of the two medical schools and shall be called "Class B" members. The State Health Officer may also appoint resource persons, who are not necessarily employed by the department to attend panel meetings and review proposals. These resource persons shall be called "Class C" members.

B. PANEL QUORUM — A quorum shall require the presence of two Class A members and one additional member

from either Class A or Class B. Only Class A and Class B members may vote. A majority of the voting members present must concur via roll call vote for the panel to take action on the approval or disapproval of any application.

III. PUBLIC HEALTH RESEARCH

A. PANEL RECORDS — Adequate documentation of the panel activities shall be maintained including the following:

1) Copies of all research proposals reviewed, including attachments.

2) Minutes of all panel meetings shall be in sufficient detail to show attendance at meetings, actions taken by the panel, the vote on the actions including the number of members voting for, against or abstaining; the basis for requiring changes in or disapproving research; and a written summary of controversial issues and their resolution.

3) Copies of all correspondence.

4) The records required by these rules shall be retained for at least six years after completion of the research.

B. APPLICATION — A request for the use of vital records for research shall be in writing and shall be addressed to the State Registrar of Vital Records. The date request must include:

1) A complete experimental protocol including public health objectives, rationale for the study, design detail and scientific basis for selection of subjects.

2) A summary of the protocol.

3) A copy of the informed consent form and an outline of the consent process which meets the consent requirements described in these rules, as provided in part III D.

4) Provisions to protect the confidentiality of the data and the privacy of the subjects and their families.

5) Resumes of all investigators, listing educational degrees and societies, certifying boards, and academic institutions which have recognized their competence by granting membership, diplomate, or title; previous work in the subject area; and employment.

6) Approval from an institutional review board for this study or approval from an educational department chairman, where the applicant is employed by or associated with an institution which requires such approval.

7) Affirmation that a report of the findings resulting from the use of the records shall be provided to the State Health Officer.

8) A signed agreement to indemnify and hold the State, the Department, and its employees harmless from any liability arising out of authorized or unauthorized access to the vital records.

C. CONFIDENTIALITY — The researcher must establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the records. Information that allows the individual to be identified must be removed or destroyed at the earliest time which is consistent with the purpose of the project.

D. INFORMED CONSENT — 1) The following basic elements of informed consent must be provided to each subject when the research design calls for personal contact or other follow-up:

a. A statement that the study involves research, an explanation of the purpose of the research, the expected duration of the subject's participation, and a description of the procedure to be followed;

b. A description of any benefits which may reasonably be expected from the research;

c. A statement describing the extent to which confidentiality of records identifying the subject will be maintained;

d. An explanation of whom to contact for answers to

pertinent questions about the research and the rights of the subject; and

e. A statement that participation is voluntary. Refusal to participate will involve no penalty or loss of benefits to which the subject is otherwise entitled. The subject may discontinue participation at any time without penalty.

2) An investigator shall seek the consent of the subject under circumstances that provide sufficient opportunity to consider whether or not to participate and that minimize the possibility of coercion or undue influence.

3) The information that is given shall be in language understandable to the subject.

4) In obtaining informed consent no exculpatory language through which the subject is made to waive or appear to waive any of the subject's legal rights, or releases or appears to release the investigator or the sponsor from liability for negligence shall be used.

5) A written document embodying the elements of informed consent as described above must be signed by each subject. The original shall be retained by the investigator/researcher.

E. CRITERIA FOR APPROVAL OF RESEARCH — The following shall be the criteria for the approval of research:

1) The study objective and design reflect that the proposal is in the best interest of the public health.

2) The selection of subjects is made on a scientific basis.

3) The investigators/researchers are deemed qualified based on their past research, employment and education.

4) Where appropriate, as provided in part III B 6, approval of an institutional review board has been obtained.

5) Provisions to protect the confidentiality of the data and the subjects comply with part III D.

6) The informed consent process and forms follow the guidelines required in these rules and will be appropriately documented as required.

F. NOTIFICATION — The Panel shall notify requestors in writing of the decision to approve or disapprove the proposed study or of modifications required to secure approval of the research activity.

If the committee disapproves a request, it shall include in its written notification a statement of the reasons for its decision and give the investigator/researcher an opportunity to request reconsideration in writing.

G. REQUESTS FOR RECONSIDERATION — Requests for reconsideration must be filed within 30 days of the date appearing on the notification. The principal investigator/researcher may be invited to appear at the hearing. The decision of the committee after reconsideration is final.

H. FEES — Fees for photostat copies of certificates will be the same as those set forth in R.S. 40:40(D). The cost per reel for computer tape with no accompanying certificates will be \$100.

I. EXCEPTION TO APPROVAL PROCESS — Requests for vital records information may be approved by the State Health Officer or a duly authorized representative without being presented to the panel if the request is for limited research and the investigator/researcher provides the name, date, and place of death for all requests. An affidavit stating that no family members will be contacted and that stringent confidentiality procedures will be followed to protect the data and the privacy of the subject must be submitted. A signed hold harmless agreement and a description of the research design must be submitted.

IV. DEPARTMENTAL ADMINISTRATION

As the release of hard copy vital records to departmental agencies is governed by rules published in the February 20, 1983

issue of the *Louisiana Register*, this section of the proposed rule addresses access to data stored in the computer.

A. ACCESS TO DATA (DHHR ONLY)

1) Birth Data — The following birth data shall be accessible through the DHHR CLIENT information system where there is documentation that consent has been given by the prospective client for the release of this information:

- Name
- Birth date
- Sex
- Zip Code of Mother
- Parish of Birth
- Birth Record Number
- File Date

2) Death Data — The following death data shall be maintained available for administrative use:

- Name
- Sex
- Race
- Age
- Date of Death
- Parish of Occurrence
- Parish of Residence
- Certificate Number

B. SECURITY AND CONFIDENTIALITY

1. Only the Office of Health Services and Environmental Quality shall alter, add, or delete vital records data.

2. Data released to other Offices of the Department of Health and Human Resources shall not, in turn, be released or disclosed to other agencies, researchers, commercial enterprises, or any other non-departmental organization or person.

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

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, Medical Assistance Program, hereby deletes certain drugs in specified dosage forms from the Louisiana Maximum Allowable Cost (LMAC) list.

The original rule establishing these drugs as part of the LMAC list was published in the August 20, 1983, issue of the *Louisiana Register*, Vol. 9, No. 8, Page 552.

RULE

Effective July 1, 1984, the following drugs shall be deleted from the Louisiana Maximum Allowable Cost (LMAC) list.

VITAMIN A	25,000.00 u.	Capsule
VITAMIN A	50,000.00 u.	Capsule
EPHEDRINE SULFATE	25 mg.	Capsule
EPHEDRIN SULFATE	20 mg./5 ml.	Syrup

These drugs are classified as nonpayable by the Title XIX Medical Assistance Program. They were inadvertently included on the original LMAC list.

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

RULE

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, shall establish a prospective reimbursement methodology for nursing homes participating in the Title XIX Medical Assistance Program.

RULE

Effective August 1, 1984 for July services the Medical Assistance Program will reimburse nursing homes (see definition below) for services at rates determined as shown below in this rule. The rates will be prospective and no retrospective cost settlement will be made.

A. DEFINITIONS

1. Nursing Home - Long term care institutions classified and licensed as Intermediate Care Facility-I (ICF-I), Intermediate Care Facility-II (ICF-II), and Skilled Nursing Facility (SNF). Does not include Intermediate Care Facilities for the Handicapped and/or Mentally Retarded (ICF-H, ICF-MR) and other facilities whose rates are set by Department of Health and Human Resources policy for Rate Setting for Residential Care published in the *Louisiana Register* on April 20, 1983 (volume 9, number 4, page 215) and July 20, 1983 (volume 9, number 7, page 470-472)

2. Indices

a. CPI - ALL ITEMS - The Consumer Price Index for all Urban Consumers-South Region (All Items line) as published by the United States Department of Labor.

b. CPI - FOOD - The Consumer Price Index for All Urban Consumers - South Region (Food line) as published by the United States Department of Labor.

c. CPI - Medical Care - The Consumer Price Index for All Urban Consumers - South Region (Medical Care line) as published by the United States Department of Labor.

d. WAGE - The average annual wage for production or non-supervisory service workers in SIC code 80, Health Service, as published in the "Supplement to Employment and Earnings" by the Bureau of Labor Statistics, United States Department of Labor.

3. Economic Adjustment Factors

a. CPI - All Item Factor

B. CPI - Food Factor

c. CPI - Medical Care Factor

Each of the above economic adjustment factors is computed by dividing the value of the corresponding Index for December of the year preceding the Rate Year by the value of the index one year earlier (December of the second preceding year).

d. Wage Factor

The wage factor is computed in the same manner as the other adjustment factors except that the average Annual Wage for the calendar year ending in the indicated December is used instead of an index value.

4. Rate year - The rate year is the one year period from July 1 through June 30 of the next calendar year during which a particular set of rates is in effect. It corresponds to a State Fiscal Year.

5. Base Rate - The base rate is the rate calculated in accordance with Section B of this rule, plus any base rate adjustments granted in accordance with Section C of this rule, and which is in effect at the time of calculation of new rates or adjustments.

6. Base Rate Components - The base rate is the summation of the components shown on Table I. Each Base Rate Component is intended to reimburse for the costs indicated by its name.

TABLE I

BASE RATE COMPONENT	ECONOMIC ADJUSTMENT FACTOR
FOOD COSTS	CPI - FOOD
OTHER ROUTINE COSTS	CPI - ALL ITEMS
AIDS ATTENDENT SALARIESWAGE	
OTHER NURSING SERVICES	CPI - MEDICAL CARE
FIXED COSTS	NONE (1)
RETURN ON EQUITY	NONE (2)

(1) No inflation allowed

(2) Adjusted by the Return on Equity Factors shown on

Table II

B. Calculation of the Rate

Separate daily rates will be calculated for each level of care - ICF-I, ICF-II, and SNF. The rate for each level of care will be recalculated each year and will be effective for July services. The rates for each level of care shall be calculated by using the following formulae:

$$1. \text{NFCC} = \text{FCC} \times \text{CPIF}$$

where: NFCC is the new food cost component, FCC is the current (base) food cost component, CPIF is the CPI - Food Economic Adjustment Factor

$$2. \text{NORCC} = \text{ORCC} \times \text{CPIAI}$$

where: NORCC is the new other routine cost component, ORCC is the current (base) other routine cost component, CPIAI is the CPI - All Items Economic Adjustment Factor

$$3. \text{NAASC} = \text{AASC} \times \text{W}$$

where: NAASC is the new Aid & Attendent Salaries Component, AASC is the current (base) Aid & Attendent Salaries Component, W is the Wage Economic Adjustment Factor

$$4. \text{NONSC} = \text{ONSC} \times \text{CPIMC}$$

where: NONSC is the New Other Nursing Services Component, ONSC is the current (base) Other Nursing Services Component, CPIMC is the CPI - Medical Care Economic Adjustment Factor

$$5. \text{RATE} = (\text{NFCC} + \text{NORCC} + \text{NAASC} + \text{NONSC} + \text{FCC}) \times \text{ROEF}$$

where: NFCC, NORCC, NAASC and NONSC are computed by formulae 1 through 4 above, FCC is the Fixed Cost Component for the appropriate level of care as shown in Table III, ROEF is the return on Equity Factor for the appropriate level of care as shown in Table II, RATE is the new reimbursement rate per patient day for the level of care for the next rate year.

After formal adoption of the new rate, the components computed above will become the base rate components used in calculating the next year's new rate, unless they are adjusted as provided in Section C below.

TABLE II

SKILL LEVEL	SNF	ICF-I	ICF-II
RETURN ON INVESTMENT FACTOR	1.05	1.05	1.05

C. INTERIM ADJUSTMENT TO RATES

If an unanticipated change in conditions occurs which affects the cost of a level of care of at least fifty percent of the enrolled nursing homes providing that level of care by an average of 5 percent or more, the rate may be changed. The Office of Family Security will determine whether or not the rates should be changed when requested to do so by 10 percent or more of the enrolled nursing homes, or an organization representing at least 10 percent of the enrolled nursing homes, providing the level of care for which the rate change is sought. The burden of proof as to the extent and cost affect of the unanticipated change will rest with the entities requesting the change. In computing the costs, all capital expenditures will be converted to interest and depreciation. The Office of Family Security, however, may initiate a rate change without a request to do so. Changes to the rates may be one of two types: 1) Temporary adjustments or 2) base rate adjustments.

1. Temporary Adjustment - Temporary adjustment may be made in the rates when changes which will eventually be reflected in the Economic Indices, such as a change in the minimum wage, a change in FICA or a utility rate change, occur after the end of the period covered by the Index, i.e. after the December preceding the rate calculation. Temporary adjustments are effective only until the next rate calculation which uses Economic Adjustment Factors based on index values computed after the change causing the adjustment. Temporary adjustments do not affect the base rate used to calculate new rates.

2. Base Rate Adjustments - Base rate adjustments may be made when the event causing the adjustment is not one that would be reflected in the Indices. This would normally be a change which applies only to the nursing home industry, such as a change in licensure standards. Base rate adjustment will result in a new base rate component value(s) which will be used to calculate the new rate for the next year.

D. TRANSITION PROVISIONS

Upon adoption of this rule the rates currently in effect (published in the *Louisiana Register* July 20, 1983) and the Component values shown in Table III shall become, respectively, the base rate and the base rate components.

Provisions for adjustments (Section C) shall be effective immediately upon adoption of this rule and will apply to events occurring after June 30, 1983.

E. Availability of Federal Funds to implement the rule is dependent on the Health Care Financing Administration's (HCFA) approval of this methodology. Disapproval of the methodology by HCFA will automatically cancel the provisions of this rule, and resume payment at rates set under the methodology established by the final rule published on July 20, 1983, in the *Louisiana Register*, Volume 9, Number 7, page 465. In such a case, the rate cited in Table III for each level of care will be effective August, 1984 for July services and continue for the fiscal year. Should HCFA disapprove and the rate in Table III apply, recoupments as to each provider will be made.

TABLE III

BASE RATE COMPONENT	VALUE		
	SNF	ICF-I	ICF-II
FOOD COSTS	\$ 2.22	\$ 2.28	\$ 2.11
OTHER ROUTINE COSTS	12.71	13.03	12.12
AID & ATTENDENT SALARIES	9.20	6.13	3.61
OTHER NURSING SERVICES	6.52	4.35	2.57
FIXED COST	2.74	2.84	2.60
RETURN ON EQUITY	1.41	1.13	0.86
TOTAL DAILY RATE	\$34.80	\$29.76	\$23.87

F. MISCELLANEOUS

1. All calculations described in this rule shall be carried out algebraically.

2. In all calculations the base rate and the base rate components will be rounded to the nearest one cent (two decimal places) and the Economic Adjustment Factors will be rounded to four decimal places.

3. Cost Reports

a. Cost Reports will continue to be required as at present. All rules concerning allowable costs continue in effect.

b. Cost reports will be primary evidence in the justification of interim rate adjustments provided for in Section C of this rule.

c. Cost reports will be compared by the Office of Family Security to the rates calculated by this rule at least every three years to insure that the rates remain reasonably related to costs. When indicated by such comparison, base rate components and the overall base rate will be adjusted to reflect cost experience.

4. For state owned facilities, a differential to account for

the higher wage rates applicable to civil service employees may be passed through in establishing cost and rate structures.

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

RULE

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

Effective July 1, 1984, the Department of Health and Human Resources, Office of Family Security, shall continue the suspension of homemaker services. Homemaker services were provided for under the approved waiver document (Section 2176 of Public Law 97-35) which implemented Home and Community Based Services. This suspension shall remain in effect until December 31, 1984, at which time the above-mentioned approved waiver document will expire.

The original rule suspending homemaker services, effective March 1, 1983, through August 31, 1983, was published in the *Louisiana Register* on February 20, 1983, in Volume 9, Number 2, Page 64. The rule continuing the suspension from September 1, 1983, through June 30, 1984, was published in the *Louisiana Register* on August 20, 1983, in Volume 9, Number 8, Page 551.

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 Louisiana Department of Health and Human Resources (DHHR) has adopted the Title XX Annual Social Services Program (ASSP) Plan for the administration of Social Services Block Grant federal funding for fiscal year 1984-85. These federal funds will be administered in accordance with Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981, and federal regulations as published in the *Federal Register*, Volume 46, No. 190, Thursday, October 1, 1981 pp. 48582-48598.

The DHHR Office of Human Development is responsible for the administration of the Social Services Block Grant Program.

Copies of the Title XX (ASSP) Plan are available without charge upon request to: Governor's TIE Line, Box 44004, Capitol Station, Baton Rouge, LA 70804 - Telephone 1-800-272-9868 (8 a.m. - Noon - 1 p.m. - 5 p.m.)

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

RULE

**Department of Natural Resources
Office of Forestry**

The Louisiana Forestry Commission pursuant to authority granted by L.R.S. 56:1503, amended by Act 169 of 1969, and in accordance with Notice of Intent published on April 20, 1984, has adopted the following price increases at which forest tree seedlings are sold to landowners, effective July 1, 1984: Regular Pine - \$22 per M (up from \$19 per M); Improved Pine - \$30 per M (New Species); Hardwood Seedlings remain at \$100 per M and Special Pine Seedlings remain at \$50 per M.

Michael P. Mety
Assistant Secretary

RULES

Department of Transportation and Development Louisiana Soil and Water Conservation Committee

State Annual Election for Supervisors Rules and Regulations

The Rules and Regulations for electing one Soil and Water Conservation District Supervisor in each of the 40 Soil and Water Conservation Districts annually, as adopted by the Soil and Water Conservation Committee, are as follows:

GENERAL RULES

1. Act No. 231 of 1958 provides for an Annual State Election on the second Saturday in June.

2. Nominating petition forms shall be distributed by the District Supervisors through county agents, SCS District Conservationists, and others. All should encourage our best landowners or farm operators to qualify as candidates for District Supervisors.

3. In order to qualify as a candidate to run for district supervisor, the candidate must be a qualified landowner or farm operator, must be a qualified voter within the State, and must present to the State Committee a petition containing the names of at least 25 qualified voters. This petition shall be signed by the Registrar of Voters attesting that the names on the petition are qualified voters in the named Soil and Water Conservation District.

NOMINATING RULES

4. There shall be a 30-day nominating period which shall begin 60 days before the annual election on the second Saturday in June.

5. Nominating petitions must be completed on the petition papers supplied by the Louisiana Soil and Water Conservation Committee and/or any Soil and Water Conservation District Office. Nominating petitions will be revised yearly and will be numerically numbered; all nominating petitions submitted for district elections must have a current revised date and carry the number assigned to that district by the State Committee.

6. Petitions must be mailed by the State Committee to each Chairman in the 40 Soil and Water Conservation Districts on or before _____.

7. Petitions completed containing the names of candidates, together with the signatures of at least 25 legally qualified voters, must be in the State Committee office on or before _____.

8. Instructions, together with the necessary ballots, shall be mailed to the Chairman of each Soil and Water Conservation District in due time before the election.

9. The Chairman of the Board and the four district supervisors in each district shall have charge of the election. It shall be their duty to select the polling places and notify the State Committee of such selection in time to give due notice before the election. It shall also be their duty to appoint two election commissioners for each polling place, carry the ballots out to the polling places, and secure an accurate result of the election of each polling place or appoint a trustworthy person to carry out these duties. The Chairman of each district shall immediately mail the results of the election to the State Committee.

10. The State Committee shall give due notice through the press before the election, of the election in Districts where elections are necessary as soon as nominating petitions have been approved by the Committee. The notice shall contain the polling places and hour that the polls will be opened and closed. In Districts where there is no opposition, there will be no election.

11. The election Commissioners at each poll where elections are being held shall open the poll at 8 a.m. and close at 7 p.m.

12. Each Soil and Water Conservation District Board shall

provide the State Committee with a list of names of the persons who served as Commissioners at the Annual Election, second Saturday in June.

13. The State Committee shall pay each Commissioner who served at the polls for the State Annual Election \$25 per day and that districts may add up to an additional \$25 to this pay for commissioners from their state appropriated funds. The districts shall have three polling places in each parish, but not to exceed a maximum of eight in each district where more than two parishes are involved.

14. No provisions will be made by the District for the qualified voters to vote by absentee ballot during this election.

15. The State Committee shall, on the regular meeting date in June, promulgate the election returns and announce the names of the elected District Supervisors. Nominees who had no opposition may be declared elected upon approval of their nominating petitions.

16. If the total number of candidates duly presented in nominating petitions does not exceed the number of supervisor places to be filled by election, then and in that event, the State Committee is authorized and empowered to dispense with the election procedure and to declare each of said candidates duly qualified as a supervisor without the requirement of an election the same as if his name had been presented to the qualified voters in an election. Candidates so qualified shall be considered for all purposes "Elected Supervisors."

17. The State Committee shall supervise the conduct and prescribe regulations of elections for district supervisors.

18. A Tally Sheet is to be maintained at each polling place in a bound ledger book and pages are not to be removed. Persons appearing at the designated polling places for the purpose of voting in this election must present one of the following items of identification: voter registration card; drivers license; or Social Security card. If none of the items of identification are available, the person must sign a sworn statement certifying that he is a registered voter. After identification has been produced, or the sworn statement has been signed, the voter will then enter his name on the tally sheet and will be given a ballot by the election commissioner in order to cast his vote.

19. Illiterate or blind voters will be assisted only by the election commissioner and only if the voter requests assistance in marking a ballot.

20. All candidates participating may appoint two poll watchers per polling place if they so desire. However, poll watchers will not receive pay from the State Committee.

21. The official ballot is to be marked with an X by a black, ballpoint pen and folded out of the presence of the election commissioner and poll watchers, then dropped in the ballot box. If the ballot is not marked with an X, it will be considered spoiled.

22. The official ballot furnished by the State Committee shall be on paper of a color chosen by the State Committee in the exercise of its discretion, in weight not less than the best quality number 2 book paper.

23. All spoiled or excess ballots are to be accounted for by the commissioners. The ballot box, without being removed from the public view, shall be opened by the commissioners and they shall proceed with counting the ballots found therein without unfolding them except so far as to ascertain that each ballot is single, and by comparing the ballots found in the box with the number shown by the poll lists to have been deposited. If the ballots found in any box are more than the number of ballots shown to have been deposited, the ballots shall all be replaced without being unfolded in the box from which they were taken. One of the commissioners shall, without seeing the ballots and with his back to the box, thoroughly mingle them together, and another commissioner shall,

without seeing the ballots and with his back to the box, publicly draw as many ballots as shall be equal to the excess. Without unfolding them, the commissioner shall at once mark them "uncounted in excess of poll list."

24. Ballot boxes are to be delivered only to election commissioners.

25. A sample of the current rules and regulations, official ballot and voters sworn statement for electing district supervisors will be posted in some conspicuous location at each polling place during the election so that voters will have the opportunity to review same.

Charley S. Staples
Executive Director

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The following resolution was presented to the Louisiana Wildlife and Fisheries Commission at its regular meeting held in Baton Rouge, Louisiana, June 5, 1984.

WHEREAS, the Bayou D'Arbonne Lake Watershed District Commission, the local regulatory body for D'Arbonne Lake passed a resolution at its meeting on February 7, 1984 prohibiting trammel nets, gill nets, flagg nets, and fish seines in D'Arbonne Lake effective June 1, 1984, and subsequently have requested the Louisiana Wildlife and Fisheries Commission to ratify said resolution, and

WHEREAS, studies conducted by the Louisiana Department of Wildlife and Fisheries on D'Arbonne Lake have demonstrated the detrimental effects that use of certain types of commercial fish nets have on gamefish populations, and

WHEREAS, D'Arbonne Lake does not support high poundage of commercial species nor a true commercial fisheries, and

WHEREAS, the most sought after commercial species, catfish (flathead), can still be harvested adequately using hoop nets, slat traps, trot lines, limb lines, and stump lines.

THEREFORE BE IT RESOLVED, the Louisiana Wildlife and Fisheries Commission hereby prohibits the use of gill nets, trammel nets, flagg nets and fish seines in D'Arbonne Lake (Union and Lincoln Parishes) and includes all areas between the spillway structure and Gill's Ferry Landing on D'Arbonne Creek and Hopen Landing on Comey Creek.

J. Burton Angelle
Secretary

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission adopted the following rules and regulations for the seafood division as they pertain to oyster fisheries - survey section at their regular monthly meeting.

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. The sale of licenses required for fishing oysters shall be available for purchase in the Survey Section Office of the division during the prescribed office hours or by mail.

3. 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 waterbottoms 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 impedence of reasonable navigation, lessees in these areas shall receive preference where erosion, subsidence, etc., occurs resulting in an enlargement of the waterbottoms for leasing adjacent areas for a period of five years.

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. Applicants will be notified of action taken, and given an opportunity to reinstate application with an additional payment of survey fee within fourteen 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 effort 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 an application for survey and lease, or provide power of attorney to an agent to act in their behalf.

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

6. A time frame of 30 days after receipt of a certified letter from the Department will be allowed for reinstating leases which have been cancelled for failure to pay rental.

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

8. 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

C. Private Surveyors Surveying Oyster Leases for Oyster

Farmers

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, excluding those furnished by this agency.

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

4. All surveys must comply with RS 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. Non-compliance 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.

9. Survey Application Fees:

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

Acres	Dollars
10 or less	\$80 (up to five shot points plus \$20 for each additional shot point)
11 - 20	\$120 (up to six shot points)
21 - 200	\$2 additional for each acre after 20 (up to seven shot points)
201 - 1,000	\$1 additional for each acre after 200 (up to eight shot points)

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

Acres	Dollars
10 or less	\$50
11 - 20	\$75
21 - 200	\$1.50 additional for each acre after 20
201 - 1,000	\$1 additional for each acre after 200

c. Survey application fees for RESTAKES of one's own lease are established as follows: \$20 PER SHOT POINT.

d. Survey application fees for restakes of someone else's lease are established as follows: \$80 for the first two shot points; \$40 for each additional shot point thereafter.

e. The Survey Section shall notify owner(s) of lease to be restaked.

10. 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.

D. Departmental Surveys

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 engineer 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 RS 56:425 D, which allows the Department to settle disputes and R.S. 56:427 C requiring compact leases, and policy B-1, the Chief Surveyor 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 RS 56:430, Pr. 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 or egress.

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

J. Burton Angelle
Secretary

Notices of Intent

NOTICE OF INTENT

Department of Civil Service
Civil Service Commission

The State Civil Service Commission will hold a public

hearing on July 11, 1984 for the purpose of considering the repeal of Civil Service Rule 11.15, Advance of Sick Leave.

The hearing will begin at 8 a.m. and will be held in the twelfth floor hearing room of the Republic Tower Building, 5700 Florida Boulevard, Baton Rouge, LA.

Consideration will be given to the repeal of the following:
CHAPTER 11

11.15 Advance of Sick Leave.

(a) An appointing authority may advance a permanent employee, who has exhausted all of his sick and annual leave, sick leave with pay in amount not exceeding 22 working days.

(b) The value of any advanced sick leave which has not been repaid at time of the employee's separation from the Classified Service shall be paid in cash to the appointing authority unless the separation was caused by disability, death, retirement, or layoff.

EXPLANATION

Presently an appointing authority may advance a permanent employee sick leave with pay not to exceed 22 working days provided the employee has exhausted all of his sick and annual leave. Repeal of this rule is proposed because it permits unequal treatment of employees when some employees are advanced sick leave and others may be removed under Rule 12.10 for the exhaustion of sick leave. Further, the rule has created administrative problems in record maintenance and collection of any amounts due when employees resign immediately after using the advanced leave. Finally a survey of other states revealed that only a very few offered such a benefit; and they offered substantially less time.

Persons interested in making comments relative to this proposal may do so at the public hearing or in writing to the following address: Director, Department of State Civil Service, Box 44111, Baton Rouge, LA 70804.

Herbert L. Sumrall
Director

NOTICE OF INTENT

Department of State Civil Service Civil Service Commission

The State Civil Service Commission will hold a public hearing on July 11, 1984 for the purpose of considering the enactment of Civil Service Rules 8.12(a) and 8.12(b) as proposed below.

The hearing will begin at 8 a.m. and will be held in the twelfth floor hearing room of the Republic Tower Building, 5700 Florida Boulevard, Baton Rouge, Louisiana.

The proposal to be considered at the public hearing is as follows:

PROPOSAL

Current Rule 8.12 will become Rule 8.12(a).

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

EXPLANATION

A position filled on a provisional basis is intended to be a temporary appointment until the Department of Civil Service can supply the appointing authority with a certificate containing an adequate number of candidates. There are a number of circumstances where incumbents have remained on provisional status for more than five years. These people cannot be displaced because there is not an adequate number of successful candidates to bring about a competitive situation.

Although by definition, a provisional appointment is a temporary appointment, there is some time period after which the situation can no longer reasonably be considered temporary. Therefore, if after two years the Department is not able to displace a provisional appointee, the Director may direct placement of the incumbent on a permanent basis.

Persons interested in making comments relative to these proposals may do so at the public hearing or in writing to the following address: Director, Department of State Civil Service, Box 44111, Baton Rouge, LA 70804.

Herbert L. Sumrall
Director

NOTICE OF INTENT

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education intends to adopt the following as policy:

A. If within a two-year period, an institution of higher education has undergone a successful NCATE visit and has also completed Bulletin 996 in preparation for a state approval visit, the State Department of Education may recommend approval of the teacher education program at the institution if the Department can assure the State Board of Elementary and Secondary Education that the standards of Bulletin 996 have been met.

B. The Board adopted revised Rule 3.03.05 as follows: The Board of Elementary and Secondary Education adopted the following procedures for administering the education programs in the correctional facilities. For the purpose of this rule, education programs are defined as those vocational-technical and adult education programs offered in the adult correctional facilities by the Board of Elementary and Secondary Education and does not include those physical education, recreation instructors, and librarians that will remain with the Department of Corrections.

1. After hearing the recommendation of the Department of Education, the Department of Corrections, and all other interested parties, the Board of Elementary and Secondary Education shall determine which area vocational-technical school will administer the education programs at the individual correctional facilities.

2. Each area vocational-technical school will provide certified and qualified instructional personnel, curriculum materials and supervision for the entire program within the confines of the prison facilities.

3. In the initiation of an education program in a new prison facility, all equipment for the new program will be purchased by the Department of Corrections after consultation with the Trade and Industrial Bureau of the Department of Education.

4. Department of Corrections will provide students (inmates), classroom, utilities, maintenance and repair of building which will include janitorial service, maintenance of roads and security.

5. It will be the responsibility of the administration of the correctional facility to maintain security in and around the school.

Additional needs to insure success of a program at a particular facility can be added to this agreement with an addendum approved by both the Department of Corrections and the Department of Education. With the approval of this agreement, all prior agreements become void.

C. The Board approved the Annual Program Plan (FY 1985) and Accountability Report (FY 1983) for the Administration of Vocational Education.

D. The Board intends to adopt the following as policy:

Teacher Aides/Paraprofessionals—“Teacher aides/paraprofessionals are members of the teaching staff and thus are part

of the school faculty. Accordingly, they have benefits based on the Teacher Benefit Law and BESE policy except for tenure and sabbatical leave. They also have the same rights as those of a non-tenured/probationary teacher in relation to grievance procedures and disciplinary action."

E. The Board approved the extension of the Temporary Employment Permit for the 1984-85 school year.

F. The Board approved the extension of the Board policy for hiring full-time and part-time noncertified school personnel to remain in effect until July 1, 1985.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., August 8, 1984 at the following address: State Board of Elementary and Secondary Education, Box 44064, Capitol Station, Baton Rouge, LA 70804.

James V. Soileau
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Bulletin 996**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Adoption of this rule will not result in any additional cost or savings to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Adoption of this rule will not affect revenue collection.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
Institutions of higher learning would save the approximate \$2,000 which it would cost to finance the state approval visit.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
Adoption of this rule will have no effect on competition and employment.

Joseph J. Kyle
Deputy Superintendent,
Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Rule 3.03.05**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
No cost or savings to state or local governmental units is anticipated as a result of this rule change. No actual transfer of personnel from the Department of Corrections to the Vo-Tech Schools would occur at this time, only redesignation of supervisory responsibilities.
- 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 change in costs and/or economic benefits.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no change that will effect competition and employment.

Joseph J. Kyle
Deputy Superintendent,
Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no additional costs or savings.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Update of the Annual Program Plan for FY 1985 and the accountability report for FY 1983 is required to allow the state to receive approximately \$15 million in federal vocational education funds in 1984-85.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There will be no additional costs and/or economic benefits.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There will be no effect on competition and employment.

Joseph J. Kyle
Deputy Superintendent,
Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Teacher Aides/Paraprofessionals**

- 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)
There will be a clearer understanding among teacher aides and paraprofessionals as to the benefits and rights afforded them at their respective school and with the Board.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no effect on competition and employment.

James V. Soileau
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Temporary Employment Permit**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
The adoption of this policy will cost the Department of Education approximately \$25 for printing the temporary employment permits.

No additional impact on state expenditures through the MFP over the 1983-84 level is anticipated; however, if the policy were not renewed, approximately 150 teachers under TEPs could not be hired and funded under the MFP in 1984-85.

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

The adoption of this policy should result in approximately \$2,250 being collected for the State General Fund.

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

Individuals applying for temporary employment permits will be required to submit a \$15 certification fee to the Louisiana Department of Education.

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

Since many local school systems are experiencing difficulty in filling all vacancies in their schools, this should have no effect on competition among teachers across the State. Approximately 150 positions were filled under this policy in 1983-84.

Joseph J. Kyle
Deputy Superintendent,
Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Interim policy for
hiring full-time/part-time personnel**

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

No impact on costs or savings to state or local governmental units is anticipated over 1983-84 expenditures; however, if this policy were not renewed, approximately 695 teachers hired under these provisions in 1983-84 could not be hired and funded under the MFP in 1984-85.

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

This policy proposed will have no effect on revenue collections.

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

This policy would allow local school superintendents to fill vacant teaching positions and not necessitate combining classes.

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

This policy should have no effect on employment and competition among certified teachers since the employing superintendent must verify that no certified teacher is available to fill the vacant position. Approximately 695 positions were filled in 1983-84 under this policy.

Joseph J. Kyle
Deputy Superintendent,
Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Southern University Board of Supervisors**

The Southern University Board of Supervisors advertises its intent to adopt a policy to increase Student Government Association fees by \$.75 to maintain the Jaguar Mascot.

Consideration will take place at the August meeting of the Board of Supervisors.

Information concerning the increase in fees may be reviewed at the Office of the President, Room 427, Joseph Samuel Clark Administration Building, Southern University-Baton Rouge. The Office of the President is open from 8 a.m. to 5 p.m., Monday through Friday.

Written comments will be accepted until 5 p.m. August 15, 1984 and may be sent to Mrs. Henrietta Vessel, Administrative Secretary, Southern University, Southern University Board of Supervisors, Box 10879, Baton Rouge, LA 70813.

Jesse N. Stone, Jr.
President
Secretary to the Board

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Increase SGA fees**

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

There will be no estimated implementation cost (savings) to state or local governmental units.

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

1984-85	\$10,051
1985-86	12,058
1986-87	12,621

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

Registration fees will increase accordingly for full-time students.

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

There will be no effect on competition and employment.

Jesse N. Stone, Jr.
President

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Southern University Board of Supervisors**

The Southern University Board of Supervisors advertises its intent to amend its policy regarding tenure. The modifications affecting personnel of the Southern University-Baton Rouge campus would change the number of years of the probationary period one initially hired as an associate professor or professor must serve in order to attain tenure.

Interested persons may submit written comments on the proposed policy until 5 p.m. August 15, 1984 at the following address: Mrs. Henrietta Vessel, Administrative Secretary, Southern University Board of Supervisors, Box 10879, Baton Rouge, LA 70813.

Jesse N. Stone, Jr.
President
Secretary to the Board

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Change in Tenure policy**

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

There will be no estimated implementation costs to the agency, however, there should be cost savings in the future as the percentage of tenured faculty decreases.

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 nongovernmental groups.

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

There will be no effect on competition and employment.

Jesse N. Stone, Jr.
President

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Board of Certification and Training
For Solid Waste Disposal System Operators**

Under the authority of the Louisiana Solid Waste Operators Certification and Training Program, Chapter 42 of Title 37 of the Louisiana Revised Statutes of 1950 and particularly La. R.S. 37:3104 A(5), and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950 et seq., the Board gives notice that rulemaking procedures have been initiated to amend the Rules of Procedure for Solid Waste Operator Certification and Training.

The proposed amendments to the Rules would amend Sections 5.8 and 5.10 A. The primary purpose of the proposed amendments is to allow a present practitioner to receive a regular certification if that person passes the operator examination required by the rules without possessing a high school diploma or equivalency certificate. The proposed amendments are as follows:

I.

Amend Section 5.8 of the "Rules of Procedure for Solid Waste Operator Certification and Training" to read as follows:

5.8 An applicant for regular certification must possess the qualifications for each level of operator as set forth below.

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

1. Possess a high school diploma or equivalency certificate. An operator qualifying as a present practitioner under Section 5.11 of these rules may meet this requirement by passing the operator examination required by Section 5.10 of these rules.

* * * *

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

1. Possess a high school diploma or equivalency certificate. An operator qualifying as a present practitioner under Section 5.11 of these Rules may meet this requirement by passing the operator examination required by Section 5.10 of these rules.

* * * *

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

1. Possess a high school diploma or equivalency certificate. An operator qualifying as a present practitioner under Section 5.11 of these Rules may meet this requirement by passing the operator examination required by Section 5.10 of these rules.

II.

Amend Section 5.10 A of the "Rules of Procedure for Solid Waste Operator Certification and Training" to read as follows:

5.10 OPERATOR EXAMINATIONS

A. 1. An applicant for certification must pass an operator examination as provided in this Section except as provided by Section 5.11 A.

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

All interested persons are invited to submit written comments on the proposed amendments. All comments should be submitted to: Joan Lee, Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Management Division, Box 44066, Baton Rouge, LA 70804.

The agency contact responsible for responding to inquiries concerning the proposed amendments is Joan Lee who may be contacted at the address above, or telephone (504) 342-1216.

John Koury
Assistant Secretary

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

Rule Title: Rules of Procedure for Solid Waste Operator Certification and Training

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

There will be no additional implementation costs or savings to the State or local governmental units as a result of these rule changes.

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

There will be no effect on revenues collected by the State as a result of these rule changes. The fee charged for regular certification is equal to the fee charged for conditional certification.

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

The proposed amendments will not result in any additional costs to affected persons or non-governmental groups.

The rule changes will benefit local government by providing present practitioners, who do not possess a high school diploma or equivalency certificate, the opportunity to qualify for regular certification by passing the operator examination.

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

There should be limited effects on competition and employment resulting from these rule changes.

John Koury
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Environmental Quality
Office of Air Quality**

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:1051 et seq., in particular Section 1084 B (5) and in accordance with the Administrative Procedure Act La. R.S. 49:951, the Secretary, Department of Environmental Quality initiated rulemaking on the proposed Regulations for Odorous Sub-

stances on April 11, 1984. All interested persons are invited to submit written comments on the proposed revisions. Comments received by the agency prior to the close of the working day on August 10, 1984 will be considered by the Department before a final decision is rendered by the Secretary to adopt the proposed revisions. All written comments should be submitted to Ms. Theresa Walters, Clerk, Louisiana Environmental Control Commission, Box 44066, Baton Rouge, La. 70804-4066, or phone 504/342-1265.

Following initiation of rulemaking procedures by the Secretary on April 11, the proposed revisions were forwarded on May 10, 1984 to the oversight subcommittees of the Joint Committees on Natural Resources for their consideration and approval. Upon approval by the oversight subcommittees, the Secretary of the Department of Environmental Quality will consider final adoption of the proposed amendments on August 11, 1984.

The proposed regulations establish an ambient standard for odors. The Standard limits odorous substances at or beyond property limits and is determined by the use of butanol referencing techniques.

The agency contact responsible for responding to inquiries or requests for copies of the proposed revision is Ms. Terrie de-Lorimier, Box 44066, Baton Rouge, La. 70804-4066, or phone 504/342-1206. All documents relating to the actions of this notice 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 Rd., Metairie, LA.

Department of Environmental Quality, 8th floor State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

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

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

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

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

Patricia L. Norton
Secretary

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

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

Adoption of this rule change will have no additional implementation costs or savings to state or local governmental units. Existing staff was reassigned to the task of program implementation. Maintenance and supply costs of the odor van (necessary for determining levels of odor intensity) will be absorbed in the existing 1984 budget.

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 because regulations are already established for the purpose of collecting fines if present regulations are violated.

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

Implementation of this rule will have no additional esti-

mated costs or economic benefits to directly affected persons or nongovernmental groups being that the regulated community has previously been assessed a compliance fee.

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

There will be no impact on competition or employment if these rules are adopted.

Patricia L. Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Environmental Quality
Solid Waste Division**

Under the authority of the Louisiana Environmental Affairs Act, La. R.S. 30:1061 D (1) and 1124 B (1), (2) and (3) and in accordance with the provisions in the Administrative Procedure Act, La. R.S. 49:950 et seq., the Secretary of the Department of Environmental Quality initiated rulemaking procedures on proposed amendments to the Solid Waste Rules and Regulations (SWRR) on May 24, 1984.

The Secretary will afford all interested persons the opportunity to submit comments on the proposed amendments orally or in writing at a public meeting to be conducted on Thursday, July 5, 1984, at 6:30 p.m. in the Mineral Board Hearing Room, State Lands and Natural Resources Building, 625 North Fourth Street, First Floor, Baton Rouge, LA.

The proposed amendments revise the provisions of the SWRR which place liability requirements on solid waste processing and disposal facilities, and the provisions which require disposers and processors of industrial solid waste to maintain financial assurance for closure and post-closure care. These amendments provide the methods of compliance with such requirements.

The proposed amendments to the SWRR follow this Notice of Intent.

All interested persons are invited to submit written comments to the agency on the proposed amendments. Comments received by the agency prior to the close of the working day on August 8, 1984, will be considered by the Department before a final decision is rendered by the Secretary to adopt the proposed regulations. All written comments should be submitted to: Joan Lee, Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Management Division, Box 44066, Baton Rouge, LA 70804.

The agency contact responsible for responding to inquiries concerning the proposed amendments is Joan Lee who may be contacted at the address above, or telephone (504) 342-1216.

Patricia L. Norton
Secretary

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

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

There will be no additional implementation costs or savings to the State or local governmental units as a result of these rule changes.

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

There will be no effect on revenues collected by the State as a result of these rule changes.

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

The proposed amendments will not result in any additional costs to affected persons or non-governmental groups.

The rule changes will benefit the regulated community by providing them with additional mechanisms (i.e., trust fund, financial bond, guarantee bond, performance bond, letter of credit, insurance policy) to demonstrate financial assurance and guidance to prepare the specific mechanisms.

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

There should be no effect on competition and employment resulting from these rule changes.

Patricia L. Norton
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Governor's Special Commission on Education Services
Loan/Grant Division**

The Loan/Grant Division of the Governor's Special Commission on Education Services intends to repeal and reissue the policies and procedures which were adopted and published in the *Louisiana Register* on October 20, 1983, by rewriting them into two different manuals, a Manual for Lenders, and a Manual for Educational Institutions.

In effect, all previous rules are being repealed and/or amended, and have been or are being rewritten as required by the U. S. Department of Education, Office of Student Financial Assistance, Division of Guaranteed Student Loans, and will conform with Federal regulations 34 CFR, Part 682, issued October 23, 1981.

Student loans are provided to students attending eligible postsecondary schools worldwide and are made through authorized lenders in the community, such as commercial banks, credit unions, savings and loan associations, insurance companies, and some schools, and guaranteed 100 percent of principal and interest to lenders by the Governor's Special Commission on Education Services.

Persons who desire to do so may submit comments or suggestions in writing to Richard W. Petrie, Director, Loan/Grant Division, Governor's Special Commission on Education Services, Box 44127, Baton Rouge, LA 70805.

Richard W. Petrie, Director
Loan/Grant Division

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Guaranteed Student Loan Program**

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

There will be an estimated implementation cost of approximately \$6,000 for printing.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There is no estimated effect on revenue collections.

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

There are no estimated costs to affected groups, but individual manuals detailing procedures with examples will

benefit lenders and schools as they will have one reference source, which will be updated as changes occur on a federal level.

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

There is no estimated effect on competition and employment.

Richard W. Petrie, Director
Loan/Grant Division

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

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

PROPOSED RULE

The Department of Health and Human Resources, Office of Family Security amends the Title XIX reimbursement methodology for inpatient hospital services to track Medicare reimbursement principles as related to the ceiling on the rate of increase in operating costs (42 CFR 405.463) for all cost settlements on or after May 10, 1984, for cost reporting periods beginning on October 1, 1983. The target rate established under this rule for any hospital shall in no event be lower than the rate issued to be effective July 1, 1983 for all discharges.

The Medicare (Title XVIII) reimbursement principles being tracked were enacted under the Tax Equity and Fiscal Responsibility Act of 1982 (Public Law 97-248) and were published in the September 30, 1982, *Federal Register*, (Volume 47, Number 190, pages 43286-43293 Part III). Medicare's cost limitations ("223" limits) under 42 CFR 405.460 shall not be applied under this reimbursement methodology.

Emergency rulemaking has been invoked to implement this policy effective May 10, 1984. The Emergency Rule was published in the May 20, 1984, *Louisiana Register* (Volume 10, Number 5, page 397).

Implementation is subject to approval by the Health Care Financing Administration (HCFA) as required for all Title XIX policy changes. If disapproved by HCFA, the policy prior to this proposed amendment remains in effect.

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

A public hearing on the proposed rule will be held on July 2, 1984, 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: Change in In-patient Hospital Reimbursement
Methodology**

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

It is anticipated that the proposed rule will result in increased liability to the agency of \$11,238,370 for FY 83-84, \$12,002,599 in FY 84-85, and \$12,914,565 in FY 85-86, due to costs incurred by the change to the later base period in calculating the target cost per discharge amount for hospital inpatient reimbursement. However, because actual cost settlement for the increase for 1983-84 liability cannot be paid until after July 1, 1984, that expenditure will occur in FY 1984-85 making the total fiscal impact for FY 1984-85 \$23,240,969. Thus, the target rate amounts were increased in most instances, resulting in a greater Title XIX reimbursement at cost settlement when incentive payments are determined.

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

It is estimated that the proposed rule will result in an increase in expenditures with a concomitant increase in federal financial participation (FFP). The estimated increases are as follows: FY 84-85 \$14,377,866, (FFP = 62. % on \$11,238,370 and 61.55% on \$12,002,599), and FY 85-86 \$7,948,915 (FFP = 61.55%).

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

The proposed change to track Medicare TEFRA regulations for a ceiling on the rate of increase in operating costs will benefit Medicaid recipients by assuring an adequate and accessible number of providers of inpatient hospital services.

Title XIX participating providers may incur a reduction in Title XIX reimbursement if their operating costs exceed and remain over the target rate. However, any such reduction will be decreased in most instances due to change in base period. The final impact on individual hospitals is dependent on the target rate and the efforts to provide services within the rate.

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

No effect on competition and employment is anticipated as a result of this proposed rule change.

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 the following change to the Title XIX State Plan.

PROPOSED RULE

Effective September 1, 1984, Attachment 4.19-E, page 1, will be amended to add the word "line" to the following paragraph I.

I. Definition

"Claim" means a single document line identifying the services and/or charges for services for a single recipient from a single provider. This change is intended to clarify the definition of the term "claim".

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.

Interested persons may submit written comments at the following address: Marjorie T. Stewart, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, LA 70804. Ms. Stewart is the person responsible for responding to inquiries re-

garding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each parish local Office of Family Security.

A public hearing on the proposed rule will be held July 2, 1984, in the Louisiana State Library Auditorium, 760 Riverside North, Baton Rouge, Louisiana, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, and 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: Clarify definition of "Claim" in MAP

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

There will be no costs or savings with the implementation of this change.

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 or benefits to affected groups.

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

No effect.

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 eliminate the more restrictive state regulations concerning timely filing of claims by providers of services rendered to recipients of Title XIX.

PROPOSED RULE

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

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

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

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

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

This rule was adopted on an emergency basis for any claim

adjudicated beginning May 8, 1984, as published in the *Louisiana Register* on May 20, 1984, Volume 10, No. 5.

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.

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

A public hearing on the proposed rule will be held July 2, 1984, in the Louisiana State Library Auditorium, 760 Riverside North, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, and 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: Timely Filing of Claims in MAP**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There will be no costs or savings with the implementation of this change.
- 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)
Individuals in application status for Title XIX services and providers will both benefit because the relaxed filing requirements will facilitate payment of claims and would therefore make treatment by qualified providers more likely.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No effect.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Department of Labor
Office of Labor**

The Department of Labor, Office of Labor, intends to add, amend and adopt certain Rules and Regulations under the Administrative Procedure Act (R.S. 49:951, et seq.), for the implementation and administration of the Job Training Partnership Act (JTPA) (Public Law 97-300).

It will hold a public hearing thereon Monday, July 9, 1984 at 10 a.m. in the Office of Labor Conference Room, Room 33, 5360 Florida Boulevard, Baton Rouge, LA 70806, at which time all interested parties will be given an opportunity to be heard.

Copies of the proposed Rules may be obtained from and comments may be directed to Johnny L. Hodges, Assistant Secretary of Labor, Office of Labor, Room 51, 5360 Florida Boulevard, Baton Rouge, LA 70806, telephone (504) 925-4221, on or before said hearing date.

The following is a list of proposed additions and amendments to the State Job Training Partnership Act Rules and Regulations.

1. Rule 1(0)(2)(2), change the wording "handicapped adult" to "handicapped individual". This will allow handicapped youths to be considered as a family of one.

2. Add Rule 33 to read as follows:

The Governor or his designee reserves the right to issue directives, instructions, or other issuances to the Service Delivery Areas (SDA's), Grant Recipients, Administrative Entities and other sub-recipients in order to carry out his responsibility as required by the Act.

3. Add Rule 34 to read as follows:

All existing nonexpendable Comprehensive Employment and Training Act (CETA) property with an acquisition cost of less than \$1,000 per unit may be used by the possessing recipient, SDA grant recipient, administrative entity, or State agency holding title, to satisfy the matching requirements of the Act in accordance with State Rules No. 1(MM) and 1(NN).

4. Amend Rule 1(MM) as indicated below:

After the words "matching funds" in the first sentence, add the words "for Title III".

5. Add Rule 1(NN) to read as follows:

Matching funds for eight percent programs shall include all non-JTPA funds, whether in cash or in-kind, used in direct support of employment or training services provided by State or local educational agencies.

6. Add Rule 1(AA)(3) to read as follows:

For State operated programs, the area of demonstrated performance may include the entire State.

7. Amend Rule 9 to add the following:

Other subrecipients contracted directly by the recipient will be audited every two years by an organization selected by the recipient.

8. Amend Rule 11 to add the following to the last sentence.

"If such provision is included in their subgrant/contract".

9. In Rule 16, amend the second sentence to read:

All JTPA employees of the Service Delivery Area grant recipient and its subrecipients shall be covered by the aforementioned bond.

Also add: Each subrecipient contracted directly with the recipient shall execute a fidelity bond in favor of the Governor in the amount of \$50,000 or the total amount of subgrant/contract, whichever is less. That bond shall cover all JTPA funded employees.

Johnny L. Hodges
Assistant Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Job Training Partnership Act (JTPA) Program**

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

The Louisiana Department of Labor (LDOL) anticipates receiving approximately \$50,000,000 for implementation of the Job Training Partnership Act Program. Fifteen percent of those funds will be used by the state and local governments for administration of the program. The remainder will go to state and local governments to carry out employment and training programs.

The \$50 million represents 100 percent federal funds and no state or local match of any kind will be required other than in-kind match in the dislocated workers program and

the eight percent set aside for education coordinators. The in-kind match has already been established as bonafide by the U.S. Department of Labor, and no state or local dollars will be required.

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

There will be no effect on revenue collections as a result of amendments or additions to the JTPA State Rules and Regulations.

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

The successful implementation of the JTPA program should result in job training and placement for individuals currently receiving public assistance and unemployment compensation benefits.

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

There will be no effect on competition and/or employment if these policies are adopted. The intent of the JTPA program is to provide job training for certain individuals. The training provided will be for future job vacancies in occupations determined by labor market survey to be in demand in local areas. Trainees will not replace those persons who are presently working.

Johnny L. Hodges
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Natural Resources
Office of Conservation**

In accordance with the laws of the State of Louisiana, and with reference to the provisions of Title 30 of the Louisiana Revised Statutes of 1950, as amended by Act 16 of the Extraordinary Session of 1973, being Chapter 7 of Title 30, and particularly Section 542(A) of said Act, a public hearing will be held in the Conservation Auditorium, 1st Floor, State Land and Natural Resources Building, 625 North 4th Street, Baton Rouge, LA at 9 a.m., June 21, 1984.

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

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

Comments and views regarding the proposed Regulation should be directed in written form. Oral comments will be received at the hearing but should be brief and not cover the entire matter contained in the written comments. Direct comments to: Herbert W. Thompson, Commissioner of Conservation, Box 44275, Capitol Station, Baton Rouge, LA 70804.

All parties having interest in the aforesaid shall take notice thereof.

Herbert W. Thompson
Commissioner

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

Rule Title: Pipeline Safety Regulation Amendment

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

Amendment of the Pipeline Safety Regulation will help guarantee continued receipt of up to 50 percent federal matching funds. (This program receives about \$200,000 from the federal government annually.)

Adoption of these rule changes will not affect implementation costs or savings to state or local governmental units. Existing funds and staff will be sufficient to implement the proposed changes.

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

Implementation of the proposed rule changes will have no effect on the collection of revenues by state or local governmental units.

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

No costs or economic benefits will be incurred or received by directly affected persons or nongovernmental groups.

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

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

Herbert W. Thompson
Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Transportation and Development
Board of Registration for Professional
Engineers and Land Surveyors**

In accordance with the Louisiana Revised Statutes 49:951, et. seq., notice is hereby given that the Louisiana State Board of Registration for Professional Engineers and Land Surveyors intends to revise Louisiana Administrative Code 19-3:

3.3.3 Other Graduates (37:693 B (2) (b))

3.3.3.1 [replaces 3.3.3]

Shall be a graduate of an unapproved engineering curriculum or related science or related technology curriculum of four years or more who has acquired at least eight years of progressive engineering experience, obtained subsequent to graduation, in engineering work of a character satisfactory to the Board, who has passed the written examination in the fundamentals of engineering, and who has passed the written examination in the principles and practice in the branch of engineering in which registration is sought.

3.3.3.2 [new]

Shall be a graduate of another engineering, science or technology curricula of four years or more; who has at least eight years of progressive engineering experience acceptable to the Board subsequent to receiving a Master's Degree, or a higher degree, in an engineering program acceptable to the Board (See LAC 19-3:7.3); who has passed the written examination in the fundamentals of engineering and who has passed the written examination in the principles and practice in the branch of engineering in which registration is sought.

6.2 [clarifies the meaning of ABET/EAC]

These branches reflect important engineering specialties which are taught in a substantial number of Accreditation Boards for Engineering and Technology/Engineering Accreditation Commission (ABET/EAC) accredited engineering programs in the United States, and which have been determined by the Legislature to be of importance in Louisiana.

6.4.2 [clarifies the meaning of ABET/EAC]

There must exist at least 15 Accreditation Boards for En-

Engineering and Technology/Engineering Accreditation Commission (ABET/EAC) accredited engineering curricula in the United States corresponding to the new branch area.

6.4.3 [clarifies the meaning of NCEE]

Examinations in the Principles and Practice of the branch of engineering must be offered on a regular basis by the National Council of Engineering Examiners (NCEE), by at least 15 State Boards.

7.1.2 [clarifies the meaning of ABET/EAC]

In general, the Board will recognize as approved all engineering curricula of four years or more accredited by the Accreditation Board for Engineering and Technology/Engineering Accreditation Commission (ABET/EAC). The Board may recognize as approved an engineering curriculum that was not accredited at the time of the applicant's graduation, but became accredited within the following two years.

7.2.2 [new]

Unapproved engineering curricula shall be those curricula which are found by the Board to be equivalent in content to approved engineering curricula, including a minimum of 46 semester credit hours of recognized engineering courses, 36 of which shall be advanced level courses usually offered in the junior and senior years.

7.2.3 [replaces 7.2.2]

Chemistry and Physics are generally considered to be related science curricula. Other science curricula may be considered if the applicant can convince the Board that a strong relationship exists between the curriculum and a branch of engineering approved by the Board.

7.2.4 [replaces 7.2.3 and clarifies the meaning of ABET/EAC]

Related technology curricula shall be those four-year technology curricula approved by the Board. Such curriculum shall be accredited by the Accreditation Board for Engineering and Technology/Technology Accreditation Commission (ABET/TAC) or equivalent to such curricula.

7.2.5 [new]

A graduate from a curriculum which is neither approved engineering or unapproved engineering who received a BS degree in Engineering and who individually meets the criteria contained in LAC 19-3:7.2.2 shall be considered a graduate of an unapproved curriculum.

7.3 [new]

Graduate Programs

Acceptable graduate programs are those offered by departments which maintain Accreditation Board for Engineering and Technology/Engineering Accreditation Commission (ABET/EAC) accreditation in engineering at the basic or advanced level and which require the removal of deficiencies in science, mathematics, engineering science, and engineering design as a prerequisite to the graduate courses; or are those found by the Board to be equivalent to such programs.

7.4 [replaces 7.3]

Equivalent Experience Credit for Education

See LAC 19-3:8 Experience.

9.2.5 [new]

Graduates of other four-year engineering, science, or technology curricula may be permitted to take the examination in the fundamentals of engineering provided they have four years of progressive engineering experience, acceptable to the Board, obtained subsequent to receiving a Master's Degree, or a higher degree, in an engineering graduate program acceptable to the Board (See LAC 19-3:7.3). An applicant under this provision may not be classified as an Engineer-In-Training.

A Notice of Intent to revised Louisiana Administrative Code

19-3:7.2.3 and 19-3:9.2 was previously announced on Pages 739 and 40, Volume 9, Number 10 of the *Louisiana Register*, dated October 20, 1983. The Notice of Intent herein reconfirms the Board's intention of revising these rules and others related thereto. Changes to Rules LAC 19-3:6.2, 6.4.2, 6.4.3, 7.1.2, and 7.2.4 clarifies the meaning of ABET and NCEE.

The other rule changes listed above will make it possible for the Board to give consideration for professional engineering registration to those individuals from unapproved engineering curricula, when those curricula are found by the Board to be equivalent in content to approved engineering curricula. Without these rule changes, the Board can not give consideration for professional engineering registration to some individuals, who are now the recipients of advanced engineering degrees.

Interested persons may submit written comments or offer amendments to the proposed rules to the Board office at 1055 St. Charles Avenue, Suite 415, New Orleans, LA 70130, at any time prior to July 20, 1984. The Board proposes to consider and take action on the adoption of this rule at a meeting in its office at 1:30 p.m., on July 27, 1984.

By order of the Louisiana State Board of Registration for Professional Engineers and Land Surveyors.

Paul L. Landry, P. E.
Executive Secretary

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

Rule Title: LAC: 19-3:3.3.3.1, 3.3.3.2, 6.2, 6.4.2, 6.4.3, 7.1.2, 7.2.2, 7.2.3, 7.2.4, 7.2.5, 7.3, 7.4, 9.2.5

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)
There are no estimated implementation costs or savings to the Board.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)
None.
- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)
None.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
This rule change will have no effect on competition and employment.

Paul L. Landry, P.E.
Executive Secretary

Mark C. Drennen
Legislative Fiscal Officer

Potpourri

POTPOURRI

Department of Agriculture Horticulture Commission

The next retail floristry examinations will be given at 10 a.m. daily at Louisiana State University, Baton Rouge, LA, on July 24, 25, 26 and 27, 1984. The deadline for getting in application and fee is July 6, 1984.

Further information concerning examinations may be obtained from Ervin Johnson, Acting Director, Horticulture Com-

mission, Box 44517, Capitol Station, Baton Rouge, LA 70804, phone (504) 925-7772.

Bob Odom
Commissioner

POTPOURRI

Department of Natural Resources Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund, Louisiana Revised Statutes 56:700.1 through 56:700.5, and in particular, Section 700.4 thereof; regulations adopted for the fund as published in the Louisiana Register on August 20, 1980; and also the rules of the Secretary of this Department, notice is hereby given that 18 completed claims, amounting to \$37,681.09, were received during the month of May, 1984. During the same month, 54 claims, amounting to \$64,293.17 were paid. The following is a list of the paid claims:

Claim No. 83-1386	Plaquemines Bunkers, Inc.
William H. Harvey	Claim No. 83-1175
Claim No. 83-1256	Ernie A. Pinell
Monroe A. Meyers	Claim No. 83-1243
Claim No. 83-1389	Mark Barbe
Charles Wilson	Claim No. 83-1293
Claim No. 83-1392	Harry L. Phillips
Lil Arthur, Inc.	Claim No. 83-1311
Claim No. 83-1224	Frederick J. Seither, Jr.
The Guiding Light, Inc.	Claim No. 83-1331
Claim No. 82-527	Bruce Guerra, Sr.
Charles S. Wallace, III, Inc.	Claim No. 83-1341
Claim No. 83-1120	John J. Thonn, Jr.
Joey Latapie	Claim No. 83-1366
Claim No. 83-1241	Louis Mollero, Jr.
James Zimmerman	Claim No. 83-1384
Claim No. 83-1267	Archie Dufrene
Cantrelle & Wiseman	Claim No. 83-1401
Claim No. 83-1295	Howard P. Dardar
Harry L. Phillips	Claim No. 84-1413
Claim No. 83-1330	Warren J. Thibodaux
Malcolm Assevedo	Claim No. 83-1352
Claim No. 83-1334	Lester C. Arcement
Peter Gerica	Claim No. 83-1315
Claim No. 83-1361	Larry L. Mooty
Raymond Menendez	Claim No. 83-1181
Claim No. 83-1378	Julius J. Moll
Domingo Rano	Claim No. 83-1380
Claim No. 83-1390	Sterling J. Adams
Larry L. Mooty	Claim No. 84-1432
Claim No. 84-1412	Gary Erlinger
Warren J. Thibodaux	Claim No. 83-1204
Claim No. 84-1439	Clarence R. Guidry
Peter Ronquille	Claim No. 83-1368
Claim No. 83-1298	John J. Mialjevich
Allen D. Wiseman	Claim No. 83-1114
Claim No. 82-526	Robert Guerra
Plaquemine Bunkers, Inc.	Claim No. 83-1229
Claim No. 83-1339	Mervin Ledet, Sr.
Marcello Reynon, Jr.	Claim No. 83-1254
Claim No. 83-1391	Willard P. Thibodaux, Sr.
Plaisance Trawlers, Inc.	Claim No. 83-1294
Claim No. 83-1193	Harry L. Phillips
Joseph Rogers, Jr.	Claim No. 83-1312
Claim No. 83-1314	Frederick J. Seither, Jr.
Larry L. Mooty	Claim No. 83-1333
Claim No. 82-530	Peter Gerica

Claim No. 83-1345
Rodney Weiskoph
Claim No. 83-1370
Terrance M. Shelley
Claim No. 83-1385
Archie Dufrene
Claim No. 83-1410

Lester J. Evans, Jr.
Claim No. 84-1424
Ronald A. Kreger
Claim No. 83-1296
Lionel A. Menge
Claim No. 83-1324
Dale Belsome

Public hearings to consider completed claims against the Fishermen's Gear Compensation Fund have been scheduled as follows:

Tuesday, July 10, 1984, at 11 a.m., in the L.S.U. Cooperative Extension Service Office, Cameron Parish Courthouse, Cameron, LA:

CLAIM NO. 83-1292

Terry Barrilleaux, of Charenton, LA, while trawling on the vessel, "Yogi", in West Cote Blanche Bay, exact location unknown, Iberia Parish, encountered a submerged pipe flow line, on October 12, 1983, at approximately 5:30 p.m., causing loss of his 50 foot trawl and boards.

Amount of claim: \$1,894.30.

CLAIM NO. 83-1325

Curtis Price, boat captain for Wayne Duhon, of Lake Arthur, LA, while trawling on the vessel, "Master Wayne", in the Gulf of Mexico, South of Grand Chenier, Cameron Parish, encountered a submerged helicopter on June 23, 1983, at approximately 2:30 p.m., causing damage to his outrigger, 60-foot trawl, and doors.

Amount of claim: \$3,860.

CLAIM NO. 83-1353

John J. Mialjevich, of Delcambre, LA, while trawling on the vessel, "TEE JOHN", in the Gulf of Mexico, west of Southwest Pass, at LORAN-C readings of 27,359.2 and 46,946.2, Vermilion Parish, encountered an unidentified submerged obstruction, on November 14, 1983, at approximately 10 a.m., causing loss of his 40 foot trawl.

Amount of claim: \$584.89.

CLAIM NO. 83-1346

John Andre Bergeron, of Lake Charles, LA, while trawling on the vessel, "Sylvia", in the Gulf of Mexico, at approximate LORAN-C readings of 26,789.0 and 46,976.3, Cameron Parish, encountered an unidentified submerged obstruction, on November 5, 1983, at approximately 5 a.m., causing damage to his two 45 foot trawls and related gear.

Amount of claim: \$1,330.

CLAIM NO. 84-1447

Ray Bumgarden, of Sulphur, LA, while trawling on the vessel, "LA-4458-AS", in Calcasieu Lake, north of St. John's Island, Cameron Parish, encountered a submerged butterfly rigging, on February 1, 1984, at approximately 9 a.m., causing damage to his vessel.

Amount of claim: \$5,000.

CLAIM NO. 84-1463

Phillip A. Cantrelle and Allen Wiseman, of Lake Arthur and Harvey, LA, while trawling on the vessel, "Forty Love", in the Gulf of Mexico at LORAN-C Readings of 28,295.8 and 46,818.9, Lafourche Parish, encountered a submerged piece of steel, on February 19, 1984, at approximately 3:30 p.m., causing loss of his 47 foot trawl and related gear.

Amount of claim: \$1,402.62.

CLAIM NO. 84-1476

John Andre Bergeron, of Lake Charles, LA, while trawling on the vessel, "Sylvia", in the Gulf of Mexico, west of Calcasieu Pass at approximate LORAN-C readings of 26,660.0 and 46,978.5, Cameron Parish, encountered an unidentified sub-

merged obstruction, on March 10, 1984, at approximately 11:30 a.m., causing loss of his 16 foot try net and chain.

Amount of claim: \$161.

CLAIM NO. 84-1477

John Andre Bergeron, of Lake Charles, LA, while trawling on the vessel, "Sylvia" in the Gulf of Mexico, east of Calcasieu Pass, at LORAN-C readings of 26,694.8 and 46,978.4, Cameron Parish, encountered an unidentified submerged obstruction, on March 11, 1984, at approximately 3:30 p.m., causing damage to his 45 foot trawl.

Amount of claim: \$320.

CLAIM NO. 84-1486

Bonner Willis, of Cameron, LA, while trawling on the vessel, "Brandy Wine", in the Gulf of Mexico, east of Calcasieu Pass, at LORAN-C readings of 26,676.8 and 46,978.3, Cameron Parish, encountered an unidentified submerged obstruction, on March 9, 1984, at approximately 9:30 a.m., causing loss of his 40-foot trawl and related gear.

Amount of claim: \$936.46.

CLAIM NO. 84-1487

Jimmy Dyson, of Cameron, LA, while trawling on the vessel, "Capt. Vincent", in the Gulf of Mexico, west of the Mermentau River, at approximate LORAN-C readings of 26,774.0 and 46,978.0, Cameron Parish, encountered an unidentified submerged obstruction, on March 20, 1984, at approximately 2 p.m., causing loss of his 55 foot trawl, doors, and related gear.

Amount of claim: \$1,843.48.

CLAIM NO. 84-1502

Sherril Authement, of Cameron, LA, while trawling on the vessel, "Capt. Authement", in Calcasieu Lake, east of the Calcasieu Ship Channel, Cameron Parish, encountered a submerged piling, on March 20, 1984, at approximately 9 a.m., causing damage to his vessel and motor.

Amount of claim: \$2,366.96.

CLAIM NO. 84-1507

Ashful Authement, of Cameron, LA, while trawling on the vessel, "Capt. Ashful", in the Gulf of Mexico, east of Calcasieu Pass, at approximate LORAN-C readings of 26,740.0 and 46,980.5, Cameron Parish, encountered an unidentified submerged obstruction, on March 27, 1984, at approximately 9 a.m., causing damage to his 35 foot trawl.

Amount of claim: \$100.

Thursday, July 12, 1984, at 10 a.m., in the Police Jury Office, 8201 West Judge Perez Drive in Chalmette, LA.

CLAIM NO. 83-1137

Michael A. Trosclair, Sr., of St. Bernard, LA, while trawling on the vessel, "Elmer Williams, II", in Breton Sound, south of the Mississippi River—Gulf Outlet Canal, at LORAN-C readings of 29,038.7 and 46,930.5, Plaquemines Parish, encountered a submerged Coast Guard Buoy, on August 24, 1983, at approximately 7:30 p.m., causing loss of his 50 foot trawl and damage to his outriggers.

Amount of claim: \$1,600.

CLAIM NO. 83-1307

Kenneth R. Adams, Jr., of New Orleans, LA, while trawling on the vessel, "Lady Audrey" in Lake Borgne, south of Catfish Point, at approximately LORAN-C readings of 28,984.2 and 47,048.6, St. Bernard Parish, encountered an unidentified submerged obstruction, on November 4, 1983, at approximately 6:45 P.M., causing loss of his 50 foot trawl.

Amount of claim \$795.

CLAIM NO. 83-1329

Malcolm Assevedo, of St. Bernard, LA, while trawling on the vessel, "Lady Cynthia", in Chandeleur Sound northeast of Point Lydia, at LORAN-C readings of 29,111.8 and 46,971.3, St.

Bernard Parish, encountered an unidentified submerged iron object, on October 20, 1983, at approximately 6:30 a.m., causing loss of his 45 foot trawl.

Amount of claim: \$625.

CLAIM NO. 83-1397

Carl R. Gojohn, of Venice, LA, while trawling on the vessel, "Priscilla", in the Gulf of Mexico, northwest of North Pass, at approximate LORAN-C readings of 28,981.0 and 46,838.1, Plaquemines Parish, encountered a submerged 16 inch pipe casing, on December 15, 1983, causing loss of his trawl.

Amount of claim: \$600.

CLAIM NO. 84-1411

Robert Assavedo, of St. Bernard, LA, while trawling on the vessel, "Jessie M.", in Scott Bay, at approximate LORAN-C readings of 28,864.0 and 46,801.1, Plaquemines Parish, encountered a submerged section of drill pipe, on December 5, 1983, at approximately 11:35 a.m., causing loss of his 50 foot trawl and boards.

Amount of claim: \$980.

CLAIM NO. 84-1415

Nicholas Mones, Sr., of Chalmette, LA, while trawling on the vessel, "Lady Debbie," in Tiger Pass, approximately one mile north of the mouth, on the east side, Plaquemines Parish, encountered a submerged wooden matting, on December 10, 1983, at approximately 5 a.m., causing damage to his vessel.

Amount of claim: \$3,850.

CLAIM NO. 84-1426

Michael E. Gourgues, Sr., of New Orleans, LA, while trawling on the vessel, "LA-3325-AR", in the Gulf of Mexico, near Buttermilk Bend, at approximate LORAN-C readings of 29,077.5 and 46,801.0, Plaquemines Parish, encountered an unidentified submerged obstruction, on December 29, 1983, at approximately 8 a.m., causing loss of his 50 foot trawl.

Amount of claim: \$495.

CLAIM NO. 84-1427

Mark and Darryl Eymard, of Buras, LA, while trawling on the vessel, "Capt. Darryl", in the Gulf of Mexico, northwest of the sunken boat, "The Yuma", at LORAN-C readings of 28,780.6 and 46,777.9, Plaquemines Parish, encountered an unidentified submerged obstruction, on January 1, 1984, at approximately 2 p.m., causing damage to his trawl.

Amount of claim: \$387.50.

CLAIM NO. 84-1428

Mary and Darryl Eymard, of Buras, LA, while trawling on the vessel, "Capt. Darryl", in the Gulf of Mexico, west of Southwest Pass, at LORAN-C readings of 28,802.8 and 46,788.4, Plaquemines Parish, encountered an unidentified submerged obstruction, on December 31, 1983, at approximately 1 p.m., causing loss of his test trawl.

Amount of claim: \$200.

CLAIM NO. 84-1434

George Skinner, of New Orleans, LA, while trawling on the vessel, "Greased Lightning", in Lake Borgne, at the mouth of Chef Menteur Pass, approximate LORAN-C readings of 28,869.0 and 47,029.2, St. Bernard Parish, encountered an unidentified submerged obstruction, on November 29, 1983, at approximately 1 p.m., causing loss of his 50 foot trawl and boards.

Amount of claim: \$858.50.

CLAIM NO. 84-1440

Kenneth R. Adams, Jr., of New Orleans, LA, while trawling on the vessel, "Lady Audrey", in West Bay, north of the west Jetty, at approximate LORAN-C readings of 28,784.5 and 56,775.5, Plaquemines Parish, encountered a submerged pipe, on January 22, 1984, at approximately 3 p.m., causing damage to his trawl.

Amount of claim: \$451.62.

CLAIM NO. 84-1450

Mark and Darryl Eymard, of Buras, LA, while trawling on the vessel, "Capt. Darryl", in the Gulf of Mexico, west of South Pass, at LORAN-C readings of 28,918.6 and 46,772.5, Plaquemines Parish, encountered an unidentified submerged obstruction, on February 9, 1984, at approximately 10 p.m., causing damage to his two trawls.

Amount of claim: \$671.

CLAIM NO. 84-1464

Jules B. Kain, Sr. of Violet, LA, while trawling on the vessel, "Chris and Shane", in West Bay, northwest of Burwood, at approximate LORAN-C readings of 28,809.2 and 46,781.5, Plaquemines Parish, encountered an unidentified submerged obstruction, on February 16, 1984, at approximately 5:30 p.m., causing loss of his 60 foot trawl.

Amount of claim: \$847.35.

CLAIM NO. 84-1465

Jules B. Kain, Sr., of Violet, LA, while trawling on the vessel, "Chris and Shane", in the Gulf of Mexico, west of Sandy Point, at approximate LORAN-C readings of 28,799.4 and 46,843.1, Plaquemines Parish, encountered an unidentified submerged obstruction, on February 14, 1984, at approximately 11 a.m., causing loss of his 60 foot trawl, test trawl, boards and chain.

Amount of claim: \$1,087.03.

CLAIM NO. 84-1466

Ralph Buras, of Point-a-la-Hache, LA, while trawling on the vessel, "Mr. Ribbit" in North Black Bay, Plaquemines Parish, encountered a submerged section of pipe, 20 feet long, on February 10, 1984, at approximately 9:30 a.m., causing damage to his vessel.

Amount of claim: \$5,000.

CLAIM NO. 84-1489

Tony Guerra, Jr., of St. Bernard, LA, while trawling on the vessel, "Santa Maria", in Black Bay, south of Snake Island, Plaquemines Parish, encountered a submerged pipe at several locations, on March 31, 1984, at approximately 8 a.m., causing damage to his vessel.

Amount of claim: \$2,529.82.

CLAIM NO. 84-1491

Albert and Cathy Madere, of Buras, LA, while trawling on the vessel, "My Two Sons", in the Gulf of Mexico, south-southwest of Tiger Pass, at LORAN-C readings of 28,814.0 and 46,813.90, Plaquemines Parish, encountered a submerged log, on February 18, 1984, at approximately 2:30 p.m., causing damage to his vessel.

Amount of Claim: \$4,108.71.

CLAIM NO. 84-1513

Loyde C. Duncan, of Boothville, LA, while trawling on the vessel, "Jackie", in the Gulf of Mexico, north of North Pass at approximate LORAN-C readings of 29,100.0 and 46,834.6, Plaquemines Parish, encountered an unidentified obstruction, on April 18, 1984, at approximately 3:30 p.m., causing loss of his 53 foot trawl, boards, cable and chain.

Amount of claim: \$2,296.80.

Tuesday, July 17, 1984, at 10:30 a.m., in the L.S.U. Co-operative Extension Service Office, Greater Lafourche Port Commission Building, Highway 308, Galliano, Louisiana.

CLAIM NO. 83-1283

Allen J. Gaudet, III, of Grand Isle, LA, while trawling on the vessel, "Capt. Allen", in the Gulf of Mexico, northeast of Bienvenue Pass, at approximate LORAN-C readings of 29,065.0 and 46,852.1, Plaquemines Parish, encountered a submerged shipwreck, on October 27, 1983, at approximately 3 p.m., causing loss of his trawl and related gear.

Amount of claim: \$909.52.

CLAIM NO. 83-1308

Webb Cheramie, Jr., of Grand Isle, LA, while trawling on the vessel, "Master Wayne", in the Gulf of Mexico, southwest of Sandy Point Bay, at approximate LORAN-C readings of 28,808.5 and 46,841.7, Plaquemines Parish, encountered an unidentified submerged obstruction, on November 3, 1983, at approximately 10:30 a.m., causing loss of his 75 foot trawl.

Amount of claim: \$1,182.11.

CLAIM NO. 83-1374

Ray LaCoste, Jr., of Theriot, LA, while trawling on the vessel, "Miss Cyne", in the Gulf of Mexico, Southwest of Locust Bayou, at approximate LORAN-C readings of 27,733.0 and 46,886.9, Terrebonne Parish, encountered an unidentified submerged obstruction, on December 5, 1983, at approximately 8:45 a.m., causing damage to his vessel.

Amount of claim: \$2,659.18.

CLAIM NO. 83-1383

Terry Alario, of Galliano, LA, while trawling on the vessel, "Yvonne", in Barataria Pass, South of Bayou Fifi, Jefferson Parish, encountered an unidentified submerged obstruction, on December 18, 1983, at approximately 11 a.m., causing damage to his vessel and loss of his trawl and boards.

Amount of claim: \$2,318.77.

CLAIM NO. 84-1420

Leo Paul Pitre, of Golden Meadow, LA, while trawling on the vessel, "Capt. Leo" of Terrebonne Bay, between Pt. Meshe and Cat Island, Terrebonne Parish, encountered an unidentified submerged obstruction on December 11, 1983, at approximately 5 p.m., causing loss of his trawl.

Amount of claim: \$878.77.

CLAIM NO. 84-1446

Melvin Dufrene, of Lockport, LA, while trawling on the vessel, "Scott and Billy", in the Gulf of Mexico, South-southeast of South Point, at approximate LORAN-C Readings of 27,535.5 and 46,919.7, Iberia Parish, encountered an unidentified submerged obstruction, on January 27, 1984, at approximately 7 p.m., causing loss of his 55 foot trawl, try net and doors.

Amount of claim: \$937.16.

CLAIM NO. 84-1448

Isadore Dardar, of Golden Meadow, LA, while trawling on the vessel, "Miss Lena", in the Gulf of Mexico, east of Pass Fourchon, at approximate LORAN-C readings of 28,365.0 and 46,829.6, Lafourche Parish, encountered an unidentified submerged obstruction, on February 7, 1984, at approximately 11:30 a.m., causing loss of his 57-foot trawl and 16 foot try net.

Amount of claim: \$805.12.

CLAIM NO. 84-1455

Louis B. Dusenbery, of Houma, LA, while trawling on the vessel, "Cajun Pride" in Caillou Bay, north of Raccoon Point, approximate LORAN-C readings of 27,898.9 and 46,845.0, Terrebonne Parish, encountered a submerged shrimp boat, on February 9, 1984, at approximately 2 p.m., causing loss of his 50 foot trawl and related gear.

Amount of claim: \$875.

CLAIM NO. 84-1471

Perry Felarise, Sr., of Cut Off, LA, while trawling on the vessel "Perry and Dana", in Breton Sound, north of Taylor Pass, approximate LORAN-C readings of 28,986.2 and 46,907.3, Plaquemines Parish, encountered an unidentified submerged obstruction, on February 1, 1984, at approximately 11:30 p.m., causing loss of his two 45 foot trawls and one pair of boards.

Amount of claim: \$2,344.56.

CLAIM NO. 84-1474

George Trahan, of Chauvin, LA, while trawling on the vessel, "Georgie Boy", in Caillou Bay, south of Grand Bayou du

Large, at approximate LORAN-C readings, of 27,896.0 and 46,854.7, Terrebonne Parish, encountered a submerged section of pipe, on February 16, 1984, at approximately 10:30 a.m., causing loss of his 45 foot trawl, 15 foot try net, boards, and related gear.

Amount of claim: \$1,344.60.

CLAIM NO. 84-1493

Houston Trahan, of Chauvin, LA, while trawling on the vessel, "Rebecca Lynn", in Lake Barre, northeast of Lake Barre Pass, Terrebonne Parish, encountered a submerged piece of wood, on March 29, 1984, at approximately 9 a.m., causing damage to his vessel.

Amount of claim: \$3,000.

CLAIM NO. 84-1499

James M. Trosclair, of Dulac, LA, while trawling on the vessel, "Bill - Thomas", in Belle Pass, near the first canal north of the Gulf, Lafourche Parish, encountered a submerged piece of 1 1/2 inch cable, on March 29, 1984, at approximately 9 a.m., causing damage to his vessel.

Amount of claim: \$5,000.

CLAIM NO. 84-1529

Jefferson P. Lasseigne, of Galliano, LA, while trawling on the vessel, "Tee Jef", in the Gulf of Mexico, south of Barataria Pass, at approximate LORAN-C readings of 28,564.3 and 46,861.8, Jefferson Parish, encountered an unidentified submerged obstruction on May 8, 1984, at approximately 6:30 p.m., causing damage to his trawl.

Amount of claim: \$261.19.

Thursday, July 19, 1984, at 10:30 a.m., in the Lafitte City Hall, Lafitte, LA:

CLAIM NO. 83-845

Gerald Domangue, of Barataria, LA, while trawling on the vessel, "Lady Luck", in the Barataria Waterway, south of Bayou Dupont, Jefferson Parish, encountered an unidentified submerged obstruction on February 7, 1983, at approximately 11:30 a.m., causing damage to his vessel.

Amount of claim: \$5,000.

CLAIM NO. 83-1349

Gordon V. Rojas, of Lafitte, LA, while trawling on the vessel, "Lady Lois", in East Bay, N.E. of Burrwood, at approximate LORAN-C readings of 28,857.0 and 46,782.3, Plaquemines Parish, encountered an unidentified submerged obstruction, on November 21, 1983, at approximately 10 a.m., causing loss of his 62 foot trawl and boards.

Amount of claim: \$1,655.80.

CLAIM NO. 83-1369

Emile Rojas, Jr., of Lafitte, LA, while trawling on the vessel, "Miss Anita", in the Gulf of Mexico, 1/4 mile west of the Shell Canal, at approximate LORAN-C readings of 28,756.0 and 46,855.1, Plaquemines Parish, encountered a submerged boat, on December 8, 1983, at approximately 10 a.m., causing loss of his 45 foot trawl.

Amount of claim: \$474.95.

CLAIM NO. 83-1373

Paul J. Robeaux, Sr., of Lafitte, LA, while trawling on the vessel, "J.R.", in Barataria Bay, 2 miles west-northwest of Saturday Island, Jefferson Parish, encountered an unidentified submerged obstruction, on November 27, 1983, at approximately 2 p.m., causing loss of his 47 foot trawl.

Amount of claim: \$410.

CLAIM NO. 83-1376

Craig Arcement, ship captain for Lester Charles Arcement, of Lafitte, LA, while trawling on the vessel, "Capt. Craig", in the Gulf of Mexico, S.E. of the Empire Canal, at approximate LORAN-C readings 28,753.1 and 46,843.3, Plaquemines Parish, encoun-

tered an unidentified submerged obstruction, on December 10, 1983, at approximately 5:30 p.m., causing loss of his trawl.

Amount of claim: \$779.23.

CLAIM NO. 83-1381

Jimmy Frickey, of Westwego, LA, while trawling on the vessel, "Kalyynn Selena", in the Gulf of Mexico, west of Pass Abel, at approximate LORAN-C readings of 28,590.0 and 46,866.5, Jefferson Parish, encountered a submerged section of rope, on December 6, 1983, at approximately 1 p.m., causing damage to his vessel.

Amount of claim: \$200.

CLAIM NO. 83-1388

Charles Wilson, of Lafitte, LA, while trawling on the vessel, "Mary Agnes", in an unnamed Bay, between Lake Grande Ecaille and Billet Bay, Plaquemines Parish, encountered a submerged oil well location, on November 15, 1983, at approximately 6 p.m., causing loss of his try net.

Amount of claim: \$180.

CLAIM NO. 84-1425

Alan Cheramie, of Lafitte, LA, while trawling on the vessel, "Alan Michele", in the Gulf of Mexico, 3/4 mile west of the Sea Buoy, at approximate LORAN-C readings of 28,571.0 and 46,856.7, Jefferson Parish, encountered an unidentified submerged obstruction, on January 12, 1984, at approximately 3 p.m., causing damage to his trawl.

Amount of claim \$446.25.

CLAIM NO. 84-1431

Gary R. Erlinger, of Lafitte, LA, while trawling on the vessel, "LA-1504-HZ", in the Gulf of Mexico, near Buttermilk Bend, at approximate LORAN-C readings of 29,068.0 and 46,802.8, Plaquemines Parish, encountered an unidentified submerged obstruction, on December 21, 1983, at approximately 9:30 a.m., causing damage to his trawl.

Amount of claim: \$220.

CLAIM NO. 84-1435

Carroll Erlinger, of Lafitte, LA, while returning from trawling on the vessel, "LA-8008-AW", in the Dupre Cut of the Barataria Waterway, Jefferson Parish, encountered an unidentified submerged obstruction, on January 6, 1984, at approximately 1 p.m., causing damage to his vessel.

Amount of claim: \$432.86.

CLAIM NO. 84-1443

Gordon Rojas, of Lafitte, LA, while trawling on the vessel, "Lady Lois", in the Gulf of Mexico, west of Southwest Pass, at approximate LORAN-C readings of 28,763.8 and 46,779.0, Plaquemines Parish, encountered an unidentified submerged obstruction, on January 8, 1984, at approximately 5:00 p.m., causing loss of his 10 foot x 40 inch boards.

Amount of claim: \$936.

CLAIM NO. 84-1445

Michael A. Adam, of the Sea Scavenger, Inc., Lafitte, LA, while trawling on the vessel, "Sea Scavenger", in the Gulf of Mexico, S.W. of Pass du Bois, at approximate LORAN-C readings of 28,808.3 and 46,803.5, Plaquemines Parish, encountered a submerged section of three inch cable, on January 29, 1984, at approximately 9 a.m., causing loss of his two 42 foot trawls and related gear.

Amount of claim: \$1,236.

CLAIM NO. 84-1458

Eddie J. Sapia, Jr., of Lafitte, LA, while trawling on the vessel, "Special Lady", in West Bay, West of Southwest Pass, at approximate LORAN-C readings of 28,766.8 and 46,768.3, Plaquemines Parish, encountered an unidentified submerged obstruction, on February 2, 1984, at approximately 3:00 p.m., causing loss of his 55 foot trawl, 16 foot try net and boards.

Amount of claim: \$1,045.20.

CLAIM NO. 84-1459

Dwayne Fails, of Bridge City, LA, while trawling on the vessel, "Nancy Lynn", in the Gulf of Mexico, South of Tiger Pass, Plaquemines Parish, encountered a submerged 55-gallon drum on the morning of February 1, 1984, causing loss of his 40-foot trawl.

Amount of claim: \$560.

CLAIM NO. 84-1460

Dwayne Fails, of Bridge City, LA, while trawling on the vessel, "Nancy Lynn", in the Gulf of Mexico, out of Tiger Pass, Plaquemines Parish, encountered a submerged piling on February 7, 1984, at approximately 3 p.m., causing loss of his trawl.

Amount of claim: \$560.

CLAIM NO. 84-1468

Byron J. Despaux, of Lonely Nights, Inc., Barataria, LA, while trawling on the vessel, "Lonely Nights" in the Gulf of Mexico, south of Belle Pass, at approximate LORAN-C readings of 28,331.9 and 46,819.2, Lafourche Parish, encountered an unidentified submerged obstruction, on February 26, 1984, at approximately 10 a.m., causing loss of his 50 foot trawl and related gear.

Amount of claim: \$1,369.05.

CLAIM NO. 84-1469

Dwayne Fails, of Bridge City, LA, while trawling on the vessel, "Nancy Lynn", in the Gulf of Mexico, out of Tiger Pass, Plaquemines Parish, encountered an unidentified submerged obstruction, on February 26, 1984, causing damage to his trawl.

Amount of claim: \$180.

CLAIM NO. 84-1494

Gareth LeBlanc, of Miss Charlotte, Inc., Lafitte, LA, while trawling on the vessel, "Miss Charlotte", in the Gulf of Mexico, east

of the mouth of Southwest Pass, at approximate LORAN-C readings of 28,772.7 and 46,762.0, Plaquemines Parish, encountered an unidentified submerged obstruction on February 11, 1984, at approximately 4 p.m., causing loss of his 50-foot trawl.

Amount of claim: \$1,100.

CLAIM NO. 84-1497

Gareth LeBlanc, of Miss Santrina, Inc., Lafitte, LA, while trawling on the vessel, "Miss Santrina", in the Gulf of Mexico, south of Southwest Pass, at approximate LORAN-C reading of 48,761.1 and 46,755.5, Plaquemines Parish, encountered an unidentified submerged obstruction, on March 12, 1984, at approximately 1:15 p.m., causing loss of his two 50-foot trawls and shark gear.

Amount of claim: \$2,739.

CLAIM NO. 84-1510

Malcolm A. Despaux, of Barataria, LA, while trawling on the vessel, "Louisiana Queen", in the Gulf of Mexico, South-southeast of Oyster Bayou, at approximate LORAN-C readings of 27,820.2 and 46,861.8, Terrebonne Parish, encountered a submerged well, on March 6, 1984, at approximately 11 a.m., causing loss of his 50-foot trawl.

Amount of claim: \$695.

Any written objections to these claims must be received by the close of business on July 6, 1984. Any person may submit evidence or make objections in person at the hearings. Written comments must be mailed to: William C. Huls, Secretary, Department of Natural Resources, Box 44124, Capital Station, Baton Rouge, LA 70804.

William C. Huls
Secretary

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