



# State of Louisiana

DIVISION OF ADMINISTRATION

504/342-7000

**EDWIN W. EDWARDS**  
GOVERNOR

**STEPHANIE L. ALEXANDER**  
COMMISSIONER

October 30, 1985

Everyone knows the "state of the state" right now. In an effort to retrieve our basic publishing costs for the Louisiana Register, we are obliged to raise our prices as of January 1, 1986.

We intend to raise the subscription rate for the Louisiana Register to \$80 a year; \$40 for additional copies to state agencies; \$7 an individual copy. This is in accordance with the Administrative Procedure Act (R.S. 49:950-970).

Even so, it's a good deal for your money. A casual look at prices of magazines on the newsstand will show you that we have to increase our prices to continue to provide you with an informative bulletin containing the latest in rules and regulations from all state agencies.

We appreciate your helping us maintain this important service under the present difficult circumstances.

Sincerely,

*Stephanie L. Alexander*  
Stephanie L. Alexander

SLA/sm



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This public document was published at a total cost of \$7,614.69. 1,475 copies of this public document were published in this monthly printing at a cost of \$2,843.49. The total cost of all printings of this document including reprints is \$7,614.69. This document was published by Moran Colorgraphic, 5425 Florida Blvd., Baton Rouge, LA 70806, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-970. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

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# Executive Orders

## EXECUTIVE ORDER EWE 85-63

WHEREAS, Section 621 of the Tax Reform Act of 1984 (the "Tax Reform Act") restricts the total principal amount of private activity bonds the interest on which is exempt from federal income taxation under Section 103 of the Internal Revenue Code of 1954, as amended (the "bonds"), which may be issued by any state of the United States during each calendar year; and

WHEREAS, the aggregate principal amount of bonds which may be issued in the State of Louisiana (the "state") during the calendar year 1985 is restricted by the Tax Reform Act to \$150 per person, based on the most recently published estimate of population obtained from the U.S. Department of Commerce - Bureau of Census, prior to January 1, 1985 (the "ceiling"); and

WHEREAS, Executive Order Number EWE 84-32 dated October 5, 1984, as amended, provides that the governor of the State of Louisiana is responsible for granting allocations from the ceiling for certain issues of bonds; and

WHEREAS, the governor of the State of Louisiana desires to grant allocations for the hereinafter described bonds;

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

SECTION 1: The bond issues described in this section is hereby granted an allocation from the ceiling in the amount shown below.

| AMOUNT OF ALLOCATIONS | NAME OF ISSUER                                | NAME OF PROJECT                                  |
|-----------------------|---|--|
| \$1,500,000           | La. Public Facilities Authority Revenue Bonds | Southern Diagnostic Surgery Center, Inc. Project |

SECTION 2: The allocations granted hereunder are to be used only for the bond issues described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's IDB Ceiling" submitted in connection with the bonds described in Section 1.

SECTION 3: The bonds granted an allocation hereunder must be delivered to the initial purchasers thereof on or before 60 days from the date hereof, unless an application for a 30-day extension under Section 5.8 of Executive Order Number EWE 84-32, as amended, is timely received by the State Bond Commission staff.

SECTION 4: Pursuant to Section 103(N)(12) of the Internal Revenue Code of 1954, as amended, the undersigned certifies, under penalty of perjury, that the allocations granted hereby were not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 6: This executive order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge on this 10th day of October, 1985.

Edwin Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

## EXECUTIVE ORDER EWE 85-64

WHEREAS, Section 621 of the Tax Reform Act of 1984 (the "Tax Reform Act") restricts the total principal amount of private activity bonds the interest on which is exempt from federal income taxation under Section 103 of the Internal Revenue Code of 1954, as amended (the "bonds"), which may be issued by any state of the United States during each calendar year; and

WHEREAS, the aggregate principal amount of bonds which may be issued in the State of Louisiana (the "state") during the calendar year 1985 is restricted by the Tax Reform Act to \$150 per person, based on the most recently published estimate of population obtained from the U.S. Department of Commerce - Bureau of Census, prior to January 1, 1985 (the "ceiling"); and

WHEREAS, Executive Order Number EWE 84-32 dated October 5, 1984, as amended, provides that the governor of the State of Louisiana is responsible for granting allocations from the ceiling for certain issues of bonds; and

WHEREAS, the governor of the State of Louisiana desires to grant allocations for the hereinafter described bonds;

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

SECTION 1: The bond issues described in this section is hereby granted an allocation from the ceiling in the amount shown below.

| AMOUNT OF ALLOCATIONS | NAME OF ISSUER                  | NAME OF PROJECT                                |
|-----------------------|---------------------------------|--|
| \$20,000,000          | Pollution Control Revenue Bonds | Cajun Electric Power Cooperative, Inc. Project |

SECTION 2: The allocations granted hereunder are to be used only for the bond issues described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's IDB Ceiling" submitted in connection with the bonds described in Section 1.

SECTION 3: The bonds granted an allocation hereunder must be delivered to the initial purchasers thereof on or before 60 days from the date hereof, unless an application for a 30-day extension under Section 5.8 of Executive Order Number EWE 84-32, as amended, is timely received by the State Bond Commission staff.

SECTION 4: Pursuant to Section 103(N)(12) of the Internal Revenue Code of 1954, as amended, the undersigned certifies, under penalty of perjury, that the allocations granted hereby were not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 6: This executive order shall be effective upon signature of the governor.

IN WITNESS WHEREOF, I have hereunder set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge on this 16th day of October, 1985.

Edwin Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

## EXECUTIVE ORDER EWE 85-65

WHEREAS, Section 621 of the Tax Reform Act of 1984 (the "Tax Reform Act") restricts the total principal amount of private activity bonds the interest on which is exempt from federal

income taxation under Section 103 of the Internal Revenue Code of 1954, as amended (the "bonds"), which may be issued by any state of the United States during each calendar year; and

WHEREAS, the aggregate principal amount of bonds which may be issued in the State of Louisiana (the "state") during the calendar year 1985 is restricted by the Tax Reform Act to \$150 per person, based on the most recently published estimate of population obtained from the U.S. Department of Commerce - Bureau of Census, prior to January 1, 1985 (the "ceiling"); and

WHEREAS, Executive Order Number EWE 84-32 dated October 5, 1984, as amended, provides that the governor of the State of Louisiana is responsible for granting allocations from the ceiling for certain issues of bonds; and

WHEREAS, the governor of the State of Louisiana desires to grant allocations for the hereinafter described bonds;

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

SECTION 1: The bond issues described in this section is hereby granted an allocation from the ceiling in the amount shown below.

| AMOUNT OF ALLOCATIONS | NAME OF ISSUER                                   | NAME OF PROJECT                       |
|-----------------------|--|---------------------------------------|
| \$20,000,000          | La. Public Facilities Authority Revenue Bonds    | Hilton Hotels Corporation             |
| \$ 1,300,000          | La. Public Facilities Authority Revenue Bonds    | Jefferson Park Partnership            |
| \$ 3,700,000          | La. Public Facilities Authority Revenue Bond     | Slidell Nursing Home Partnership      |
| \$ 9,000,000          | La. Public Facilities Authority Revenue Bonds    | Affiliated Foods, Inc.                |
| \$ 2,000,000          | La. Public Facilities Authority Revenue Bonds    | Sweet Briar Mobile Home Estates Corp. |
| \$ 1,560,000          | La. Public Facilities Authority Revenue Bonds    | First Associates Limited Partnership  |
| \$ 100,000            | Industrial Development Board of Jefferson Parish | Tubular Threading, Inc.               |

SECTION 2: The allocations granted hereunder are to be used only for the bond issues described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana's IDB Ceiling" submitted in connection with the bonds described in Section 1.

SECTION 3: The bonds granted an allocation hereunder must be delivered to the initial purchasers thereof on or before 60 days from the date hereof, unless an application for a 30-day extension under Section 5.8 of Executive Order Number EWE 84-32, as amended, is timely received by the State Bond Commission staff.

SECTION 4: Pursuant to Section 103(N)(12) of the Internal Revenue Code of 1954, as amended, the undersigned certifies, under penalty of perjury, that the allocations granted hereby were not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION 5: All references herein to the singular shall include the plural and all plural references shall include the singular.

SECTION 6: This executive order shall be effective upon signature of the governor.

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

Louisiana, at the Capitol, in the City of Baton Rouge on this 21st day of October, 1985.

Edwin Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

### EXECUTIVE ORDER EWE 85-66

WHEREAS, many recent developments are effecting changes in the natural gas industry in the United States and in the State of Louisiana; and

WHEREAS, there is particular concern over the threat of gas supplies from Canada, Mexico and the Federal Outer Continental Shelf displacing gas historically pipelined from the Gulf Coast; and

WHEREAS, there is equally grave concern over proposed Federal Energy Regulatory Commission rules regulating the gas pipeline industry; and

WHEREAS, there is need to understand underlying forces governing decisions relative to fuel switching and industrial con-generation; and

WHEREAS, these events are likely to affect the marketing of natural gas in Louisiana, with adverse impacts on the gas industry and the state's economy; and

WHEREAS, there exists a number of administrative and legislative avenues through which the state can work to shape gas policy; and

WHEREAS, it is of paramount importance that the state move quickly to form a consensus position among affected interests and explore these avenues:

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

SECTION 1: There is hereby created within the office of the secretary of the Department of Natural Resources the Governor's Task Force on Natural Gas.

SECTION 2: The task force shall be composed of eight representatives of the gas producing, transporting, end-using and banking industries, and one member of the academic community. The chairmen of the House and Senate Committees on Natural Resources and the secretary of the Department of Natural Resources shall serve on the task force. The governor shall select one member of the task force to serve as chairman. Each member appointed by the governor shall serve at the pleasure of the governor.

SECTION 3: The task force shall formulate recommendations addressing both administrative and legislative initiatives for identifying new markets and uses for gas supplies and for mitigating the adverse impacts on the natural gas industry which directly relates to Louisiana's economy and associated trends in gas production and marketing.

SECTION 4: No member of the task force shall receive a per diem, reimbursement of expenses, or other compensation for his services on the task force. Legislators serving as members shall receive such per diem and reimbursement as may be provided by law, payable from the budget of the house from which they were appointed.

SECTION 5: The task force is authorized to utilize such facilities, staff and supplies of the Department of Natural Resources as may be permitted by the secretary thereof. The task force further is authorized to accept, receive, utilize, and expend any funds or donations of supplies or services which may be secured from any public or private source to carry out its duties hereunder.

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 21st day of October, 1985.

Edwin Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

#### EXECUTIVE ORDER EWE 85-67

Section 1 of Executive Order EWE 85-58 is hereby amended to place the Red River Valley Area Council within the Department of Commerce.

Section 3, Subsection 5 is hereby amended to authorize the assistant secretary of the Office of Public Works, Department of Transportation and Development, to be represented on the council by a designee to be appointed by said assistant secretary.

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 28th day of October, 1985.

Edwin Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

#### EXECUTIVE ORDER EWE 85-68

WHEREAS, in 1962, a commission of distinguished Americans chaired by Laurance Rockefeller suggested a comprehensive way of ascertaining what Americans want to do outdoors and of finding appropriate places for these activities; and

WHEREAS, the United States Congress legislatively adopted the commission's most important recommendations, enacting the Wilderness Act and the Wild and Scenic Rivers Act, and creating the Bureau of Outdoor Recreation and the Land and Water Conservation Fund which has provided \$54.5 million for 150 cities and parishes to acquire, develop, expand or improve 18 of Louisiana's state parks; and

WHEREAS, since that time, the lifestyles of Americans and of Louisianians have changed dramatically, due to the development of new urban patterns, new child-rearing responsibilities, and new transportation systems; and

WHEREAS, the President of the United States, recognizing these changes, will appoint a President's Commission on Americans Outdoors to identify America's future recreational activities; and

WHEREAS, state, local and private agencies will be called upon to address more of America's outdoor recreational needs, and state governments will assume an increasingly greater and more vital role in implementing any recommendations made by the commission;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby order the following:

SECTION 1: There is hereby established in the Office of State Parks, Department of Culture, Recreation and Tourism, the Governor's Commission on Louisiana's Outdoors. The commission shall be composed of nineteen members, each of whom shall be appointed by the governor to serve at the pleasure of the gov-

ernor. The governor shall designate one member of the commission to serve as chairman.

SECTION 2: The commission shall identify Louisiana's outdoor recreational demand during the next decade and recommend actions to guarantee Louisianians adequate outdoor sites to enjoy these recreational activities in the future. The commission shall evaluate the ability of current resources to meet public needs; assess future recreational needs; identify public participation and attitudes; consider environmental and other concerns as they affect the demand for and the supply of outdoor recreational opportunities; and shall develop recommendations on how to provide for the needs identified and outline options for federal, state and local actions to meet these needs.

SECTION 3: The commission shall submit a report and recommendations to the governor and to the President's Commission on Americans Outdoors not later than June 1, 1986.

SECTION 4: Members shall serve without compensation for their work on the commission. A legislator serving on the commission shall receive a per diem as provided by law.

SECTION 5: The assistant secretary/state liaison officer of the Office of State Parks, Department of Culture, Recreation and Tourism, shall provide the commission with such administrative services, staff and other support services as may be necessary for the effective performance of its duties.

SECTION 6: Each state agency is hereby requested to make available to the Governor's Commission on Louisiana's Outdoors such reasonable assistance as the commission may request in carrying out the intentions and purposes of this order.

SECTION 7: This executive order shall be effective upon signature of the governor and shall terminate June 1, 1986.

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 28th day of October, 1985.

Edwin Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

# Policy and Procedure Memoranda

## POLICY AND PROCEDURE MEMORANDUM

Office of the Governor  
Division of Administration  
Policy and Procedure Memorandum No. 70

TO: HEADS OF ALL STATE AGENCIES,  
BOARDS AND COMMISSIONS

SUBJECT: Report of State Aid to Local Recipients

EFFECTIVE DATE: November 20, 1985

AUTHORIZATION: Louisiana Revised Statutes, 39:99, 39:9 and Executive Order No. 85-52

This Policy and Procedure Memorandum supersedes the quarterly report of aid to local governments as required by R.S. 39:60.1A(1)(c).

As it is critical that officials in the executive and legislative

branches of state government have at their disposal uniform and timely data of financial aid to local recipients, all agencies, boards and commissions in the executive branch of government shall submit the Report of State Aid to Local Recipients in accordance with the instructions and report format described herein. Such report shall be submitted to the commissioner of administration biannually 30 days after December 31 and 30 days after June 30. Each biannual report shall only include the respective data for the preceding six-month period (July 1 - December 31; January 1 - June 30). The initial report shall be due 30 days after December 31, 1985. Because this report will be utilized for a number of purposes, it is imperative that the report be complete, accurate and submitted on a timely basis.

#### INSTRUCTIONS FOR PREPARING

#### REPORT OF STATE AID TO LOCAL RECIPIENTS

**DEFINITIONS**—For purposes of this report, the following definitions apply:

*Financial Aid* means monetary assistance, regardless of source, provided by the State of Louisiana to recipients under a grant, grant-in-aid, contract, agreement, award, appropriation, or any other means. Financial aid includes the dollar value of food stamps and commodities.

*Recipient* means any local government or part thereof, quasi-local government entity or organization, profit or non-profit organization, or other entity.

*Local Governing Authority* means any unit of government below the state level, including parishes, municipalities, school districts, or agencies or instrumentalities of a local government.

*State Funds* means any monies received by a unit attributable to state imposed taxes, licenses, fees, et cetera, available to finance authorized operations. This would include direct state general fund appropriation, state general fund by Interim Emergency Board appropriation, state general fund by self-generated or interagency receipts (except in those cases where those self-generated/interagency receipts are federal in nature) and any other dedicated revenue source arising from state imposed taxes, licenses and fees.

*Federal Funds* means any monies received by a unit regardless of budgetary classification that is within the meaning of federal financial assistance.

*Federal Financial Assistance* means any assistance provided by a federal agency in the form of grants, contracts, cooperative agreements, loans, loan guarantees, property, interest subsidies, insurance or direct appropriation, but does not include direct federal cash assistance to individuals.

**REPORT FORMAT**—The report shall be prepared in the format prescribed on the attached Form DA 1405. Information shall be provided in each column in accordance with the **Column Descriptions** provided below. All requested information shall be submitted on copies of the attached Form DA 1405 or a computer printout; if a computer printout is used, the information shall be provided in the same prescribed format as shown on Form DA 1405.

**Column Descriptions**—The information to be provided in each column shall be as follows:

Column 1: Identify the name of the recipient which receives the financial aid from your agency. Include the city and parish in which the recipient's business office is located.

Column 2: (a) State the purpose or function of the project or services to be financed with the financial aid. Refer to the Function Classifications to determine the appropriate function classification to be used.

(b) Identify the name of the program under which the financial aid is provided. This should be the program name as identified in your grant, contract, or other funding agreement with the recipient entity.

(c) List the state project number, contract number or other state aid identification number under which the financial aid is provided.

(d) Indicate the total amount of financial aid which was budgeted to be provided to the recipient, under the project, contract, et cetera, during the fiscal year for which the report is prepared.

Column 3: Identify the amount of state funds actually advanced or disbursed to the recipient, under the identified program, during the report period, regardless of the year appropriated.

Column 4: If the financial aid includes federal funds received by your agency, identify the federal funding agency which provided the federal funds to the state. Refer to the **List of Federal Funding Agencies** to determine the appropriate word or series of letters to identify federal funding agencies.

Column 5: Identify the name of the federal grant or program under which your agency receives the federal funds.

Column 6: The federal assistance program number, as contained in the Catalog of Federal Domestic Assistance, should be entered in this column.

Column 7: The federal award identification number under which the federal funds were received by your agency should be entered in this column.

Column 8: Identify the amount of federal funds actually advanced or disbursed to the recipient, under the identified program, during the report period, regardless of the year appropriated.

#### Function Classifications

1. General Operations—This function designates financial aid for general operations of the legislative and judicial branches of government and for general operations of the recipient entity.

2. Culture, Recreation and Tourism—Included in this major function is financial aid for cultural, recreational, and tourist related activities maintained for the benefit of resident citizens and visitors.

3. Transportation and Development—This function designates financial aid for minor highway construction and maintenance and minor construction in all areas of transportation, as well as administrative support for these activities.

4. Public Safety—Financial aid for the protection of persons and property is accounted for in this function.

5. Health and Welfare—Financial aid for activities which involve the conservation and improvement of public health, as well as activities designed to provide public assistance and institutional care for individuals who are economically unable to provide essential needs for themselves is included in this function.

6. Corrections—This category includes all financial aid for the confinement of law violators and for probation and parole activities that pertain to their rehabilitation.

7. Conservation—Financial aid for the conservation and development of the state's natural resources is reported in this function.

8. Education—Financial aid for maintenance of the public education system is accounted for under this function.

9. Debt Service—This category includes financial aid for interest and principal payments on general long-term debt.

10. Capital Outlay—Financial aid for the construction of highways, bridges, et cetera, including public improvements, aviation improvements and watersheds, as well as capital projects of the levee districts and harbor and port authorities are accounted for in this function.

11. Other—This function is charged with financial aid for miscellaneous activities which cannot be properly charged elsewhere.

**List of Federal Funding Agencies**

| Agency Designation | Agency  | Catalog Number | Agency Designation | Agency   | Catalog Number |
|--------------------|---|----------------|--------------------|--|----------------|
| AGRI               | Department of Agriculture                                 | 10.000         | NCU                | National Credit Union Administration                     | 44.000         |
| COMMERCE           | Department of Commerce                                    | 11.000         | NA&H               | National Foundation on the Arts and the Humanities       | 45.000         |
| DEFENSE            | Department of Defense                                     | 12.000         | NLRB               | National Labor Relations Board                           | 46.000         |
| HHS                | Dept. of Health and Human Resources                       | 13.000         | SCIENCE            | National Science Foundation                              | 47.000         |
| HUD                | Dept. of Housing and Urban Development                    | 14.000         | PCEH               | President's Council on Employment of the Handicapped     | 53.000         |
| INTER              | Department of the Interior                                | 15.000         | RR                 | Railroad Retirement Board                                | 57.000         |
| JUSTICE            | Department of Justice                                     | 16.000         | SEC                | Securities Exchange Commission                           | 58.000         |
| LABOR              | Department of Labor                                       | 17.000         | SBA                | Small Business Administration                            | 59.000         |
| STATE              | Department of State                                       | 19.000         | SI                 | Smithsonian Institute                                    | 60.000         |
| DOT                | Department of Transportation                              | 20.000         | ITC                | International Trade Commission                           | 61.000         |
| TREASURY           | Department of the Treasury                                | 21.000         | TVA                | Tennessee Valley Authority                               | 62.000         |
| ARC                | Appalachian Regional Commission                           | 23.000         | VA                 | Veterans Administration                                  | 64.000         |
| CAB                | Civil Aeronautics Board                                   | 26.000         | EPA                | Environmental Protection Agency                          | 66.000         |
| OPM                | Office of Personnel Management                            | 27.000         | ART                | National Gallery of Art                                  | 68.000         |
| CCR                | Commission on Civil Rights                                | 29.000         | OPIC               | Overseas Private Investment Corporation                  | 70.000         |
| EEOC               | Equal Employment Opportunity Commission                   | 30.000         | ACTION             | Action Agency  | 72.000         |
| FCC                | Federal Communications Commission                         | 32.000         | NRC                | Nuclear Regulatory Commission                            | 77.000         |
| FMC                | Federal Maritime Commission                               | 33.000         | FUTURES            | Commodity Futures Trading Commission                     | 78.000         |
| FMCS               | Federal Mediation and Conciliation Service                | 34.000         | ENERGY             | Department of Energy                                     | 81.000         |
| FTC                | Federal Trade Commission                                  | 36.000         | INFO               | United States Information Agency                         | 82.000         |
| FCSC               | Foreign Claims Settlement Commission of the United States | 37.000         | FEMA               | Federal Emergency Management Agency                      | 83.000         |
| GSA                | General Services Administration                           | 39.000         | EDUC               | Department of Education                                  | 84.000         |
| GPO                | Government Printing Office                                | 40.000         | TRUMAN             | Harry S. Truman Foundation                               | 85.000         |
| ICC                | Interstate Commerce Commission                            | 41.000         | PENSION            | Pension Benefit Guaranty Corporation                     | 86.000         |
| LIBRARY            | Library of Congress                                       | 42.000         | CPSC               | Consumer Product Safety Commission                       | 87.000         |
| NASA               | National Aeronautics and Space Administration             | 43.000         |                    | Stephanie L. Alexander<br>Commissioner of Administration |                |

**REPORT OF STATE AID TO LOCAL RECIPIENTS**

FOR THE SIX MONTHS ENDED \_\_\_\_\_ 19\_\_

| _____ Agency _____                 |  |                                    |                        | Page _____ of _____ |          |                        |          |
|------------------------------------|--|------------------------------------|------------------------|---------------------|----------|------------------------|----------|
| _____ Budget Schedule Number _____ |  |                                    |                        |                     |          |                        |          |
| (1)                                | (2)  | (3)                                | (4)                    | (5)                 | (6)      | (7)                    | (8)      |
| Recipient's Name<br>City<br>Parish | Purpose of Financial Aid<br>Aid Program Name<br>State Aid I.D. No.<br>Budgeted Aid This FY | ACTUAL AID DISBURSEMENTS BY SOURCE |                        |                     |          |                        |          |
|                                    |  | STATE FUNDS                        |                        | FEDERAL FUNDS       |          |                        |          |
|                                    |  | Amount                             | Federal Funding Agency | Federal Grant Name  | CFDA No. | Federal Grant I.D. No. | Amount   |
| _____                              | _____  | \$ _____                           | _____                  | _____               | _____    | _____                  | \$ _____ |
| _____                              | _____  | \$ _____                           | _____                  | _____               | _____    | _____                  | \$ _____ |
| _____                              | _____  | \$ _____                           | _____                  | _____               | _____    | _____                  | \$ _____ |
| _____                              | _____  | \$ _____                           | _____                  | _____               | _____    | _____                  | \$ _____ |

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Agriculture Office of Agricultural and Environmental Sciences Structural Pest Control Commission

Pursuant to the authority granted under R.S. 3:3306, the Structural Pest Control Commission has exercised the emergency provision of the Administrative Procedure Act [R.S. 49:953(B)] to amend the rules detailed below. These emergency rules were adopted by the Structural Pest Control Commission on October 16, 1985 and shall become effective on December 1, 1985.

Add Section 14116 to Chapter 141 (Structural Pest Control Commission):

#### §14116. Wood Infestation Report

A. A wood infestation report approved by the Structural Pest Control Commission shall be issued when any inspection is made to determine the presence of wood destroying insects, specifically for acts of sale of structures, but not limited for this purpose.

B. Any wood infestation report or written instrument stating the apparent freedom from termites and/or other wood destroying insects, issued for the transfer of real property, shall be issued by a person who is licensed by the Structural Pest Control Commission to engage in the control of wood destroying insects. This instrument shall carry a guarantee that the property will be treated without charge should an infestation of wood destroying insects, covered by this report, be found within 90 days from date of issuance.

1. A contract approved by the Structural Pest Control Commission shall be issued on date of treatment.

2. This contract shall be reported to the commission and a fee paid as required by the Structural Pest Control Commission Law.

Add Section 14143, 14145, 14147, 14149 and 14151 to Chapter 141:

#### §14143. General Requirements for Pesticide Waste

A. Waste Water, Which Upon Disposal, is Classified as a Hazardous Waste

All commercial applicators applying pesticides which, upon disposal, are classified as a hazardous waste must implement a containment system for reuse or apply the waste immediately to the site of application.

B. Handling Spills by Commercial Applicators

1. All uncontained spills of more than one gallon liquid or four pounds dry weight must be reported to the Director of Structural Pest Control Commission within 24 hours by telephone and by written notice within three days.

2. Commercial applicators are responsible for the cost of cleanups resulting from pesticide spills in their operations.

#### §14145. Procedures Governing Handling of Pesticide Containers by Commercial Applicators (Except Bulk Pesticide Containers)

A. Storage Areas for Full or Partially Full Pesticide Containers

1. Pesticide containers must be stored in a secure, locked enclosure.

2. Pesticide containers must be free of leaks.

3. The storage area must be maintained in good condition, without unnecessary debris.

B. Empty containers must be stored in a secured area. Empty containers may be kept for no more than 30 days.

C. Metal, Glass and Plastic Containers

1. All metal, glass and plastic containers must be triple-rinsed, immediately after the pesticide is removed by the following, or equivalent procedure.

a. Using a solvent capable of removing the pesticide, fill each container with solvent equal to approximately 10 percent of the volume of pesticides originally contained in the container.

b. Agitate the solvent thoroughly on all interior surfaces of the container. Agitation may be accomplished by use of agitation equipment approved by the department or by manual agitation of the solvent.

c. Repeat the above procedure three times.

d. If the rinsate containing the solvent can be used again in subsequent application of the pesticide without reducing the effectiveness of the pesticide, place the rinsate in the containment tank specified for that pesticide. If the rinsate is not classified as a hazardous waste upon disposal, it may be placed in an approved surface impoundment.

2. Upon completion of the above triple-rinsing procedures, containers may be disposed of as follows:

a. By disposal in any permitted solid waste facility (sanitary landfill), provided that, prior to disposal in a solid waste facility, the pesticide applicator must pierce all metal and plastic containers in both ends;

b. By prior agreement, by return (for credit or otherwise) to the pesticide sales agent or the pesticide manufacturer; or

c. By resale to a third party for recycling or reconditioning.

D. Paper and Plastic Bags

1. All pesticides shall be removed from paper and plastic bags to the maximum extent possible when the pesticide is initially mixed for application. Thereafter, containers shall be disposed of as follows:

a. Cut all sides of the container and open the container fully, without folds or crevices, on a flat surface, shake any pesticides remaining in the open container into the pesticide mix.

b. After cutting and flattening such pesticide containers, dispose of containers in a solid waste facility (sanitary landfill).

#### §14147. Procedure for Constructive Recycling by Commercial Applicators of Unused Portions of Pesticides and/or Rinsate of Pesticides which, Upon Disposal are Classified as Hazardous Wastes Under EPA Regulations

A. The commission shall annually, on or before December 31, publish in the *Louisiana Register* a full and complete list of all pesticides which, upon disposal, are classified as hazardous wastes under regulations of EPA and may supplement such listing at any time when any changes in such classifications are made by EPA.

B. Applicators of pesticides covered under this rule may recover and constructively reuse any unused portions of such pesticides and/or any rinsate of such pesticides by one of the following methods:

1. by immediate reapplication of the unused portion of the pesticide and/or the rinsate in accordance with label and labeling requirements for that pesticide;

2. by transferring to a closed containment system meeting the requirement of LAC 7:14149; or

3. by disposal in a permitted hazardous waste facility.

C. All unused pesticides and/or rinsate from pesticides classified as a hazardous waste upon disposal must be removed from containment tanks in less than 30 days after deposit therein.

#### §14149. Containment System

A. Containment Tanks

1. Different containment tanks must be installed for differ-

ent pesticides and/or rinsate of pesticides, except the same containment tanks may be used for two or more pesticides when such pesticides are physically and chemically compatible and when their mixing is not prohibited by their labels.

2. Each containment tank shall meet the following requirements:

a. must be constructed of material of sufficient strength and be compatible with the pesticide and/or rinsate to be placed within the tank;

b. must be free of leaks, cracks, holes or other deterioration at all times;

c. must be in good operating order at all times;

d. must be designed to allow drainage of the entire contents and be triple rinsed;

e. must be equipped with stopcocks, at appropriate locations, to prevent any leakage of the contents during storage or transfer of the contents; and

f. must be equipped with an opening to allow for sampling.

#### B. Containment Tank Foundation

1. The containment tank foundation shall be solidly constructed of a material sufficiently impervious to contain leaks, spills and accumulated pesticides and/or rinsate of pesticides.

2. The foundation covering must be free of cracks which might allow leakage.

3. The foundation must be sloped to facilitate cleanup of inadvertent spills.

4. The foundation must be constructed with a rim of sufficient height to contain run-off from cleanup activities or inadvertent spills and be protected from flood waters.

5. The foundation must be so constructed as to discharge all liquids into a dump; and

6. Tanks must be located at sufficient elevation to allow visual detection of leakage of the contents.

#### C. Storage Requirements

All containment tank(s) must be located in a secured area and protected from flood waters.

#### D. Location of Requirements; Submission of Preliminary Site Plans

Containment systems must be located a suitable distance from any adjacent buildings, property lines, or public access roads. Site plans showing location of the containment system must be submitted for the approval of the commission prior to construction. These plans may be rudimentary; the purpose of such submission is to avoid unnecessary expense by the application.

#### E. Requirements for Final Approval of Containment Systems

Final plans and specifications for construction of a closed containment system must be approved by the Commissioner and must be filed with the Department of Agriculture, subject to the approval of the commission, prior to the start of construction. In consideration for approval of such plans and specifications, the commission may, at their discretion, be assisted by an hoc advisory committee consisting of such experts as may be appointed by the commission.

### **§14151. Requirements and Procedures for Management of Unused Portions of Pesticides and/or Rinsate of Pesticides which, Upon Disposal, are not Classified as Hazardous Wastes Under EPA Regulations**

A. Unused portions of pesticides and/or rinsate resulting from the application of pesticides not classified as a hazardous waste upon disposal should be handled by one of the following methods:

1. By subsequent, immediate reapplication in accordance with label and labeling requirements for the pesticide;

2. By deposit in a closed containment system which meets the requirements of LAC 7:14149 hereof;

3. By disposal in surface impoundments which meet the requirements of this rule; or

4. Any other methods approved by the commission.

B. Whenever violative levels of pesticides classified as hazardous waste upon disposal are detected in any sample taken from a containment tank, whether the containment tank was in operation at the effective date of these regulations or installed after the effective date of these regulations, such containment tank may be immediately and permanently closed and, if closed, all contents thereof shall be removed and disposed of at a permitted hazardous waste disposal facility. The financial responsibility of closing a surface impoundment belongs to the commercial applicator and/or property owner.

C. Insofar as the disposal of a pesticide waste is concerned, commercial applicators who generate hazardous pesticide waste and who do not comply with these regulations shall be subject to the regulations governing hazardous pesticide waste under the jurisdiction of the Department of Environmental Quality until such time as the commissioner of agriculture promulgates regulations governing hazardous pesticide waste.

Bob Odom  
Commissioner

## **DECLARATION OF EMERGENCY**

### **Department of Agriculture Office of Marketing**

#### Crawfish Market Development Authority

In accordance with the emergency provisions of the Louisiana Administrative Procedure Act (LSA 49:953 B) and pursuant to the authority granted under R.S. 3:445.5, the Louisiana Crawfish Market Development Authority, at a scheduled meeting held on October 31, 1985, determined that an economic emergency exists throughout the crawfish industry with respect to implementation of the Louisiana Crawfish Market Development Act which authorizes the development of a modern, consolidated wholesale crawfish packaging, warehousing, distribution and marketing facility in Louisiana.

The Authority further determined that in order to proceed with the development of a facility for the 1985-86 crawfish season it is necessary to enact certain regulations on an emergency basis.

Therefore, these emergency rules were adopted by the Louisiana Crawfish Market Development Authority on October 31, 1985 to be effective upon the date of adoption.

#### **Title 7**

### **AGRICULTURE AND ANIMALS**

#### **Part V. Advertising, Marketing and Processing**

#### **Chapter 50. Crawfish Market Development Authority**

##### **§5001. Definitions**

A. "Authority" means the Louisiana Crawfish Market Development Authority.

B. "Facility" means one or more wholesale crawfish packaging, warehousing, distribution and marketing facilities.

C. "Applicant" means any person, firm, corporation, partnership or association of this state engaged or to be engaged in the principal business of freezing, packaging, warehousing, distribution and marketing of crawfish which would enable a large number of independently owned and operated crawfish processing plants to market all or a portion of their crawfish through a facility utilized for this purpose.

##### **§5003. Administration of Authority Affairs**

A. Authority officers shall be the chairman and vice-chairman. The Commissioner of Agriculture shall serve as chairman and



the vice-chairman shall be elected from the membership of the authority.

B. After the initial election of the vice-chairman, the vice-chairman shall be elected at the first regular called meeting of the authority during each calendar year.

C. In the absence of the chairman at any authority meeting, the vice-chairman shall preside.

D. Authority meetings shall normally be held at its domicile but may be held at other locations upon the determination of the chairman.

E. A quorum shall be five members for the transaction of official business.

F. Official actions shall require the affirmative vote of a majority of the members at any meeting where a quorum is present.

G. There shall be no voting by proxy; however, any respective designee of ex-officio members may exercise all powers, duties, rights, privileges and responsibilities as appointed members.

§5005. Procedures for Application and Approval of a Louisiana Crawfish Market Development Authority Loan and Loan Guarantee

A. Eligibility

1. Any applicant shall be eligible for an authority loan or loan guarantee upon proper application and approval by the authority.

2. The authority may loan or guarantee a loan, on an interim or long term basis, funds to be actually expended to acquire, construct, furnish or equip a facility; lease or purchase land on which a facility would be located; operating capital; market development; and product inventories associated with the facility.

3. The authority may loan or guarantee a loan made by a bank or other financial institution authorized to do business in this state to an applicant under any terms and conditions approved by the authority provided that the execution by the applicant of a note or notes be secured by a first mortgage on property.

B. Time for Filing an Application

1. An application for a loan or loan guarantee may be filed at any time and may be personally delivered to the authority office in Baton Rouge or forwarded through the United States mail.

2. The authority, however, may approve a specific date and time for receiving an application for a loan or loan guarantee.

C. Contents of Application

1. Each applicant for an authority loan or loan guarantee must submit an application on a form approved by the authority.

2. The application form must require, as a minimum, the following information and supporting documents for the applicant:

a. Name of applicant

b. Organizational structure of applicant

c. Capitalization of the applicant including:

i. The initial number of common stock shares authorized and number sold.

ii. The initial capitalization authorized and the amount of paid-in capital from stock sales.

d. The number of shareholders by percentage ownership

e. The names of shareholders and number of shares owned by each shareholder owning more than 10 percent of stock sold

f. The extent shareholders are committed to personally endorse loans to be made by applicant

g. Capital needs including facility cost, operating capital, inventories and accounts receivable.

h. Sources of capital including paid-in capital, requested loan from the authority, loans from other lenders subject to a loan

guarantee from the authority and loans from other lenders not subject to a loan guarantee from the authority.

i. A review of collateral including the book value and collateral value of all first and second mortgages on the facility, equipment, inventories and accounts receivables.

j. Schedule of notes which would be due to lenders.

k. A brief statement as to the amortization schedule and number of payments per year for each note listed.

1. Support documents to be included as part of the application are as follows:

i. Three-year pro-forma financial statements including balance sheet, statement of operations, statement of retained earnings, statement of cash receipts and disbursements and summary of assumptions and accounting policies

ii. Copy of prospectus presented to potential investors in accordance with state and federal securities law

iii. Opinion letter from legal counsel that all state incorporation laws and state and federal securities laws have been complied with, regarding the offering of stock to potential investors and the legal formation of the corporation

iv. Copy of articles of incorporation and bylaws

v. Copy of supply contract and list of all processing plants which have executed supply contracts

vi. List of stockholders

vii. List of board of directors and officers

viii. Conditional commitment letter from a lender for a financing proposal which would involve paid-in capital, state financial assistance and lender participation including facility cost, working capital, accounts receivables and inventories

ix. Conditional commitment letter on a site location with terms of sale or lease

x. Letter from a commercial lending institution certifying the amount of capital paid in and deposited from stock sales to investors

m. All other information required on the Louisiana Crawfish Market Development Authority's Loan/Loan Guarantee Application Form.

D. Conditions for Approval of Application for an Authority Loan or Loan Guarantee

1. The applicant must provide all information required herein and on the approved application form and supporting documents.

2. The applicant or applicant's authorized representative must appear in person at the meeting of the authority at which the application will be considered in order to provide any additional information as may be requested by the authority.

3. The authority may approve or disapprove any application based upon the merits of the application and the applicant's ability to support and carry out the legislative findings and intent of the Louisiana Crawfish Market Development Act and any other prudent basis all in a manner in accordance with the Louisiana Administrative Procedure Act.

Bob Odom

Commissioner

## DECLARATION OF EMERGENCY

### Board of Secondary and Elementary Education

The State Board of Elementary and Secondary Education, at its meeting of October 24, 1985, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and adopted the proposed Interim Emergency Policy for Hiring Full-Time/Part-Time Noncertified School Personnel as submitted and recommended by both the State De-



partment of Education and the Louisiana Association of Educators (LAE):

**INTERIM EMERGENCY POLICY FOR  
HIRING FULL-TIME/PART-TIME NONCERTIFIED  
SCHOOL PERSONNEL**

In an effort to assist local education agencies experiencing extreme difficulty in providing certified personnel for the classroom, the following Interim Emergency Policy is proposed:

Full-time/part-time noncertified school personnel, excluding speech, language and hearing specialists, may be employed by parishes having difficulty in employing certified persons in certain positions provided that proper documentation is submitted to the Department of Education.

This documentation shall include the following:

1. A signed affidavit by the local school superintendent that the position could not be filled by a certified teacher;
  2. Documentation that efforts for recruitment for certified teachers have been made (e.g. newspaper advertisement, letters, contacts with colleges, and so forth);
  3. Submission of names, educational background, subject matter and grade level being taught as an addendum to the Annual School Report.
  4. Copies of transcripts showing the degree earned.
- In addition:
5. It is required that these teachers take the NTE at the earliest date that it is offered in their geographical area; and
  6. These individuals must have a minimum of a baccalaureate degree from a regionally accredited institution.
  7. To be re-employed under this policy, an individual must have earned at least six semester hours toward completion of a teacher education program or six semester hours appropriate to the area of the NTE (General Knowledge, Professional Knowledge, Communication Skills, Specialty Area) in which the score was not achieved.

These individuals shall be employed at the same salary on an hourly basis based on the effective State salary schedule for a beginning teacher with a baccalaureate degree and a certificate.

Full-time/Part-time noncertified school personnel shall be considered part of the regular teacher allotment, and local systems will be reimbursed in the same manner as they are for regular teachers.

This Interim Emergency Policy will remain in effect until July 1, 1986. This policy was adopted as an emergency rule in order that school systems could notify all teachers affected by this policy. Teachers need to be informed so they can begin preparation for earning six semester hours before the start of next school year.

James V. Soileau  
Executive Director

**EMERGENCY RULE**

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

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

**Summary**

The maximum countable resource limits for SSI-related Medicaid individuals and couples is being increased each year from January 1, 1986 through January 1, 1989. The federal regulation which requires implementation of this increase by January 1, 1986 was published in the *Federal Register*, Vol. 50, No. 187, Pages 38981 - 38983, dated September 26, 1985.

This emergency rule amends the Medical Assistance Pro-

gram's SSI Maximum Resource Limits published in the *Louisiana Register*, Vol. 10, No. 12, Pages 1034 - 1035, dated December 20, 1984.

Emergency Rulemaking

**RULE**

The maximum countable resource limits for an SSI-related Medicaid individual/couple are as follows for January 1, 1986 and later.

| Effective Date  | Individual | Couple  |
|-----------------|------------|---------|
| January 1, 1986 | \$1,700    | \$2,550 |
| January 1, 1987 | 1,800      | 2,700   |
| January 1, 1988 | 1,900      | 2,850   |
| January 1, 1989 | 2,000      | 3,000   |

Regulatory Exception

Upon final state approval of this proposal, implementation shall be dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of this proposal by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

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

# Rules

**RULE**

**Department of Commerce  
Office of Commerce and Industry  
Finance Division**

The Louisiana Board of Commerce and Industry adopts the following amendments to its rules regarding the sales and use tax exemption on energy conservation property as authorized by R.S. 74:305.31.

Rule 8. Time Limits for Filing of Applications

(A) A letter of intent must be submitted prior to construction and the purchase of materials, machinery or equipment for qualifying projects.

(B) An application for exemption shall be filed with the Office of Commerce and Industry on the form prescribed at least 30 days after the beginning of construction or installation. The phrase "beginning of construction" shall mean the first day on which foundations are started, or, where foundations are unnecessary, the first day on which installation of the facility begins.

(C) After approval by the Board of Commerce and Industry, the effective date of the exemption shall be the date the application or letter of intent was received in the Office of Commerce and Industry.

(D) A cutoff date for processing applications to be considered for exemption is four weeks prior to the Board meeting.

Rule 10. Sales Tax Refund

The certificate of exemption will formally notify the applicant of the action of the Board of Commerce and Industry in approving the tax exemption on the specific project, but will not authorize the applicant to make tax-free purchases from vendors. The tax exemption will be effected through issuance of tax refunds by the Department of Revenue and Taxation.

Refunds will be secured by the filing of affidavits for the entire project after completion with the Department of Revenue and Taxation, Sales Tax Section. The refund will be issued after the alternate substance use or the thirty billion B.T.U.'s saved has been

verified. The information submitted to the Department of Revenue and Taxation must include:

(1) A listing of purchases made of movable property that is intended to be used as "energy conservation property" in the approved project. The listing must include a brief description of each item, the name of the vendor, date of the sale, sales price and the amount of state sales tax paid. The items included in the listing must have been purchased by the owner of the project, or by a builder or other party that has contracted with the owner to provide materials and services for the project.

(2) A certification that the materials included in the listing are reasonably expected to qualify upon completion of the project as "energy conservation" as the term is defined in the statute.

(3) A certification that the sales/use tax has actually been paid on the items included in the listing.

The affidavits may be filed on official Department of Revenue and Taxation "claim for refund" forms or on other forms prepared by the applicant. After the Department of Revenue and Taxation has verified the information and has been notified by the Office of Commerce and Industry, a refund check will be issued for the amount of state sales and use tax paid.

#### Rule 12. Failure to Qualify

Should the board determine the project failed to meet the requirement of energy conservation property or is in violation of any board rules, the board will advise the taxpayer the project does not qualify.

#### Rule 13. No Action after December 31, 1989

The board will consider no application for tax exemption for any sales, use, or lease taxes incurred by a manufacturing establishment or public utility after December 31, 1989. The construction or installation of equipment must begin prior to December 31, 1989.

#### Rule 14. Extension of Time

The assistant secretary for the Office of Commerce and Industry is authorized to grant an extension of time for completion of construction contained in an energy conservation application.

Robert Paul Adams  
Director

## RULE

### Department of Commerce Used Motor Vehicle and Parts Commission

In accordance with Revised Statutes Title 32, Chapter 4A and B, the Department of Commerce, Used Motor Vehicle Commission, hereby adopts the following rules.

#### Title 46

#### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part V. Automotive Industry

#### Subpart 2. Used Motor Vehicle and Parts Commission

### Chapter 27. The Used Motor Vehicle and Parts Commission

#### §2701. Meetings of the Commission

A. The commission shall meet at its offices in Baton Rouge, Louisiana on the third Thursday in each month to transact such business as may properly come before it. The regular meetings will convene at the hour of 4:30 p.m. and shall continue at the pleasure of those present. Any change of monthly meetings will be in accordance with the Open Meeting Law R.S. 42:5.

#### B. Special Meetings

Special meetings shall be held upon call of the chairman by notice given to the members of the commission at least 48 hours prior to the time the meeting is to be held; such notice to be given by telephone, telegraph or letter.

#### §2703. Quorum of the Commission

Five members of the commission shall constitute a quorum for the transaction of official business. Fewer than a quorum may adjourn the meeting.

#### §2705. Executive Director

The executive director of the Louisiana Used Motor Vehicle and Parts Commission shall be in charge of the commission's office and shall conduct and direct the activities thereof in the manner as directed by the commission. The employees of the commission shall report to the executive director.

#### §2707. Correspondence with the Commission

A. All correspondence by letter with the commission shall be addressed to the attention of the executive director.

B. Louisiana Used Motor Vehicle and Parts Commission forms, applications and dealer aids are recognized as the Commission official forms for licensing and communication.

#### §2709. Official Seal

A. The official seal of the Louisiana Used Motor Vehicle and Parts Commission shall be as follows: The outline of the State of Louisiana with a small star denoting the approximate location of Baton Rouge, which name appears to the left of the star. It shall be bordered by the inscription, Louisiana Used Motor Vehicle and Parts Commission.

B. The executive director shall be the custodian of the official seal and shall affix the imprint or the facsimile thereof to all license certificates issued by the Louisiana Used Motor Vehicle and Parts Commission.

### Chapter 29. Used Motor Vehicle Dealer

#### §2901. Dealers to be Licensed

A. Dealers in used motor vehicles and other types used vehicles subject to Certificate of Title Law under Title 32 and/or Vehicle Registration License Tax under Title 47.

B. Dealers in new and used motor homes, new and used semitrailers, new and used motorcycles, and other types subject to Certificate of Title Law under Title 32 and/or Vehicle Registration Tax under Title 47. All new and unused vehicle dealers and other dealers licensed by the Louisiana Motor Vehicle Commission are excluded from licensing by the Louisiana Used Motor Vehicle and Parts Commission.

C. Dealers in used parts or used accessories of motor vehicles.

D. Automotive dismantlers and parts recyclers.

E. Motor vehicle auctions and salvage pools are considered used motor vehicle dealers and must comply with licensing regulations contained herein.

#### §2903. License for Used Motor Vehicle Dealer

Used dealer license will be issued in the legal name of the individual, proprietorship, partnership or corporation as identified on the application for dealer license.

#### §2905. Qualifications and Eligibility for Licensure

A. The commission, in determining the qualifications and eligibility of an applicant for a used motor vehicle dealer's license for used motor vehicles, will base its determinations upon the following factors:

1. The ability of the applicant to establish an adequate place of business, properly zoned in the municipality, provide a suitable office, have a permanently affixed sign, clearly visible from the street or roadway in front of the establishment which denotes that vehicles are offered for sale at the location to which the sign is affixed. Applicant must have a usable telephone at the place of business, the number of which should be listed on the application for license. The commission must be notified of any change in the telephone number.

2. All motor vehicle dealers are required to furnish and keep in force the minimum required liability insurance coverage on all

vehicles offered for sale or used in any other capacity in demonstrating or utilizing the streets and roadways in accordance with the financial responsibility laws of this state.

3. The applicant's business integrity, based upon the applicant's experience in the same or similar businesses, his business history, and whether such applicant will devote full or part time to the business.

B. A used motor vehicle dealer's license shall consist of a signed certificate bearing the official seal of the commission and the name and address of the dealership and assigned a dealer number, which shall be posted in a conspicuous place in the dealer's place or places of business. The used motor vehicle dealer's license number will be prefixed with UD, followed by a four digit number and then the current year of license (UD-0000-85).

C. The valid used motor vehicle dealer's license permits the dealer to transfer and assign titles, purchase and sell used motor vehicles without paying Louisiana general sales tax.

D. A dealer who has multiple locations will be allowed from his salesman's license to sell at all locations owned by him.

E. Dealers in new and used motor homes, new and used semitrailers and new and used motorcycles likewise must meet the above qualifications to be eligible and all these types license numbers will be prefixed by NM, followed by a four digit number then the current year of license (NM-0000-85). Semitrailers are described in the title law as every single vehicle without motive power designed for carrying property and passengers and so designed in conjunction and used with a motor vehicle that some part of its own weight and that of its own load rests or is carried by another vehicle and having one or more load carrying axles. This includes, of course, recreational trailers and boat trailers, but excludes *mobile homes*. One license shall be due for new and used operators at the same location.

#### **§2907. Established Place of Business for the Used Motor Vehicle Dealer**

An established place of business shall mean a permanently enclosed building or structure either owned in fee, leased or rented, which meets local zoning or the municipal requirements, and regularly occupied by a person, firm or corporation, easily accessible to the public at which a regular business of selling used motor vehicles will be carried on in good faith; and, at which place of business shall be kept and maintained the books, records, and files necessary to conduct the business; and, shall not mean tents, temporary stands, lots, or other temporary quarters.

### **Chapter 31. Used Motor Vehicle Salesman**

#### **§3101. Qualifications and Eligibility for Licensure**

A. The commission, in determining the qualifications and eligibility of an applicant for a used motor vehicle salesman license, will base its determinations upon the following factors:

1. The applicant's business integrity, based upon the applicant's experience in the same or similar businesses, his business history, and whether such applicant will devote full or part time to the business.

2. A license for a used motor vehicle salesman will not be issued, renewed or endorsed until the employing dealer is licensed and has certified that the applicant for said license is in his employ. It is not intended that the dealer pay for licenses for its salesmen. However, for convenience, the dealer may do so on a reimbursable basis or any other plan satisfactory to its organization. All salesman licenses will be sent to the dealer for distribution to the respective applicants, and the dealer will determine that all its personnel required to obtain licenses have done so.

B. A salesman's license shall consist of an identification card bearing the name, address, name of employer, date, signature of the executive director, salesman's license number, prefixed with SM, followed by the dealer's license number, then the single or

double digit number of the salesman and then the current year of license (SM-0000-1-85). The card shall be carried upon his person at all times when acting as a used motor vehicle salesman at licensee location.

C. A certificate will be issued by the commission to be retained by the employing dealer as evidence that its salesmen are properly licensed. Upon termination of employment, the certificate will be returned by the dealer to the office of the Louisiana Used Motor Vehicle and Parts Commission within 10 days.

D. A salesman may not hold more than one used motor vehicle salesman's license at any one time or be employed by or sell for, any dealer other than the dealer and at the address designated on the salesman's license, with the exception that the licensed dealer has more than one location. The licensed dealer and licensed salesman may sell on each location properly licensed as additional locations, provided the additional locations are in the same name as the principal location.

### **Chapter 33. Automotive Dismantler and Recycler**

#### **§3301. License for Automotive Dismantler**

Automotive dismantler license will be issued in the legal name of the individual, proprietorship, partnership or corporation as identified on the application for dismantler license.

#### **§3303. Qualifications and Eligibility for Licensure**

A. The commission, in determining the qualifications and eligibility of an applicant for an automotive dismantler's license, will base its determinations upon the following factors:

1. The ability of the applicant to establish an adequate place of business, properly zoned in the municipality, provide a suitable office, have a permanently affixed sign, clearly visible from the street or roadway in front of the establishment. Applicant must have a usable telephone at the place of business, the number of which must be listed on the application for license. The commission must be notified of any change in the telephone number.

2. The applicant's business integrity, based upon the applicant's experience in the same or similar business, his business history, and whether such applicant will devote full or part time to the business.

B. An automotive dismantler's license shall consist of a signed certificate bearing the official seal of the Commission and the name and address of the business and assigned a dismantler number, which shall be posted in a conspicuous place in the dismantler's place or places of business. The automotive dismantler's license number will be prefixed with AD, followed by a four digit number, then the current license year (AD-0000-85).

C. Every automotive dismantler and recycler issued an automotive dismantler's license and number will be permitted to purchase and sell salvage vehicles and transfer motor vehicle titles for the purpose of dismantling and selling the parts thereof to include the salvaged vehicle with title.

D. An automotive dismantler and parts recycler may offer a rebuilt wrecked, abandoned or repairable motor vehicle at wholesale only. If such vehicle is offered for sale at retail, the dismantler will be operating as a used motor vehicle dealer and is subject to licensing requirements and used motor vehicle dealer rules and regulations thereof. However, an automotive dismantler and parts recycler, duly licensed by the commission, shall have the authority to transfer the certificate of title as a dealer under the Louisiana certificate of title law, i.e., transfer to another dealer without payment of tax. In order to sell a vehicle at retail an automotive dismantler and parts recycler must be licensed hereunder as a used motor vehicle dealer providing a good and sufficient surety bond, executed by the applicant as principal by a surety company qualified to do business as surety in the sum of \$10,000. Only one bond is required for both operations.

### **§3305. Place of Business of an Automotive Dismantler and Recycler**

Place of business means the place owned, leased or rented, which meets local zoning or the municipal requirements, and regularly occupied by a person, firm or corporation, licensed under the provisions of this act for the principal purpose of engaging in the business of an automotive dismantler and parts recycler, where the products for sale are displayed and offered for sale, and where the books and records required for the conduct of the business are maintained and kept.

### **Chapter 35. Buyer Identification Card**

#### **§3501. Buyer Identification Card Required**

Sales at a salvage pool or salvage disposal sale shall be opened only to persons possessing a buyer's identification card. Bids at salvage pools or salvage disposal sales shall be verified as licensed dismantler bids by imprinting the dismantler's buyer's identification card on each bid sheet accepted for sale of salvage vehicles.

#### **§3503. Qualifications and Eligibility for Buyer Identification Card**

A. The commission, in determining the qualifications and eligibility of an applicant for a buyer's identification card, will base its determinations upon the following factors:

1. The applicant's business integrity, based upon the applicant's experience in the same or similar businesses, his business history, whether such applicant will devote full or part time to the business and whether such applicant is a resident of the state in which he is employed.

2. A buyer's identification card will not be issued, renewed or endorsed until the employing automotive dismantler is licensed and has certified that the applicant for said permit is in his employ and a resident of the state of said employment.

B. All buyer's identification cards will be sent to the dismantler for distribution to the respective applicants. There shall be no more than three buyer's identification cards per business.

C. The buyer's identification card shall include the name, driver's license number, name and address of the employer of the applicant and signature of the applicant; and number prefixed with BID, followed by the dismantler's license number, then the number of the cardholder (1, 2, or 3), followed by the current year (BID-0000-1-85). Cards obtained for the buyers will be \$25 each.

D. The buyer's identification card shall be carried upon the cardholder's person and same displayed to owner, manager, or person in charge of any salvage pool or salvage disposal sale. Physical description and signature of cardholder must be compared with cardholder's driver's license for valid identification by owner, manager, or person in charge of any salvage pool or salvage disposal sale. It shall be the duty of the owner, manager or person in charge of any salvage pool or salvage disposal sale to refuse to sell to any person any wrecked or repairable motor vehicle if such person does not display a valid buyer's identification card.

E. A certificate will be issued by the commission to be retained by the employing dismantler as evidence that its buyer's identification cardholder is properly licensed. Upon termination of employment, the certificate will be returned by the dismantler to the office of the Louisiana Used Motor Vehicle and Parts Commission within 10 days.

F. Dismantlers licensed in other states shall be permitted to buy at a salvage pool or salvage disposal sale provided that those out of the state dismantlers are licensed as dismantlers in states which have a dismantler license law that includes the inspection and control by the respective state of salvage disposal sale records, provided, that they obtain a buyer's identification card as required in this law.

### **Chapter 37. Changes to be Reported to Commission**

#### **§3701. Changes to be Reported to Commission**

A. Any changes of address, ownership or employment by the dealer shall be reported to the commission within 10 days of the change. A picture of the new location must be sent with notification.

B. The dealer will notify the commission when a salesman's employment is terminated by returning the salesman's certificate as set out in Chapter 31.

C. Each salesman shall surrender his identification card to the commission and obtain a new license for the new location before again engaging in the business as a salesman for another used motor vehicle dealer.

D. Any change which renders no longer accurate any information contained in an application for a dismantler's license filed with the commission shall be amended within 30 days after the occurrence of the change on the form prescribed by the commission, accompanied by the appropriate fee.

E. The dismantler will notify the commission when a buyer's identification cardholder's employment is terminated by returning the buyer's identification cardholder's certificate as set out in Chapter 35.

### **Chapter 39. Business Transactions**

#### **§3901. Register of Business Transactions**

A. Every dealer and dismantler shall keep a register and/or records of all purchases and sales of motor vehicles for three years from the date of purchase or sale, showing the make, model, year, style, vehicle identification number, and name and address of the purchaser or seller of the motor vehicle; to include all titles, purchase agreements, implied and written warranties, disclaimers or service contracts and any other condition of sale or inventory and parts records.

B. Such registers and/or records shall be made available for inspection by the Used Motor Vehicle and Parts Commission representatives or identified law enforcement officers of the state, parish and municipality where the business of the dealer or dismantler is located, during reasonable business hours or business days.

### **Chapter 41. Condition of Sale of a Motor Vehicle**

#### **§4101. Vehicle Service Contracts**

The Vehicle Service Contract must be approved by the Commission in that the contract content and forms to be used will be filed 10 days prior to selling such contract and if not rejected in 10 days from the filing date, the service contract will be conditionally approved.

#### **§4103. Condition of Sale Contracts and Warranty Disclaimers**

A. Condition of Sale Contracts and Warranty Disclaimers are considered approved if the language meets all other state and federal laws and conditions to constitute a bona fide represented sale. All conditions of sale and warranties to the consumer shall be in writing.

B. Dealers are required to keep on file copies of all Condition of Sale, Warranty Disclaimers and Service Contracts and any other related conditional forms which express the condition of sale for a period of three years from date of sale or as required by any other federal, state or local regulations.

### **Chapter 43. License Renewal**

#### **§4301. Period for Renewals**

Applications should be submitted by November 1 of each year. If applications have not been made for renewal of existing licenses, such licenses shall expire December 31 and it shall be illegal for any person to represent himself as a dealer thereafter. The commission shall issue all new licenses by January 10 of each year.

**Chapter 45. Complaints**

**§4501. Complaints**

All forms of complaints made to the commission must be made on the complaint form provided by the commission. A used car consumer action panel will hear complaints on a condition of sale, implied and written warranties and service complaints on those warranties, if complaints cannot be satisfied in any other manner.

Francis A. Landry  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published on August 20, 1985 and under the authority contained in Louisiana Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below.

Rule 3.01.51.z

The board approved for one year, the revised Elementary School Program of Studies and Minimum Time Requirements, which is set forth in its entirety in the "Declaration of Emergency" on page 752 of the August, 1985 issue of the *Louisiana Register*.

James V. Soileau  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published on August 20, 1985 and under the authority contained in Louisiana Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below.

Rule 3.01.70.v(37)

The board extended for an additional year, the present policy on the employment of noncertified school personnel [(Circular 665, Policy 3.01.70.v(37))] with an amendment to exclude speech, language and hearing specialists.

James V. Soileau  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to Notice of Intent published on August 20, 1985 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below,

Rule 6.03.95.12.2a

The Board adopted a word change on the Sabbatical Leave Policy for Vocational Technical schools to read as follows:

"Applications for professional leave shall\* be made at that time of budget preparation for the year in which leave is requested. Applicants shall be selected on the basis of first-come, first-served."

\* Changed from "should" to "shall".

James V. Soileau  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to Notice of Intent published on August 20, 1985 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below.  
Rule 4.03.05

The board adopted a procedural policy on how to define how students are counted with regards to their attendance, to be effective July 1, 1985 as amended by deleting the phrase "6 x number of days to be worked in calendar month" under Section #1 of the policy as follows:

1. Special permission by BESE is needed to continue classes when average full-time monthly enrollment falls below the following instructor/student ratio for a period of 60 days:

|                        |             |                       |              |
|------------------------|-------------|-----------------------|--------------|
| One instructor .....   | 7 students  | Six instructors ..... | 81 students  |
| Two instructors .....  | 17 students | Seven instructors ..  | 97 students  |
| Three instructors ...  | 33 students | Eight instructors ..  | 113 students |
| Four instructors ....  | 49 students | Nine instructors ..   | 129 students |
| Five instructors ..... | 65 students | Ten instructors ....  | 145 students |

2. An unannounced audit will be conducted at each school. Any school found falsifying information shall be reported to BESE for necessary action.

3. Student enrollment will be considered only for training purposes. Special needs will only be reported when students are assigned full time to special needs and are waiting to enter a specific training program.

4. Student personnel services, related instruction, or support activities will not be reported.

Note. The Director's Association has a current committee that is working on a report that deals with the number of support personnel that would be needed for each school. The total number of student contact hours generated by each school will help decide the personnel needed.

5. Adult education students will be reported for those classes in correctional institutions and whose instructors are paid by the vocational-technical school. All fulltime adult education programs will be reported and will follow guidelines and regulations adopted by BESE.

6. All waiting lists will be purged quarterly.

**SPECIAL PROVISIONS**

The directors shall be allowed to appear before the executive director of BESE to seek enrollment exemptions for certain programs such as Health Occupations, EMT, or others with special limiting conditions.

**SPECIAL RECOMMENDATION**

1. The counting of three-fourths time students shall remain in effect.

**MONTHLY ATTENDANCE REPORT - Terms and Forms**

1. The forms and definition of terms submitted by the Department shall be consistent with recommended changes of the directors, and that workshops be held to provide instruction on how to properly complete the forms. It is further recommended that all instructions for completion of forms be produced in writing and provided to all schools.

2. Hours shall be used for daily attendance reporting as opposed to "checks and zeros".

James V. Soileau  
Executive Director

## RULE

### Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published on August 20, 1985 and under the authority contained in Louisiana Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below.  
Rule 3.01.70.v(22)(3)

The board adopted the recommendations for the Department of Education that temporary certificates shall not be issued to speech, language and hearing specialists.

James V. Soileau  
Executive Director

## RULE

### Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to notice of intent published on August 20, 1985 and under the authority contained in Louisiana Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below.  
Rule 3.01.70.v(22)(2)

The board extended for one year, the present policy on temporary employment permits [Policy 3.01.70.v(22)(2)] as follows:

“The board extended the temporary employment permit for the 1985-86 school year with the proviso that as of September 20, 1984, a speech pathologist can be reissued a permit under the board policy only if evidence is presented to the Department of Education that the NTE has been retaken within one year from the date the permit was last reissued.”

James V. Soileau  
Executive Director

## RULE

### Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to Notice of Intent published on August 20, 1985 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below.  
Rule 4.03.06

The Board adopted the following policy for termination and demotion of *new* regional directors, directors, and assistant directors of the vocational technical schools employed after July 25, 1985:

#### \*POLICY FOR TERMINATION AND DEMOTION OF NEW REGIONAL DIRECTORS, DIRECTORS AND ASSISTANT DIRECTORS OF VOCATIONAL-TECHNICAL SCHOOLS

Regional directors, directors and assistant directors of vocational-technical schools may be terminated from employment or demoted for any valid reason. The regional director, director or assistant director shall be afforded an opportunity for hearing after reasonable notice before the termination or demotion is ordered. The notice shall include a statement of the time, place and nature of the hearing and reference to the BESE policy providing for the proposed action and hearing thereon. The notice shall apprise the

regional director, director or assistant director of the nature of the charges against him.

Opportunity shall be given for the charged party to appear before BESE or its designated committee and to bring witnesses and present evidence to rebut the charges. The charged party shall have the right to be represented by counsel of his choosing.

The provisions of this part are not intended to grant regional directors, directors or assistant directors a property interest in their continued employment but are instead designed to provide a procedure to be followed before any action is taken terminating the employment or demoting such employees.

\* NEW applies to regional directors, directors and assistant directors employed after July 25, 1985.

James V. Soileau  
Executive Director

## RULE

### Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to Notice of Intent published on August 20, 1985 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below.  
Rule 4.03.07

The Board adopted the following policy concerning the interview process and appointment of a vocational technical school director:

1. That the member of the Board from the district in which the vacancy occurs be present and that he/she serve as Chairperson,
2. That at least one other member of the Board be in attendance,
3. That the Board's Executive Director or his designee be present, and
4. That the Assistant Superintendent of Vocational Education or his/her designee be in attendance.

James V. Soileau  
Executive Director

## RULE

### Department of Environmental Quality Office of Water Resources

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq., and in particular Section 1094 (B)(3) and (B)(4) and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary of the Department of Environmental Quality, Patricia L. Norton, adopted the Louisiana Water Pollution Control Regulations on November 12, 1985. The effective date of these regulations is November 20, 1985.

The secretary initiated rulemaking procedures to adopt this rule on August 22, 1985. A notice of intent was published in the *Louisiana Register* on September 20, 1985. Prior to the final adoption by the secretary on November 12, 1985, this rule was forwarded to, and found acceptable by, the Joint Committees on Natural Resources.

Persons requesting copies of the rule may contact Shirley Rothman, Department of Environmental Quality, Water Pollution Control Division, Box 44091, Baton Rouge, LA, 70804-4091, (504) 342-6363. Persons requesting further information concern-

ing the rule may contact Barbara Romanowsky at the same address.

Patricia L. Norton  
Secretary

## RULE

### Office of the Governor Division of Administration Office of Contractual Review

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et. seq.) and R.S. 39:1490(B), and pursuant to the notice of intent published on September 20, 1985, notice is hereby given that the Office of the Governor, Division of Administration, Office of Contractual Review is adopting rules and regulations, previously published in LR 10:455 (June, 1984). 10:455 (June, 1984) is amended to read as follows:

#### Title 34

### GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY CONTROL

#### Part V. Procurement of Professional, Personal, Consulting and Social Services

#### Chapter 1. Procurement of Professional, Personal, Consulting and Social Services

#### Subchapter A. General Provisions

#### §101. 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984).

#### §103. Definitions and Classes of Contractual Services

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

A. *Personal services* 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, personal or social 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. *Social service* means work rendered by any person, firm, corporation, organization, governmental body, or governmental entity in furtherance of the general welfare of the citizens of Louisiana, including but not limited to the following objectives:

#### 1. Rehabilitation and Health Support

Services rendered by a contractor with special knowledge or service available to assist individuals attain or maintain a favorable condition of physical and/or mental health. These services include but are not limited to health-related counseling; alcohol or drug abuse training and treatment; training to support emergency medical services; services to support family planning; counseling, delinquency prevention; genetic disease evaluation and counseling, community-based medical support services; evaluation and training for physically/mentally handicapped; and other services in support of same.

#### 2. Habilitation and Socialization

Services rendered by a contractor with special knowledge to assist specified client groups to enhance their self-sufficiency or alleviate their dependency and/or isolation from the community. Services include but are not limited to day care; work and training; early intervention for the mentally retarded, developmentally delayed, or physically handicapped; transportation for service access; homemaker, home management, and housing improvement services; in-home and out-of-home respite care; socialization services for low income and other special needs groups; nursing home ombudsman; nutritional, employment, case management, senior center activities, or other services to aid independent living by the elderly, and training and community planning services for same.

#### 3. Protection for Adults and Children

Services rendered by a contractor to provide therapeutic intervention for adults or children who are in danger or threatened with danger of physical or mental injury, neglect, maltreatment, extortion, or exploitation, including victims of family violence. These services include but are not limited to community planning for neglect/abuse; adoption; substitute care; education and training; crisis intervention type services; emergency shelter for victims of rape/family violence or services in support of same; and training and evaluation services for same.

#### 4. Improvement of Living Conditions and Health

Services rendered by an authorized contractor with special knowledge or services available to assist individuals to attain or maintain favorable conditions in which to live. These services include but are not limited to:

- a. distribution of foodstuffs either purchased or that are made available from government-owned commodities,
- b. determining the needs of the poor, and development of programs to distribute the available resources,
- c. determining the needs of the poor and identifying programs to alleviate these poverty conditions,
- d. provide services to respond to the educational/employment needs of eligible individuals in the communities needing these services. The primary purpose of this service is to provide the participating individuals with the skills necessary for them to advance socially, academically, and occupationally,
- e. providing training and evaluation of services for any of the above services.

5. Evaluation, Testing and Remedial Educational Services for Exceptional Handicapped or Learning Disabled Nonpublic School Students



Services rendered by a contractor with special knowledge or services available to provide special educational and related services for exceptional or handicapped students voluntarily enrolled in approved nonpublic schools of Louisiana who are not otherwise provided with such services through either their local school program or through other services afforded to them by local school boards or other public agencies. These services may include but are not limited to identification, assessment, appraisal, and evaluation of exceptional or handicapped children; development of individualized education programs; and the providing of instructional and supportive services to such eligible students in accordance with the provisions of R.S. 17:1941, et seq. (Act 754 of 1977) and P.L. 94-142 and their regulations.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984).

#### **§106. 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, consulting and social service contracts, to specifically include contracts for professional, personal, consulting and social services for five thousand dollars 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. [See Appendix A.]

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984).

#### **§109. Contract Contents**

A. Each contract for professional, personal, consulting and social 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 [See LAC 4:Part V]). 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 [See LAC 4:Part V].

D. When a contract is to include travel and 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 Administration Policy and Procedure Memorandum 49 [See LAC 4:Part V]; 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 and Procedure Memorandum 49 [See LAC 4:Part V].

E. If the using agency desires to reimburse the contractor other than in accordance with rates established in Policy and Procedure Memorandum 49 [see LAC 4:Part V], such reimbursement must be approved by the commissioner of administration as a waiver to the requirements of PPM 49.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984).

#### **§112. Modification of Contract**

All amendments to contracts for professional, personal, consulting and social 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 §133, 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 §118.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984).

#### **§115. 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984).

#### **§118. 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.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984).

### §121. Contractual Review Process

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

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

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

#### D. Contracts Returned From Budget

##### 1. Not Recommended for Approval

If a contract is not recommended for approval, the Office of Contractual Review shall discuss the reason with the budget analyst. If the problem cannot be resolved the contract shall be returned to the submitting agency with a letter explaining the problem.

##### 2. Recommended for Approval

If a contract is recommended for approval the review process shall continue.

#### E. Legal and Content Review

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

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

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

3. Beginning and termination dates for the contract. Normally, such contracts should be for a term no longer than one year, although the director of contractual review may approve contracts with terms up to three years. Contracts shall not include a clause permitting automatic renewal or extension of the original beyond a three year period.

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 [in Appendix A]).

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

##### 1. Civil Service

All contracts must have Civil Service approval.

##### 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 §142. Failure to so comply shall result in the using agency having to reconduct the process. A statement in accordance with R.S. 39:1503 (C) as to why the award was made must be submitted with the contract.

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

#### J. Social Service Contracts for \$150,000 or More During a 12 Month Period

If a contract is for services defined as social services in R.S. 39:1484(24), it must have been awarded pursuant to the requirements of R.S. 39:1503 unless exempt by R.S. 1494.1. Failure to so comply shall result in the using agency having to reconduct the process. A statement in accordance with R.S. 39:1503(c) as to why the award was made must be submitted with the contract.

K. When a contractor is a corporation, a formal, dated Board Resolution must be secured and attached to the contract indicating that the signatory is a corporate representative and authorized to sign said contract.

L. When it has been determined that a contract is complete, the contract shall be returned to the submitting agency with an approval letter attached and signed by the director of contractual review.

M. A performance evaluation for every personal, profes-

sional, consulting or social service contract shall be done by the using agency in accordance with R.S. 39:1500. This performance evaluation shall be retained by the using agency for all small purchase contracts approved under delegated authority. For all other contracts this performance evaluation shall be submitted to the Office of Contractual Review within 120 days after the termination of the contract. An example evaluation form can be found in Attachment F [See Appendix A]. Using agencies should use their own formats.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984).

#### **§124. 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, consulting or social 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
- Ultrasonography Technologist

Other specialists as may be included later by the director of the Office of Contractual Review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984).

#### **§127. 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, consulting or social 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984).

#### **§130. 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984).

#### **§133. 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984).

#### **§136. 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, or for social services for \$150,000 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 Subsections A and B.

D. In any case where a contract for consulting services is for \$75,000 or more, or where a contract for social services is for

\$150,000 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 Subsections 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 Subsection A, Paragraph 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984).

### **§139. 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 Subsection D of this Section shall be final and conclusive, unless appealed as provided for in Subsection 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 10 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.

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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984).

### **Subchapter B. Contracts Let via a Request for Proposals Process**

#### **§142. Source Selection Methods**

Pursuant to R.S. 39:1494-1496 professional or personal services contracts for any amount, consulting services contracts less than \$75,000, and social service contracts meeting one of the requirements of R.S. 39:1494.1(A) may be awarded without competitive negotiation or bidding, therefore this Section shall be applicable to consulting services contracts for \$75,000 or more and social service contracts for \$150,000 or more which are not exempted by R.S. 1494.1(A).

#### 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 Paragraphs A or B above will dispense with the requirement of a Request for Proposal pursuant to 39:1496(B) and 1494.1(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

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984).

#### §145. Request for Proposals

Unless otherwise stated this Section applies to Requests for Proposals (RFP) for both consulting and social service contracts.

##### A. Prequalification of Offerers for Consulting Services Contracts Only

A using agency which intends to issue a 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. Notice to Social Service Proposers

Written notice shall be mailed to persons, firms or corporations who are known to be in a position to furnish such social services, at least 14 days before the last day that such proposals will be accepted. This requirement is subject to reasonable limitation at the discretion of the using agency.

##### C. Advertisements

Written notices shall contain a general description of the consulting or social services desired and state the name and address of the using agency desiring to contract for consulting or social 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.

D. 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.

E. 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 se-

lected 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.

F. In addition to the requirements of R.S. 39:1503 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 contractor, both in preliminary studies and the actual services;

3. state approximately when the contractor can begin the work, plus an estimate of the time necessary to accomplish the work, if applicable;

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

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 firm's qualifications to include a specific list of personnel to be used in the services 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 for consulting services, the contractor 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. If applicable, the length of time needed for the services, broken down by phases, if phasing is necessary.

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

e. For consulting services only, 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, if applicable.

f. For social services only, a detailed budget or other cost breakdown as may be required by the using agency and/or the federal government.

G. 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 Subsections A through F above, 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.

#### H. 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 consulting service solicitation must be filed at least 14 days prior to the date for receipt of proposals. A protest of a social service solicitation must be filed at least seven days prior to the date for receipt of proposals. Protests with respect to an award shall be submitted within 14 days after the award has been announced by the agency.

#### I. 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.

#### J. Decision

The head of the agency must notify the protesting party within 10 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.

#### K. 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 14 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 10 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 6 months from receipt of said decision; an agency may proceed with an award after the commissioner so decides.

#### L. 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.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 39:1490(B).

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984).

### **§147. Contracts for Data Processing Consulting Services**

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

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 39:1490(B).

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984).

### **Subchapter C. Contracts for Data Processing Consulting Services in an Amount Greater Than \$100,000**

#### **§148. Procurement Support Team**

A procurement support team shall be formed in accordance 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.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 39:1490(B).

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984).

#### **§151. Procurement Support Team Involvement**

Procurement support team participation must include, as a minimum, review of the request for proposals and 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 sup-

port 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 reviewing the structure and content of requests for proposals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984).

**§154. Emergency and Sole Source Procurements**

Notwithstanding the guidelines established in §142, procurements of data processing consulting services in an amount greater than \$100,000 under emergency or sole source 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984).

**§157. 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 any 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984).

**Subchapter E. Revised Statutes §187. Revised Statutes**

A. These regulations shall be read and interpreted jointly with 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).

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984).

**Appendix A. Forms for the Office of Contractual Review Attachment A. Sample Contract**

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.

8.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984).

**Attachment B. Sample Certification**

Sample certification as required by R.S. 39:1497.

Ms. Bonita B. Brown, Director  
Office of Contractual Review  
Division of Administration  
Fourth Floor - Capitol Annex  
P. O. Box 94095  
Baton Rouge, Louisiana 70804-9095

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 consulting or social service contract.

3. When applicable, the requirements for consulting or social 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,

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984).

**Attachment C. Suggested Checklist for Review of Personal, Professional, Consulting and Social Services 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: <ul style="list-style-type: none"> <li>a. Travel and other reimbursable expenses constitute part of the total maximum payable under the contract; or</li> <li>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</li> <li>c. Travel expenses shall be reimbursed in accordance with Division of Administration Policy and Procedure Memorandum 49 (The State General Travel Regulation).</li> </ul> |
| ___ | ___ | 7. Contains the responsibility for payment of taxes, when applicable.   |
| ___ | ___ | 8. Contains 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, or for social services for \$150,000 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. Contract Let via a Request for Proposals Process:

- Contract file attached and this includes:
- \_\_\_\_\_ Criteria for Selection.
  - \_\_\_\_\_ Proposals.
  - \_\_\_\_\_ Pertinent Documents.
  - \_\_\_\_\_ Selection Memorandum.
  - \_\_\_\_\_ Request for Proposals.
  - \_\_\_\_\_ Contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984).

**Attachment D. Agency Transmittal Letter**

Ms. Bonita B. Brown, Director  
 Office of Contractual Review  
 Division of Administration  
 Fourth Floor - Capitol Annex  
 P. O. Box 94095  
 Baton Rouge, LA 70804-9095

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.  
 AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984).

**Attachment E. Quarterly Report on Small Contracts**

Mrs. Bonita B. Brown, Director  
 Office of Contractual Review  
 Division of Administration  
 Fourth Floor - Capitol Annex  
 P. O. Box 94095  
 Baton Rouge, LA 70804-9095

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  
 AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Contractual Review, LR 10:455 (June 1984).

**Attachment F. Performance Evaluation**

Performance Evaluation  
(Example only)

Agency Name \_\_\_\_\_

Office Name \_\_\_\_\_

Agency Contract No. \_\_\_\_\_

DOA Contract No. \_\_\_\_\_

Contractor \_\_\_\_\_

Beginning and 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



## RULE

### Office of the Governor Engineers Selection Board

In accordance with Revised Statutes 38:2311.E and pursuant with the Notice of Intent, published September 20, 1985, the Louisiana Engineers Selection Board adopts the amendment to Article VII(3) of the rules for Selection Procedure to read as follows:

#### Article VII Selection Procedure

Selection procedure is as follows:

1. . . .
2. . . .
3. Board will take a weighted vote. Each member shall vote for a first, second and third choice from the firms under consideration. A ballot without all three choices indicated shall not be considered.
4. . . .
5. . . .

James Poché  
Chairman

## RULE

### Office of the Governor Governor's Special Commission on Education Services

Application Procedure for T. H. Harris Scholarships

The Governor's Special Commission on Education Services intends to adopt the following rules pertaining to the application procedure for T. H. Harris Scholarships.

1. Complete application form.
  2. Return the application to the Scholarship Division at the above address along with a copy of at least a seven-semester high school transcript, two letters of recommendation, and a current college transcript if applicable. **ALL MUST BE MAILED IN ONE ENVELOPE.**
  3. The Scholarship Division will review the application, the scholastic records, and the recommendations to determine student's eligibility.
  4. The commission will determine the recipients, and recipients will be notified by letter. Recipients for the fall semester/quarter should receive notice before registration. Recipients for the spring semester/quarter are notified when funds are available.
  5. Deadline for fall semester/quarter scholarships is February 1; for spring semester/quarter scholarships is December 31. (EXCEPTION: late scholarship applications may be considered and placed on a waiting list for available funds at the appropriate university.)
  6. Fall funds are sent to the university for registration; spring funds are sent to the university on receipt of and when grade reports from the previous semester/quarter have been processed.
  7. The university will disburse funds to recipient.
  8. Deadline for claiming fall funds is October 1; deadline for claiming spring funds is March 1. Any funds not claimed by these dates will be reassigned by the Scholarship Division to applicants on the waiting lists.
- All application information must be submitted in one envelope.

Interested persons may comment on these proposed rules, orally or in writing to Ms. Mona H. Durham, director, Scholarship Division, Box 94064, Baton Rouge, LA 70804, (504) 342-5882.

## GUIDELINES

*You are advised to read carefully and retain this copy for future reference*

### T. H. HARRIS SCHOLARSHIP PROGRAM

The following requirements must be met:

A. Resident status—Applicant must be a legal resident of the State of Louisiana and a graduate of Louisiana high school.

B. University selection—Must be a Louisiana public university.

C. Personal qualifications—Applicant must demonstrate the ability to read and understand this information; must possess an acute mind, good character, ambitious purpose, and positive qualities of leadership; must have participated in extra class activities and abstained from participation in activities which create behavior incidents.

D. Scholastic requirements—Must have earned a 3.0 or better average based on a 4.0 scale in at least seven semesters of high school. The following grading scale is used by the Commission in determining grade eligibility for high school:

94 - 100 = A  
 87 - 93 = B  
 80 - 86 = C  
 70 - 79 = D

If the applicant has already enrolled in college, the above requirements must be met as well as the following: Applicant must have earned a 2.5 or greater average on a 4.0 scale for the first semester/quarter of the freshman year; must have earned at least a 3.0 average for the second semester/quarter of the freshman year and any extra quality points needed to assure a 3.0 on a 4.0 scale for the entire school year; must maintain at least a 3.0 as defined above on a semester-by-semester or quarter-by-quarter basis throughout the sophomore, junior, and senior years. If the scholarship is cancelled because of college grades, it cannot be reinstated.

The recipient must be enrolled as full-time carrying and earning twelve (12) or more hours at a semester university or eight (8) or more hours at a quarter university. PASS/FAIL and REMEDIAL courses do not meet this requirement and will not be considered in determining full-time status.

Honors courses—Although we recognize that honors courses indicate weighted courses, we have no authority to transpose transcript grades to weighted grades in order for the T. H. Harris Scholarship applicant to meet the 3.0 minimum requirement on the 4.0 scale. It is the responsibility of the high school to take such action if they feel the transcript merits this action. It is expected that this transposition will be indicated on the face of the transcript for each grade affected.

Numerical grades—Must be transposed to letter grades according to the scale indicated in the program guidelines. It is the responsibility of the high school to furnish the transposition.

Early admissions—If the student is taking course(s) for college credit then those grades should be considered/evaluated as such. If the student is taking college course work for college credit, then those grades should be included in the over-all evaluation of the application with regard to the college transcript.

E. Intent to enroll at a university other than that stated on the application must be stated in writing to the Scholarship Division by the application deadline. Failure to do so may result in permanent cancellation of the scholarship.

F. Intent to TRANSFER from one university to another must be stated in writing to the Scholarship Division by application deadline. Failure to do so may result in permanent cancellation of the scholarship.

IMPORTANT: Read the instructions carefully.

It is the purpose of the Commission to grant scholarships to Louisiana high school graduates who have excelled academically.

Name \_\_\_\_\_ Soc. Sec. No. \_\_\_\_\_

Area Code & Home Telephone \_\_\_\_\_ ACT Composite Score \_\_\_\_\_ Race \_\_\_\_\_

Permanent Mailing Address \_\_\_\_\_ P.O. Box or Street \_\_\_\_\_ City \_\_\_\_\_ Zip Code \_\_\_\_\_

Graduate of \_\_\_\_\_ High School \_\_\_\_\_ Parish \_\_\_\_\_ Month/Year \_\_\_\_\_

Are you presently attending college?  Yes  No Course \_\_\_\_\_

Are both parents living? \_\_\_\_\_ Father's Occupation \_\_\_\_\_

\_\_\_\_\_ Mother's Occupation \_\_\_\_\_

Name of college you wish to attend or you are attending \_\_\_\_\_ (One Only)  
 (If LSU or Southern, please state city)

Number of children in family (exclude self): Pre School \_\_\_\_\_ Elem School \_\_\_\_\_  
 High School \_\_\_\_\_ College \_\_\_\_\_

What is your seven semester average (Quality Points)? \_\_\_\_\_

What have you been doing since graduation? \_\_\_\_\_  
 \_\_\_\_\_ Attending College, Working, etc.

It is understood that by signing this application form the applicant agrees to the following conditions if a T. H. Harris Scholarship is awarded:

1. Funds will be used for living and instructional expenses only.
2. Applicant will attain a 3.0 average based on a 4.0 scale semester-by-semester or quarter-by-quarter.

It is further agreed that the following conditions are true:

1. That I have carefully read the rules governing the scholarship.
2. That all questions have been answered honestly.
3. That the application is being submitted through my own initiative.

Address all communications to: \_\_\_\_\_ Signature \_\_\_\_\_

Director Scholarship Division  
 GOVERNOR'S SPECIAL COMMISSION ON EDUCATION  
 SERVICES  
 P.O. BOX 9064  
 Baton Rouge, LA 70804-9064

Mona H. Durham  
 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 Governor's Office of Elderly Affairs (GOEA) has revised Sections 100 through 700 and Section 900 of the GOEA Policy Manual to reflect changes resulting from the Older Americans Act Amendments of 1984, the implementing federal regulations and state law. This revision was necessary to allow for publication of the GOEA's rules in the *Louisiana Administrative Code*. The effective date of this amendment is November 20, 1985.

Copies of this rule may be obtained by writing to Mrs. Betty Johnson, Planning Analyst III, Governor's Office of Elderly Affairs, Box 80374, Baton Rouge, LA 70898-0374.

Sandra C. Adams  
 Director

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, shall adopt a 3.7 percent increase in the Aid to Families with Dependent Children (AFDC) and General Assistance (GA) Need Standards.

R.S. 46:447 of the 1978 Legislature requires that the Office of Family Security establish AFDC and GA Need Standards and that those standards be adjusted each year effective January 1 to reflect the cost of living increase as reported in the Department of Labor's consumer price index.

**RULE**

The current need standards are shown below along with the

new AFDC and GA Need Standards based on a 3.7 percent increase in the cost of living:

| Household Size | Non Urban             |                         | Urban-Orleans, Jefferson, East Baton Rouge and St. Bernard |                        |
|----------------|-----------------------|-------------------------|--|------------------------|
|                | Current Need Standard | Increased Need Standard | Current Need Standard                                      | Increase Need Standard |
| 1              | \$ 200                | \$ 207                  | \$ 217   | \$ 225                 |
| 2              | 373                   | 386                     | 416  | 431                    |
| 3              | 528                   | 547                     | 579  | 600                    |
| 4              | 658                   | 682                     | 712  | 738                    |
| 5              | 783                   | 811                     | 841  | 872                    |
| 6              | 899                   | 932                     | 958  | 993                    |
| 7              | 1,016                 | 1,053                   | 1,071  | 1,110                  |
| 8              | 1,129                 | 1,170                   | 1,185  | 1,228                  |
| 9              | 1,236                 | 1,281                   | 1,294  | 1,341                  |
| 10             | 1,347                 | 1,396                   | 1,403  | 1,454                  |
| 11             | 1,465                 | 1,519                   | 1,522  | 1,578                  |
| 12             | 1,585                 | 1,643                   | 1,644  | 1,704                  |
| 13             | 1,714                 | 1,777                   | 1,762  | 1,827                  |
| 14             | 1,839                 | 1,907                   | 1,886  | 1,955                  |
| 15             | 1,966                 | 2,038                   | 2,014  | 2,088                  |
| 16             | 2,091                 | 2,168                   | 2,149  | 2,228                  |
| 17             | 2,219                 | 2,301                   | 2,254  | 2,337                  |
| 18             | 2,345                 | 2,431                   | 2,396  | 2,484                  |

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

**GA Need Standard**

| Household Size of | Current | Increased |
|-------------------|---------|-----------|
| 1                 | \$330   | \$342     |
| 2                 | 416     | 431       |

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, will implement the following rule in the Aid to Families with Dependent Children and Refugee Cash Assistance Programs as required by budgetary limitations so that levels of services in certain other departmental programs can be maintained.

**RULE**

The Office of Family Security has changed its method of determining the effective date that Aid to Families with Dependent Children and Refugee Cash Assistance benefits are paid at initial certification when a case is certified effective the month of application. This rule will provide that persons certified for AFDC or RCA benefits in the same month in which they apply will be paid effective the date the eligibility decision is made rather than effective the date of application.

This provision was adopted as an emergency rule effective August 1, 1985 and was published in the August 20, 1985, *Louisiana Register*, (Volume 11, Number 8).

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 adopt the following rule in the Food Stamp Program as provided for in Federal Regulation 7 CFR 273.9(d)(6).

**RULE**

Effective November 1, 1985, all food stamp households who claim actual utility costs rather than the standard utility allowance shall use a mandatory standard telephone allowance of \$17. Each October 1 thereafter, the mandatory standard telephone allowance shall be adjusted to reflect changes in the cost of basic telephone services.

The Office of Family Security will conduct an annual state-wide survey of telephone companies to determine the average monthly cost of basic telephone services. This methodology is subject to approval by the United States Department of Agriculture Food and Nutrition Service. The standard allowance developed shall also be submitted to USDA FNS for approval.

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 will implement the following rule in the general assistance program as required by current budgetary limitations so that levels of services in certain other departmental programs can be maintained.

**RULE**

The Department of Health and Human Resources, Office of Family Security will discontinue accepting applications for its general assistance program with the benefits currently being paid phased out and will eliminate all expenditures under the program no later than June 30, 1986.

This provision was adopted as an emergency rule effective August 1, 1985 and was published in the August 20, 1985 *Louisiana Register*, (Volume 11, Number 8).

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, adopts the following rule in the Medical Assistance Program.

**RULE**

The Medical Assistance Program eliminates program coverage of chiropractic services.

*Regulatory Exception*

Implementation of this rule 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 change shall remain in effect.

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

**RULE**

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

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

**RULE**

The Medical Assistance Program will no longer pay for wait time for non-emergency medical transportation providers who have to wait at a medical provider's office for a recipient.

*Regulatory Exception*

Implementation of this rule 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 change shall remain in effect.

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

**RULE**

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

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

**RULE**

The Medical Assistance Program will pay for only one pair of adult dentures within a five-year period. There are no provisions for exceptions to this policy.

*Regulatory Exception*

Implementation of this rule 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 change shall remain in effect.

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

**RULE**

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

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

**RULE**

The prices of durable medical equipment, prosthetic and orthotic devices, and medical supplies are frozen at the 1984/85 level. Payment for these items will be determined at the lesser of billed charges, area prevailing rate for FY 1984/85, or the providers price of record for FY 1984/85.

*Regulatory Exception*

Implementation of this rule 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 change shall remain in effect.

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

**RULE**

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

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

**RULE**

Effective for admissions on or after August 1, 1985, the Medical Assistance Program shall amend the reimbursement methodology for out-of-state hospitals enrolled as Medicaid providers to provide that payment for inpatient services shall be 72 percent of billed charges. Billed charges, in accordance with federal regulations, must be reasonable and may be either the customary charge of the supplier to all users or the prevailing charge in a locality on comparable services.

*Regulatory Exception*

Implementation of this rule 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 change shall remain in effect.

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

**RULE**

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

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

**RULE**

The reimbursement methodology for inpatient hospital services is hereby amended, for cost reporting periods beginning on or after August 1, 1985, to delete the provision for incentive payments when the hospital's actual costs do not exceed the target rate limitation. Hospitals shall be reimbursed for inpatient services the lower of allowable costs or the target rate limitation amount.

*Regulatory Exception*

Implementation of this rule 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 change shall remain in effect.

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

**RULE**

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

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

**RULE**

Payment for orthopedic shoes and/or shoe correction for recipients shall be made only when the shoes are attached to braces or when needed to protect gains from surgery or casting. Payment will not be made for metatarsus adductus, or internal tibial torsion.

*Regulatory Exception*

Implementation of this rule 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 change shall remain in effect.

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

**RULE**

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

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

**RULE**

Effective for outpatient hospital services provided on or after August 1, 1985, Medicaid interim reimbursement to in-state hospitals and reimbursement to out-of-state hospitals shall be 72 percent of billed charges. Outpatient laboratory services shall continue to be paid the lower of billed charges or the Medicare fee schedule rate for the service. Billed charges, in accordance with federal regulations, must be reasonable and may be either the customary charge of the supplier to all users or the prevailing charge in a locality for comparable services.

*Regulatory Exception*

Implementation of this rule 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 change shall remain in effect.

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

**RULE**

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

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

**RULE**

Effective for services provided on or after December 1, 1985, the Medical Assistance Program shall reimburse for certain surgical procedures only when performed in an ambulatory (out-patient) setting. Approval for inpatient performance of these procedures will be granted only when one or more of the following exception criteria exist, making an ambulatory setting inappropriate, and the criteria are documented in the medical record and are concurred with by the agency:

1. Presence of *Documented* medical condition(s) which make prolonged pre- and/or post-operative observation by a nurse or skilled medical personnel a necessity; and
2. likely to be time consuming or followed by complication;
3. if an unrelated procedure is being done simultaneously which itself requires hospitalization;
4. lack of availability of proper post-operative care;
5. likely that another major surgical procedure could follow the initial procedure (i.e. mastectomy);
6. likely to have technical difficulties as documented by admission or operative notes; and/or
7. carries high patient risk.

A physician (or other practitioner) shall not be paid for the surgery nor shall the hospital be reimbursed for accommodation and ancillary charges related to surgical procedures performed on

an inpatient basis for those procedures included on this list unless approved exception requirements for hospitalization are met.

The Office of Family Security shall respond to any request for authorization for hospitalization within 30 days of receipt of such request. Authorization for any of the specified surgical procedures performed in an inpatient hospital setting on an emergency basis may be requested of the Office of Family Security by the provider submitting a request for authorization accompanied by supporting medical documentation to the Office of Family Security Medical Assistance Division Director for review and post authorization.

Reimbursement to facilities for these surgical procedures on an outpatient basis shall be a flat fee per service in accordance with four groupings, not to exceed the Medicare payment rate for these groupings. Reimbursement to these groupings is unaffected by this change.

SURGICAL PROCEDURES REIMBURSABLE ONLY WHEN  
PERFORMED IN AN  
OUTPATIENT SURGICAL SETTING UNLESS  
AUTHORIZED FOR HOSPITALIZATION

I. Integumentary System

Group 1

Surgical Tooth Extraction or  
Dental Restoration  
Alveoplasty  
Benign lesion, excision (lipoma)  
Skin Biopsy  
Fingernail, toenail removal  
Malignant lesion, excision (Basal  
cell, Melanoma)

Group 2

Incision and Drainage  
Removal Foreign Body

Group 3

Breast biopsy (incision, excision  
uni-or bilateral)  
Mandible cyst excision, simple  
Pilonidal cyst excision, simple,  
extensive  
Skin graft

Group 4

Gynecomastia excision; uni-and  
bilateral

II. Musculoskeletal System

Group 1

Closed Reduction of Nasal Fracture  
Tenotomy, hands, fingers, ankle,  
feet and toes  
Trigger finger Release (tendon  
Sheath incision for )

Group 2

Phalangectomy (amputation, fingers  
and toes)  
Sequestrectomy  
Tendon Sheath Release (De Quervains)  
Zygoma (Zygomatic arch) Reduction  
Muscle Biopsy

Group 3

Bursectomy  
Capsulectomy/capsulotomy  
(metacarpophalangeal and  
interphalangeal)  
Ganglionectomy (wrist)  
Neuroma excision (Morton's and  
cutaneous and digital nerves)  
Osteotomy metatarsal (metatarsal  
head excision)  
Tendon repair without graft,  
implant or transfer

Group 4

Hammertoe Repair  
Boutonniere repair  
Bunionectomy  
Ligament repair  
Neurectomy  
Osteotomy  
Synovectomy  
Arthroscopy  
Fasciectomy/Faciotomy  
Arthrodesis  
Arthroplasty  
Tendon Repair with graft, implant or  
transfer

III. Respiratory System

Group 1

Bronchoscopy  
Excision turbinate  
Laryngoscopy  
Nasopharyngoscopy

Group 2

Nasal Polypectomy  
Antral Window (puncture)  
(Sinusotomy)

Group 3

Ethmoidectomy  
Irrigation Sphenoid Sinus

Group 4

Tonsillectomy  
Adenoidectomy (w or w/o tubes)  
Frenulectomy  
Septal Reconstruction  
Submucous Resection (turbinate and nasal  
septum)

IV. Cardiovascular System

Group 1

Temporal Artery, Ligation or biopsy

Group 4

Varicose Vein Ligation

V. Hemic and Lymphatic System

Group 2

Cervical Node (lymph node) biopsy

VI. Digestive System

Group 1

Esophagoscopy  
Brush biopsy of stomach  
Sigmoidoscopy (also  
Proctosigmoidoscopy)  
Gastrosocopy  
Rectal Dilation  
Tongue Biopsy  
Incision/Drainage Rectal Abscess

Group 2

Branchial Arch Appendage Excision  
Liver Biopsy, percutaneous  
Vermilionectomy (Lip peel)  
Fistulectomy

Group 3

Colostomy Revision (simple)  
Wedge Resection of Lip  
Hemorrhoidectomy

Group 4

Peritoneoscopy (mini-laparotomy)  
Herniorrhapy

VII. Urinary System

Group 1

Cystoscopy  
Cystourethroscopy  
Urethral Dilatation

Group 3

Transurethral Resection of  
Bladder Tumor (Cystourethroscopy w/  
operative procedure)

VIII. Male Genital System

Group I

Testicular Biopsy  
Prostate Biopsy  
slitting of prepuce

Group 2

Orchiectomy

Group 3

Hydrocele excision  
Circumcision (except newborn)

Group 4

Varicocele repair  
Vasectomy

IX. Female Genital System

Group I

Cervical biopsy  
Vaginal biopsy  
Vulva (labia) biopsy  
Examination under Anesthesia (pelvic)  
Vaginal Stenosis Release (Dilatation of  
Vagina under Anesthesia)  
Culdoscopy (Culdocentesis)  
Incision/Drainage Abscess

Group 2

Hysterosalpingogram  
Perineoplasty  
Vaginal tumor (cyst) excision

Group 3

Colpotomy, with exploration  
Dilation and curettage,  
diagnostic and/or therapeutic  
(nonobstetric)  
Dilation and Curettage, Therapeutic,  
after abortion

Group 4

Tubal Ligation or Occlusion  
Hymenotomy  
Cervical Cauterization  
(cryo cautery, and  
laser)  
Therapeutic Abortion  
Laparoscopy

X. Endocrine System

Group 3

Thyroglossal Duct Cyst Removal

XI. Nervous System

Group 3

Neurolysis (including carpal tunnel  
decompression)

Group 4

Ulnar Nerve Repair/Transfer

XII. Eye and Ocular Adnexa System

Group 1

Chalazion excision  
Discission lens (needling of lens)  
Foreign Body Removal  
Pterygium (excision or transposition)  
Lacrimal duct probing or  
reconstruction

Group 2

Canthoplasty  
Tarsorrhaphy

Group 3

Ectropion/Entropion repair

Group 4

Cataract extraction  
Enucleation, with and without implant  
Iridectomy  
Eye Muscle Operation (extraocular  
muscles, strabismus procedure)

XIII. Auditory System

Group 1

Myringotomy (including aspiration  
and/or eustachian tube inflation)  
Otoscopy

Group 4

Mastoidectomy, simple (transmastoid  
antrotomy)  
Myringoplasty  
Stapedectomy  
Tympanoplasty (without  
mastoidectomy)  
Tampostomy (tube insertion)

*Regulatory Exception*

Implementation of this rule 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 change shall remain in effect.

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

**RULE**

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

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

**RULE**

Effective August 9, 1985, the maximum pick-up fee paid to profit medical transportation providers will be reduced as follows:  
\$17.00 two way transport (first occupant)  
8.50 two way transport (multiple riders)  
8.50 one way transport (first occupant)  
4.25 one way transport (multiple riders)

*Regulatory Exception*

Implementation of this rule 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 change shall remain in effect.

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

**RULE**

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

The Department of Health and Human Resources, Office of Family Security, will adopt the following rule in the Support Enforcement Program:

**RULE**

Effective December 1, 1985 the Department of Health and Human Resources, Office of Family Security, shall implement in-state income assignment provision as authorized by R.S. 46:236.3 and as mandated by Federal Regulation 45 CFR 303.100.

Under the provisions of said statute, upon entry of any order for support after October 1, 1985, the court shall enter a separate order for income assignment. For those existing support orders, an income assignment order shall be entered upon motion by a proper party. The income assignment order will be activated whenever the absent parent's arrearage becomes equal to or greater than the amount of support owed monthly.

When the person ordered to pay support becomes delinquent, the department shall serve on the person a verified notice of delinquency, together with forms and instructions to petition to stay service of the income assignment order. If no petition to stay the service is timely filed with the Clerk of Court, the department will execute the appropriate documents and serve them upon the payor of income.

The payor of income computes the amount to be withheld according to the formula contained in one of the documents that was served. The amount subject to be withheld cannot exceed the percentage of disposable income subject to seizure as defined in R.S. 13:3881 or the federal wage garnishment law.

The forms of income available for assignment include any singular or periodic payment to an absent parent regardless of source, including but not limited to wages, salary, commission, independent contractor compensation, disability, unemployment compensation, annuity and retirement benefits, and any other payments made by any person, private entity, federal or state government, any unit of local government, school district, or any entity created by public act excluding worker's compensation.

The payor of income may deduct a \$3 processing fee from the absent parent's income each pay period during which the income assignment order is in effect. If the payor of income discharges, disciplines or otherwise penalizes a person ordered to pay support because of the duty to withhold income, the payor of income may be liable for the accumulated amount or be subjected to other sanctions.

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, will adopt the following rule in the Support Enforcement Program:

**RULE**

Effective 12/1/85 the Department of Health and Human Resources, Office of Family Security, shall implement interstate income assignment as authorized by R.S. 46:236.4 and mandated by Federal Regulation, 45 CFR 303.100.

The provisions of said statute provide for the enhanced enforcement of support obligations by providing a quick and effective procedure for the withholding of income derived in the jurisdiction to enforce a support order of another jurisdiction and

requires that income withholding, to enforce a support order of this jurisdiction, be sought in another jurisdiction. The initiation of income assignment is available upon application of a resident of this state, an obligee or an obligor of a support order issued by this state or an agency to whom the obligee has assigned support rights. An application fee may be imposed.

Upon receipt of a support order of another jurisdiction, the department shall file the appropriate documents with the Clerk of Court in which income assignment is being sought. The court then serves upon the absent parent a notice of the proposed income assignment order and schedules a hearing in the event the income withholding is contested.

The forms of income available for assignment include any singular or periodic payment to an absent parent regardless of source, including but not limited to wages, salary, commission, independent contractor compensation, disability, unemployment compensation, annuity and retirement benefits, and any other payments made by any person, private entity, federal or state government, any unit of local government, school district, or any entity created by public act excluding worker's compensation.

When the income assignment procedure is initiated in this state concerning income to be withheld in another state, the department shall require the beneficiary of our services to execute a IV-D application. In the situation where the custodial parent applies for IV-D services related to income assignment, the department will notify the IV-D agency of the state in which the absent parent is employed to implement interstate withholding.

Any out-of-state party requesting the department's services to effectuate an income assignment in this state must be processed through the IV-D agency in that initiating state. The department acknowledges the right of any out-of-state party to apply directly to Louisiana courts for income assignment, however.

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 will adopt the following rule in the Support Enforcement Program.

**RULE**

The Department of Health and Human Resources, Office of Family Security shall implement collection of past-due support by federal tax refund offset for Non-AFDC child support cases effective December 1, 1985, as mandated by Federal Regulation, 45 CFR 303.72.

The IV-D agency shall verify that the amount of past-due support is not less than \$500 and that the name and social security number of the absent parent are correct when the IV-D agency submits a magnetic tape on Non-AFDC cases in order for federal tax (IRS) offset to take place.

The IV-D agency shall deduct the processing fee imposed by the Internal Revenue Service from each Non-AFDC payee's offset refund check to cover processing costs.

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

**RULE**

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

The Department of Health and Human Resources, Office

of Management and Finance, Division of Policy, Planning and Evaluation has adopted the following changes to the policies and guidelines for home health services effective November 20, 1985. The notice of intent to adopt these changes was published in the *Louisiana Register* on September 20, 1985.

The amendment modifies the resource goal for home health services which requires that all proposals to provide home health services indicate that the proposed agency will meet licensing requirements and Medicare certification criteria. In conformity with Act 912 of the Regular Session of the Louisiana Legislature, the resource goal now exempts applicants seeking private payor only funds from meeting Medicare certification criteria.

The home health services policies and guidelines will also make appropriate references to L.R.S. 40:2009.31 through 40:2009.39 as provided for in Act 912.

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

## RULE

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

Effective November 20, 1985, the Department of Health and Human Resources, Office of Management and Finance, Division of Policy, Planning and Evaluation has adopted the following change to the 1985 - 1990 Louisiana State Health Plan. The notice of intent to adopt this change was published in the *Louisiana Register* on September 20, 1985.

The amendment modifies the resource goal for home health services which requires that all proposals to provide home health services indicate that the proposed agency will meet licensing requirements and Medicare certification criteria. In conformity with Act 912 of the Regular Session of the Louisiana Legislature, the resource goal now exempts applicants seeking private payor only funds from meeting Medicare certification criteria.

This revision is located on page 9-87 of the State Health Plan and shall read as follows:

"3. A proposal to provide home health services shall indicate that the proposed agency will meet licensing requirements and Medicare certification criteria. Applicants seeking private payor only funds are exempt from meeting Medicare certification criteria.

The Department of Health and Human Resources, Division of Licensing and Certification, shall deny licensure to any home health agency which does not receive a favorable recommendation from the Department's Division of Policy, Planning and Evaluation as a result of the applicant's failing to meet the criteria stated in the Resource Goals and the General Criteria for Need Certification Reviews.

Should the party seeking licensure desire to appeal, he must respond in writing to the Division of Licensing and Certification not more than 30 days after the date of notification of non-licensure in order to request a fair hearing or he forfeits his right of appeal. The hearing shall conform to rules set forth in the Louisiana Administrative Procedure Act."

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

## RULE

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

The Department of Health and Human Resources, Office of Preventive and Public Health Services in accordance with the

Louisiana Administrative Procedure Act, R.S. 49:950-970 adopted, effective November 20, 1985, the following rule on client eligibility for the Dental Clinical Program.

#### Definitions I

1. *Family*—A family is a group of two or more persons related by birth, marriage, or adoption who reside together; all such related persons are considered as members of one family. (If a household includes more than one family and/or more than one unrelated individual, the guidelines are applied separately to each family and/or unrelated individual and not to the household as a whole.)

2. *Family Unit of Size One*—In conjunction with the income guidelines, a family unit of size one is an unrelated individual (as defined by the Census Bureau) i.e., a person 15 years old or over (other than an inmate of an institution) who is not living with any relatives. An unrelated individual may be the sole occupant of a housing unit (or in group quarters such as a roominghouse) in which one or more persons also reside who are not related to the individual in question by birth, marriage, or adoption. (Examples of unrelated individuals residing with others include a lodger, a foster child, a ward, or an employee.)

3. *Income*—Refers to total annual cash receipts before taxes from all sources. (Income data for a part of a year may be annualized in order to determine eligibility.) Income includes money wages and salaries before any deductions, but does not include food or rent in lieu of wages. Income also includes net receipts from nonfarm or farm self-employment (receipts from a person's own business or farm after deductions for business or farm expenses.) Income includes regular payments from social security, railroad retirement, unemployment compensation, workers' compensation, strike benefits from union funds, veterans' benefits, public assistance (including Aid to Families with Dependent Children, Supplemental Security Income, and General Assistance money payments), training stipends, alimony, child support, and military family allotments or other regular support from an absent family member or someone not living in the household; private pensions, and regular insurance or annuity payments; and income from dividends, interest, rent, royalties, or periodic receipts from estates or trusts.

For eligibility purposes, income does not include the following money receipts: capital gains; and assets drawn down as withdrawals from a bank, the sale of property, a house, or a car; tax refunds, gifts, lump-sum inheritances, one-time insurance payments, or compensation for injury. Also included are noncash benefits, such as the employer-paid or union-paid portion of health insurance or other employee fringe benefits, food or rent received in lieu of wages, the value of rent from owner-occupied nonfarm or farm housing, and such federal programs as Medicaid, food stamps, or public housing.

#### Primary Dental Care Clinics II

##### A. Name and Location:

1. Caddo Parish Health Unit Dental Clinic, 2327 David Raines Road, Shreveport, Louisiana 71107;

2. Dental trailer number 1, State Planning District Number 5, which includes the following parishes: Allen, Beauregard, Calcasieu, Cameron and Jefferson Davis. The dental trailer is rotated to the various parish health units within the district;

3. Dental trailer number 2 State Planning District Number 3, which includes the following parishes: Assumption, Lafourche, St. Charles, St. James and Terrebonne. The dental trailer is rotated to the various health units within the district.

4. Jefferson Parish Health Unit Dental Clinic (east-bank), 111 North Causeway Boulevard, Metairie, LA 70001;

5. Jefferson Parish Dental Clinic (west-bank), 1901 Eighth Street, Harvey, LA 70058; and



6. Rapides Parish Dental Clinic, 1200 Texas Avenue, Alexandria, LA

B. Objectives, Scope of Activities and Charges

1. The objectives of this program are to effectively coordinate and administer dental care offered to children of low income families, to improve the quality and increase the quantity of the services and to raise the dental awareness in the community.

2. Treatment, corrections and other activities offered include:

- a) complete examination and diagnosis, including radiographs;
- b) elimination of pain and infection;
- c) preventive services including prophylaxis, topical fluoride treatment and oral hygiene instruction;
- d) restoration of carious or fractured teeth and treatment of injuries to soft tissues;
- e) elimination of disease of bone and soft tissues;
- f) maintenance or recovery of space when this service will have an effect on occlusion;
- g) treatment of injuries; and
- h) emergency treatment

3) No charges will be made for dental care at the clinics, except to the extent that payments will be made by a third party (including a government agency) which is authorized or under legal obligation to pay such charges.

C. Eligibility

1. Any family residing in Louisiana which is eligible and which requests dental services for its children may receive services at any of the clinic sites. (see appendix Number 1 for income guidelines). Children who are presently enrolled in the State's Handicapped Children's Program or the State's EPSDT Program are also eligible. Parents or guardians must present evidence demonstrating the child's eligibility in these programs.

2. Persons 18 years of age or under are eligible.

3. All age-eligible patients, regardless of income, will be afforded screening and emergency services from the clinics.

4. Services will be made available without the imposition of any duration-of-residence requirement.

5. Other siblings in a family with a handicapped child are eligible if the family qualifies under the income guidelines.

Special Dental Clinic: Handicapped Children's Dental Clinic  
200 Henry Clay Avenue, New Orleans, Louisiana 70118 III

A. Objectives, Scope of Activities and Charges

1. The objectives of this program are to effectively coordinate and administer dental care offered to children in the state's Handicapped Children's Program and to improve the quality and increase the quantity of the services.

2. Comprehensive dental care is provided.

3. Oral surgery, hospitalization and operating room services are provided by the Handicapped Children's Program.

4. No charges will be made for dental care at the Handicapped Children's Dental Clinic except to the extent that payments will be made by a third party (including a government agency) which is authorized or under legal obligation to pay such charges.

B. Eligibility

1. Children registered in the State's Handicapped Children's Program are eligible.

2. Persons must be 20 years of age or under to be eligible.

3. Persons with a handicapping condition are eligible to receive diagnostic and emergency dental services.

4. A waiver of guidelines may be granted by the chief, Dental Health Section, to handicapped children of low income families (see appendix number 1) who are not otherwise eligible

for the Handicapped Children's Program because they suffer from a handicapping condition which is not treated by the program.

5. Other siblings in a family with a child on the Handicapped Children's Program are not eligible for this clinic.

Appendix Number 1

INCOME GUIDELINES FOR  
DENTAL PROGRAM ELIGIBILITY

The annual family income listed in the right hand column is the maximum allowable for the family size number listed in the opposite left hand column.

| Family Size | Annual Family Income |
|-------------|----------------------|
| 1           | \$ 6,825             |
| 2           | 9,165                |
| 3           | 11,505               |
| 4           | 13,065               |
| 5           | 16,185               |
| 6           | 18,525               |
| 7           | 20,865               |
| 8           | 23,205               |

For family units or more than eight members add \$1,800 to annual income for each additional member.

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

**RULE**

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

The Office of Preventive and Public Health Services (OPPHS) adopted a rule which allows a minor (a person under 18 years of age) who has sought treatment on his own at an OPPHS clinic to refuse treatment and release OPPHS from responsibility when the minor desires to decline the recommended treatment and such treatment is not otherwise required by law. This is consistent with (a) the provisions of LSA-R.S. 40:1299.53(e) and 40:1299.56 allowing an adult or any pregnant female to refuse treatment for himself or herself; (b) LSA-R.S. 40:1095 allowing minors to consent to treatment on their own behalf; (c) Rule 14 of the DHHR rules governing the release of medical information, *Louisiana Register*, Volume 5, Number 7 Page 177 (July 20, 1979) which permits, but does not require, a treating physician to inform the spouse, parent or tutor of the minor as to the treatment given or needed; and (d) the requirement for confidentiality of information about individuals receiving family planning services as contained in the *Federal Register*, Volume 45, Number 108, rules and regulations, 59.11.

Further, OPPHS will allow the use of a form in its public health facilities which documents the refusal of treatment and release of OPPHS from responsibility. The forms entitled "Refusal of Treatment and Release from Responsibility" will be used (see Forms A and B).

Nothing in this rule shall be construed to mean that a person of any age may refuse treatment for venereal disease, for which treatment is required by law, viz: R.S. 40:1064, or may refuse to comply with requirements concerning the control of diseases specified in the State Sanitary Code, Chapter II.

minor  
ACTING ON OWN BEHALF

DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF PREVENTIVE AND PUBLIC HEALTH SERVICES  
REFUSAL OF TREATMENT AND RELEASE FROM RESPONSIBILITY

PATIENT I.D. NUMBER \_\_\_\_\_

PATIENT'S DATE OF BIRTH \_\_\_\_\_

BE IT KNOWN that on this date, I, \_\_\_\_\_ (NAME OF PATIENT)

have decided voluntarily to disregard the medical advice of the qualified health professionals attending me on behalf of the Office of Preventive and Public Health Services of the Department of Health and Human Resources. The treatment or procedures I am refusing are: \_\_\_\_\_

I have been fully informed by \_\_\_\_\_ (EMPLOYEE(S)' NAME(S) AND TITLE(S))

of the possible and probable adverse consequences of my refusal. I understand that my health could be negatively affected and my life possibly endangered by this refusal. The reason for my refusal is \_\_\_\_\_

I declare myself to be mentally competent. I hereby assume full responsibility for any and all possible present or future results or complications of my condition due to this refusal.

I do further hereby now and forever free and release the Office of Preventive and Public Health Services of the Department of Health and Human Resources and all of its agents, attending health care professionals and other personnel from any and all legal or financial responsibility as a result of this refusal and my medical condition.

I certify that I have read (or had read to me) and that I fully understand this Refusal of Treatment and Release from Responsibility. All explanations were made to me and all blanks filled in before I signed my name. I have refused this treatment of my own free will.

MONTH \_\_\_\_\_ DAY \_\_\_\_\_ YEAR \_\_\_\_\_ TIME AM/PM \_\_\_\_\_

SIGNATURE OF PATIENT \_\_\_\_\_

WITNESS (OTHER THAN NAMED EMPLOYEE) \_\_\_\_\_ WITNESS (OTHER THAN NAMED EMPLOYEE) \_\_\_\_\_

NAMED EMPLOYEE \_\_\_\_\_ OTHER NAMED EMPLOYEE, IF ANY \_\_\_\_\_

PHS-31M  
6/85

**RULE**

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

In accordance with the laws of the State of Louisiana, R.S. 40:4, the State Health Officer has determined that amendments to the State Sanitary Code, Chapter 13, "Sewage and Refuse Disposal", as adopted on July 24, 1985 by emergency rule, are necessary and remain adopted.

The predominant changes brought about by these amendments are to those sections of Chapter 13 which have a bearing on minimum lot size and related limitations dealing with the use of individual sewage disposal facilities. The major change provides for reduced minimum lot size requirements within parishes which maintain and enforce a comprehensive permitting system. In addition, the specified changes allow for a more coordinated permitting and approval process.

Due to the volume of Chapter 13 it did not appear in the Register. Rather, the above summary of the amendments was offered.

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

**RULE**

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

The Department of Health and Human Resources, Office of Preventive and Public Health Services adopts on November 20, 1985, the following rule as mandated by U.S. Department of Agriculture in 7CFR Part 246. This rule provides for the Special Supplemental Food Program for Women, Infants and Children policies on patient certification, participation and fair hearing rights.

**PROGRAM NARRATIVE**

Section 17 of Public Law 95-627 states, "Congress finds that substantial numbers of pregnant, postpartum and breastfeed-ing women, infants and young children from families with inadequate income are at special risk with respect to their physical and mental health by reason of inadequate nutrition or health care, or both. The program shall serve as an adjunct to good health care, during critical times of growth and development to prevent the occurrence of health problems and improve the health status of these persons."

The WIC Program provides supplemental food, health services and nutrition education for women, infants and children. It is federally funded through the U.S. Department of Agriculture. The Nutrition Section, Office of Preventive and Public Health Services, Department of Health and Human Resources, shall be responsible for the administration of the WIC Program in Louisiana. Extensive regulations have been published by the Food and Nutrition service of the U.S. Department of Agriculture in 7CFR Part 246. Federal regulations stipulate participation requirements, length of certifications, certification processes and standards, patient responsibilities and patient grievance rights.

The Louisiana WIC Program Agency Plan for 1985, including a comprehensive policy and procedure manual, is available for review by any interested party at the Nutrition Section, Office of Preventive and Public Health Services, Room 405, 325 Loyola Avenue, New Orleans, LA 70112.

Patient Participation, Certification and Hearing Rights

**I. Definitions**

Agency—Office of Preventive and Public Health Services, Department of Health and Human Resources (OPPHS-DHHR).

Agency Plan—Comprehensive implementation and op-

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erational manual including criteria and standards for nutritional certification as approved by U.S.D.A.

*Authorized Vendor*—A vendor who has completed the application process, has submitted a signed and notarized agreement, has been approved by the agency and has been assigned a distinctive five digit vendor number.

*Breastfeeding Women*—Women up to one year postpartum who are breastfeeding their infants and whose infants may be receiving equal to or less than 16 ounces of supplemental formula per day.

*Categorical Eligibility*—Pregnant, breastfeeding or postpartum (up to six months) women, infants (birth to one year of age), and children (one year of age to five years of age).

*Certification*—The implementation of criteria and procedures to assess and document each applicant's eligibility for the program.

*Competent Professional Authority*—Physicians, nurses, nutritionists employed by the agency, or contract agency, who may determine a patient's eligibility and prescribe the supplemental foods.

*CSFP*—The Commodity Supplemental Food Program administered by the Nutrition Section, OPPHS-DHHR, and implemented in Orleans Parish by the City of New Orleans Health Department.

*Days*—Calendar days except for those time standards which specify working days.

*Disqualification*—The act of ending the WIC Program participation of a participant, authorized vendor, or contract agency.

*Dual Participation*—Simultaneous participation in the WIC Program in more than one local health unit, or participation in the Program and the CSFP during the same period of time.

*Family*—A group of related or nonrelated individuals who are not residents of an institution but who are living together as one economic unit.

*Fair Hearing*—A procedure by which a participant, authorized vendor or contract agency may appeal an adverse decision rendered by the agency.

*Food Package*—Those foods, in the designated, quantities, which are listed on the voucher.

*Health Services*—Ongoing, routine pediatric and obstetric care (such as infant and child care and prenatal and postpartum examinations) or referral for treatment.

*Health Unit Staff*—Personnel employed to work at the local health unit.

*Income Guideline*—The income guideline is 140 percent of poverty level as set out by the Family Planning Program, Office of Preventive and Public Health Services, Department of Health and Human Resources in the *Louisiana Register*, Vol. 11, No. 8. Guidelines are as prescribed by the Department of Health and Human Services and are revised annually to be implemented by July 1 of each year.

*Infants*—Persons under one year of age.

*Local Health Unit*—A facility, including those contracting with the agency, within the parish that provides health services including WIC services under the authority of the Office of Preventive and Public Health Services, Department of Health and Human Resources.

*Migrant*—An individual whose principal employment is in agriculture on a seasonal basis, who has been so employed within the last 24 months, and who establishes, for the purposes of such employment, a temporary abode.

*Nutrition Education*—Individual or group education sessions that provide information and educational materials designed to improve health status, achieve positive change in dietary habits, and emphasize relationships between nutrition and health, all in

keeping with the patient's personal, cultural and socioeconomic preferences.

*Nutritional Risk*—This includes (a) detrimental or abnormal nutritional conditions detectable by biochemical or anthropometric measurements; (b) other documented nutritionally related medical conditions; (c) dietary deficiencies that impair or endanger health; or (d) conditions that predispose persons to inadequate nutritional patterns or nutritionally related medical conditions as described and coded in agency plan.

*Patient*—Persons certified by a competent professional authority to be eligible to participate in the WIC Program because they are categorically eligible, a state resident, low income and at nutritional risk in accordance with agency plan.

*Participation*—The number of persons who have received supplemental foods or vouchers during the reporting period.

*Postpartum Women*—Women up to six months after termination of pregnancy.

*Pregnant Women*—Women determined to have one or more embryos or fetuses in utero.

*Right to Appeal*—As mandated by 7 CFR Part 246 of the federal regulations, a patient may request a review and hearing of adverse action taken by the agency.

*U.S.D.A.*—The United States Department of Agriculture.

*Voucher*—The sequentially numbered checks issued to patients to purchase from authorized vendors the specific foods, in specific quantities, as listed on the back of each voucher.

*WIC*—Special Supplemental Food Program for Women, Infants and Children.

## II. Patient Eligibility and Certification

As described in federal register, 7CFR Part 246, the agency is to provide health services, nutrition education and supplemental foods to categorically eligible patients who are income eligible and found to be at nutritional risk. The purpose of the program is to improve health status, both physical and mental, of persons at critical times of growth and development. The agency is responsible for providing services to as many eligible patients as funding allows.

A. Integration with health services. To lend administrative efficiency and participant convenience to the certification process, whenever possible, program intake procedures shall be combined with intake procedures of other agency health programs or services.

B. Eligibility criteria. To be certified as eligible for the program, infants, children, and pregnant, breastfeeding and postpartum women shall:

1. Meet the requirement that the applicant reside within the jurisdiction of the state, however, length of residency is not an eligibility requirement.

2. Meet the income requirement as described in Paragraph C of this Section.

3. Meet nutritional risk criteria as described in Paragraph D of this Section and in the agency plan.

C. Income criteria and income eligibility determination.

1. Income criteria for the program is established at 140 percent of poverty as defined by the Family Planning Program of the agency.

2. In determining income eligibility of an applicant, the local health unit shall consider the average of all the money or benefits, except food stamps and federal in-kind housing, received by a family during the past 12 months or the family's current monthly rate of income, whichever favors the applicant.

3. The agency or local health unit may require routine verification of income from patients or a random selection of patients to verify income. Verification of an applicant's participation in other agency-administered programs which routinely verify income, such

as Medicaid, may be accepted provided those programs have income guidelines at or below the WIC Program guidelines.

D. Nutritional risk. A competent professional authority shall determine if a patient is at nutritional risk through a medical and/or nutritional assessment. This determination may be based on referral data submitted on an agency form, WIC-17, by a patient's private physician.

1. Determination of nutritional risk. At a minimum, height or length and weight of the patient shall be measured, and a hematological test for anemia such as a hemoglobin, hematocrit or free erythrocyte protoporphyrin test shall be performed. However, such tests are not required for infants under six months of age.

2. Appropriate nutritional risk codes, as specified in the agency plan and as summarized in Number 3 below, shall be documented on a certification form, WIC-1, at each certification/recertification visit.

3. Nutritional risk priority system. The agency shall, in the event that statewide participation has reached the maximum level, fill vacancies according to the federally mandated priority system. In the event a priority level must be partially closed, subpriorities are described in the agency plan as approved by U.S.D.A. Priorities are as follows:

a. Priority I—Pregnant women, breastfeeding women and infants at nutritional risk as demonstrated by hematological or anthropometric measurements, or other documented nutritionally related medical conditions which demonstrate the need for supplemental foods.

b. Priority II—Except those infants who qualify for Priority I, infants up to six months of age of program participants who participated during pregnancy. Also included are infants up to six months of age whose mothers were not program participants during pregnancy but whose medical records document that they were at nutritional risk during pregnancy as indicated by biochemical or anthropometric measurements or other documented nutritionally related medical conditions which demonstrated the person's need for supplemental foods.

c. Priority III—Children at nutritional risk as demonstrated by hematologic or anthropometric measurements or other documented medical conditions which demonstrate the child's need for supplemental foods. Postpartum women who were below 18 years of age while pregnant, anemic or were low weight for height and age at time of conception and remain underweight postpartally.

d. Priority IV—Pregnant women, breastfeeding women, and infants at nutritional risk because of an inadequate dietary pattern.

e. Priority V—Children at nutritional risk because of an inadequate dietary pattern.

f. Priority VI—Postpartum women at nutritional risk.

E. Timeframes for processing applicants. The local health unit shall accept requests for WIC screening for eligibility, make eligibility determinations, notify applicants of the decisions made and, if the patient is to be enrolled and the maximum participation case-load has not been reached, issue vouchers. All actions shall be accomplished within the time frames below.

1. The processing timeframes shall begin when the individual visits the local health unit during clinic office hours to make an oral or written request for screening. All requests are documented on a WIC-1 form, giving the patient name, address and date of request.

2. Special nutritional risk applicants shall be notified of their eligibility or ineligibility within 10 days of the date of the first request for program benefits. This includes pregnant women in Priority I, migrants and out-of-state transfers currently certified. The agency can approve an extension of the notification period to a

maximum of 15 days for those local health units which make written request, including a justification of the need for an extension.

3. All other applicants shall be notified of their eligibility or ineligibility within 20 days of the first date of the request for program benefits.

4. All local health units shall issue to patients vouchers that are valid for the month that eligibility certification is completed. However, when funding shortages exist and/or maximum participation levels have been reached, patients in all or lower priority levels are denied vouchers until funding levels allow new patients in those priority levels to be served. Patients certified but denied vouchers shall have their eligibility documented on a WIC-14 form in order to be contacted on a first-come first-served basis as funding allows.

F. Certification periods.

1. Program benefits shall be based upon certifications established in accordance with the following timeframes:

a. Pregnant women shall be certified for the duration of their pregnancy and for up to six weeks postpartum.

b. Postpartum women shall be certified for up to six months postpartum.

c. Breastfeeding women shall be certified at intervals of approximately six months and ending with the breastfed infant's first birthday.

d. Infants shall be certified up until their first birthday.

e. Children shall be certified at intervals of approximately six months and ending with the end of the month in which a child reaches its fifth birthday.

2. If the nutritional risk determination is based on data taken before the time of entrance into the program, the certification period for breastfeeding women and children shall be based upon the date when the data were taken.

3. Patients shall receive upon request verification of certification when transferring to another local health unit or out of state.

4. Patients receiving program benefits may be disqualified during a certification period for the following reasons:

a. Patient abuse, including, but not limited to knowing and deliberate misrepresentation of circumstances to obtain benefits; sale of supplemental foods or vouchers to, or exchange with, other individuals or entities; receipt from food vendors of cash or credit toward purchase of unauthorized food or other items of value in lieu of authorized supplemental foods; and physical abuse, or threat of physical abuse, of clinic or vendor staff.

b. If the agency experiences funding shortages, it may be necessary to discontinue program benefits to a number of certified and participating patients. The agency shall not enroll new patients during the period when currently participating patients, those who have received vouchers during a current certification, are denied remaining benefit.

G. Notification of participant rights and responsibilities.

1. All applicants shall read or have read to them a statement contained on a WIC-1a form stating their program rights and responsibilities, including the restriction of dual participation in the program or between the program and CSFP.

2. Patients found ineligible during a certification period shall be advised in writing of the ineligibility, the reasons for the ineligibility and of the right to a fair hearing.

3. Patients who are about to be disqualified from program participation during a certification period shall be advised in writing not less than 15 days before the disqualification, of the reasons for the disqualification and the right to a fair hearing.

III. Fair Hearing procedures for participants.

A. The agency provides a hearing procedure through which any individual may appeal within 15 days of notification of an agency or local health unit action which results in denial of participation or disqualification from the program.

B. The hearing process is governed by the procedures set forth in the Administrative Procedure Act, R.S. 49:950 et seq. and as mandated by federal regulations, 7CFR Part 246.

C. The agency shall not summarily deny or dismiss an appeal unless -

1. The request is withdrawn in writing by the appellant or legal representative of the appellant.

2. The appellant or legal representative fails, without good cause, to appear at the scheduled hearing.

3. The appellant has been denied participation by a previous decision following a hearing and does not allege in the request for appeal that circumstances relevant to program eligibility have changed in such a way as to justify a hearing.

D. The agency shall continue program benefits for a patient whose participation has been terminated during a certification period if a request for an appeal is received within the 15 days advance notification of disqualification. Benefits will continue until the hearing officer reaches a decision or the certification period expires, whichever occurs first. Applicants who are denied benefits at initial certification or because of the expiration of their certification may appeal the denial, but shall not receive benefits while pending the hearing and decision of the hearing officer.

C. A patient or representative may appeal the agency fair hearing decision through judicial review as provided for in the Louisiana Administrative Procedure Act.

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Secretary and State Health Officer

## RULE

### Department of Insurance Office of the Commissioner

#### NAIC Model Rule For Recognizing A New Annuity Mortality Table For Use In Determining Reserve Liabilities For Annuities

##### Section 1. Authority

This rule is promulgated by the commissioner of insurance pursuant to R.S. 22:163 of the Louisiana Insurance Code.

##### Section 2. Purpose

The purpose of this rule is to recognize new mortality tables, 1983 table "a" and 1983 GAM table, for use in determining the minimum standard of valuation for annuity and pure endowment contracts.

##### Section 3. Definitions

A. As used in this rule "1983 table 'a'" means that mortality table developed by the Society of Actuaries Committee to recommend a new mortality basis for individual annuity valuation and adopted as a recognized mortality table for annuities in June 1982 by the National Association of Insurance Commissioners.

B. As used in this rule "1983 GAM table" means that mortality table developed by the Society of Actuaries Committee on Annuities and adopted as a recognized mortality table for annuities in December 1983 by the National Association of Insurance Commissioners.

##### Section 4. Individual Annuity or Pure Endowment Contracts

A. The 1983 table "a" is [a] recognized and approved as an individual annuity mortality table for valuation and, at the option of the company, may be used for purpose of determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after September 7, 1979.

B. The 1983 table "a" is to be used for determining the minimum standard of valuation for any individual annuity or pure endowment contract issued on or after January 1, 1987.

##### Section 5. Group Annuity or Pure Endowment Contracts

A. The 1983 GAM table and the 1983 table "a" are a recognized and approved as group annuity mortality tables for val-

uation and, at the option of the company, either table may be used for purposes of valuation for any annuity or pure endowment purchased on or after September 7, 1979, under a group annuity or pure endowment contract.

B. The 1983 GAM table is to be used for determining the minimum standard of valuation for any annuity or pure endowment purchased on or after January 1, 1987 under a group annuity or pure endowment contract.

##### Section 6. Severability

If any provision of this rule or the application thereof to any person or circumstances is for any reason held to be invalid, the remainder of the regulation and the application of such provision to other persons or circumstances shall not be affected thereby.

##### Section 7. Effective Date

The effective date of this regulation shall be the date it is published as a final regulation in the *Louisiana Register*.

Sherman A. Bernard  
Commissioner

## RULE

### Department of Public Safety and Corrections Corrections Services

#### ADULT AND JUVENILE SERVICES

##### Administrative Remedy Procedures

##### I. PURPOSE:

Corrections Services has established an Administrative Remedy Procedure through which an inmate may seek formal review of a complaint which relates to any aspect of his imprisonment if less formal procedures have not resolved the matter. Through this procedure, inmates shall receive reasonable responses and where appropriate, meaningful remedies. This procedure applies to all inmates confined in all Corrections Services institutions, including juvenile institutions. (The words "inmate" and "offender" are use interchangeably throughout this document. Reference to either term refers to the other, and may refer to either adults or juveniles. "Unit head" means warden of an adult institution and/or superintendent of a juvenile institution.

##### II. ADOPTION OF PROCEDURES:

This procedure implements and clarifies the intent of the Secretary's September 30, 1974 memorandum on inmate grievances. It differs from that procedure by requiring offenders to exhaust remedies administratively at their units before requesting review by the Secretary of Public Safety and Corrections. It further reduces into organized form the heretofore unwritten grievance procedure which has existed for at least ten years at all Department of Public Safety and Corrections institutions. This formalization of the Administrative Remedy Procedure additionally codifies the experiences and suggestions of employees and inmates of the Department of Corrections over the years. This procedure is in compliance with the requirements of 42 USC 1997, the "Civil Rights of Institutionalized Persons Act", or CRIPA, and Part 40 of Title 28, Code of Federal Regulations.

##### III. APPLICABILITY:

A. Offenders may request Administrative Remedies to situations arising from policies, conditions, or events within the institution that affect them personally.

B. There are three procedures already in place within the Department of Public Safety and Corrections institutions, which procedures are hereby specifically and expressly incorporated into and made a part of this Administrative Remedy Procedure. These procedures shall constitute the Administrative remedies for disciplinary matters, denial of publications, and lost property claims.

1. Disciplinary Process, Appendix A, Disciplinary Rules for Adult Prisoners, as revised.

2. Denial of Publications, Appendix B, Department Regulation No. 30-19, as revised.

3. Lost Property Claims, Appendix C, Department Regulation No. 30-22 A, as revised.

C. The following matters shall not be appealable through this Administrative Remedy Procedure:

1. Court decisions (habeas corpus proceedings, pending criminal matters, etc.) over which the Department has not control or jurisdiction.

2. Pardon Board and Parole Board decisions. Under Louisiana law, decisions of these Boards are discretionary, and may not be challenged.

3. Lockdown Review Board decisions. Inmates are furnished written reasons at the time of their Lockdown Review Board hearings as to why they are not being released from Lockdown, if that is the case. The Board's decision may not be challenged. There are, however, two bases for request for Administrative remedy on Lockdown Review Board hearings:

a. that no reasons were given for the decision of the Board.

b. that a hearing was not held within 90 days from the inmate's original placement in Lockdown or from the last hearing. There will be a 20-day grace period attached hereto, due to administrative scheduling problems of the Review Board, therefore, a claim based on this ground will not be ripe until 110 days have passed and no hearing has been held.

#### IV. DEFINITIONS:

As used in this procedure, the following definitions shall apply:

A. **Grievance:** A written complaint by an offender on the offender's own behalf regarding a policy applicable within an institution, a condition within an institution, an action involving an offender of an institution, or an incident occurring within an institution.

B. **Emergency Grievance:** A matter in which disposition within the regular time limits would subject the offender to a substantial risk of personal injury, or cause other serious and irreparable harm to the offender.

C. **Offender:** An adult or juvenile incarcerated in a correctional institution.

D. **Unit Head:** Warden or Superintendent, or his designee.

E. **Days:** Calendar Days.

F. **Initiation of the Process:** For a particular complaint, the Administrative Remedy Procedure shall commence the day the Unit Head refers the request to a staff member for the First Step.

#### V. POLICY:

All offenders, regardless of their classification, impairment or handicap, shall be entitled to invoke this grievance procedure. It shall be the responsibility of the unit heads to provide appropriate assistance for offenders with literacy deficiencies or language barriers. No action shall be taken against an offender for the good faith use of or good faith participation in the procedure. Reprisals of any nature are prohibited. Offenders are entitled to pursue, through the grievance procedure, a complaint that a reprisal occurred.

#### A. OFFENDER AND EMPLOYEE PARTICIPATION:

Offenders and employees shall be given an opportunity to participate in an advisory capacity in the disposition of grievances challenging general policy and practices. At each institution, inmates and employees who are interested in participating in this capacity should send their names in to the Chief of Correctional Services in order that he may maintain a list of interested persons. Upon determining that a complaint of this nature has been made, the Chief of Correctional Services shall randomly choose at least two inmates and at least two employees whose names appear on the

list of interested persons from the institution from which the complaint arose, and seek written advisory comments. Names and specific facts will be deleted, and only questions of a general nature will be asked. These comments shall be advisory only, and shall not be binding or obligatory in any fashion.

#### B. REVIEWERS:

If an offender registers a complaint against a staff member, that employee shall not play a part in making a decision on the request. However, this shall not prevent the employee from participating as a Step One respondent, since the employee complained about may be the best source from which to begin collecting information on an alleged incident. In such a case, Step One will be an information-gathering step, rather than one which gives rise to a "decision". If the offender is not satisfied with the information gathered at Step One, he should pursue his grievance to the Unit Head via Step Two, where a decision on the matter shall be made.

#### C. COMMUNICATIONS:

New employees and incoming offenders must be made aware of the system in writing and by oral explanation at orientation and should have the opportunity to ask questions and receive oral answers. The procedures shall be posted in writing in areas readily accessible to all employees and offenders.

#### D. WRITTEN RESPONSES:

At every stage of decision and review, offenders will be provided written answers that explain the information gathered or the reason for the decision reached and a statement of any provision for further review, along with simple directions for obtaining such review.

#### E. REVIEW AND COMMENT:

The unit head shall annually solicit comments and suggestions on the handling of requests, the efficiency of the procedures and the credibility of the procedures from offenders and staff and report the results of such review to the Chief of Correctional Services.

#### VI. PROCEDURE:

##### A. SCREENING:

The unit head will screen all requests prior to assignment to the First Step. This discretionary decision should not unreasonably restrain the offender's opportunity to seek a remedy. If a request is rejected, it must be for one of the following reasons, which shall be noted on Form ARP-1, citing reasons for rejection:

1. This matter is not appealable through this process, such as:

- a. court decisions
- b. Parole Board/Pardon Board decisions
- c. Lockdown Review Board (see Part III (C), supra)

2. There are specialized Administrative Remedy Procedures in place for this specific type of complaint, such as:

- a. disciplinary matters
- b. denial of publications
- c. lost property claims (see Part III (B), supra), and must be handled through these processes.

3. It is a duplicate request.

In cases where a number of offenders have filed similar or identical requests seeking administrative remedy, it is appropriate to respond only to the offender who filed the initial request. Copies of the decision sent to other offenders who filed requests simultaneously regarding the same issue will constitute a completed action. All such requests will be logged.

4. The complaint concerns an action not yet taken or decision which has not yet been made.

5. There has been a time lapse of more than thirty days between the event and the initial request.

6. Another offender has already requested review of the same issue.

7. The offender has requested a remedy for another offender.

8. The offender has requested a remedy for more than one incident (a "multiple" complaint).

9. The request, if not on a furnished form, does not contain the phrase "This is a request for administrative remedy."

10. Established rules and procedures have not been followed.

Notice of the request's acceptance or rejection will be given via the Offender's Relief Request Form, Form ARP-1.

#### B. INITIATION OF PROCESS

Offenders should always try to resolve their problems within the institution informally, before initiating the formal process. This informal resolution may be attempted by talking to staff members, Wardens, etc. If the inmate is unable to resolve his problems or obtain relief in this fashion, he may initiate the formal process.

The method by which this process is initiated is by a letter from the offender to the Unit Head. For purposes of this process, a letter is:

(a) any form of written communication which contains this phrase: "This is a request for administrative remedy," or

(b) at institutions which wish to furnish forms for commencement of the process, the form.

No request for administrative remedy shall be denied acceptance into the Administrative Remedy Procedure because it is or is not on a form; however, no letter as set forth in (a) above shall be accepted into the process unless it contains the phrase, "This is a request for administrative remedy."

Nothing in this procedure should serve to prevent or discourage an inmate from communicating with the Unit Head, or anyone else in the Department of Public Safety and Corrections. The requirements set forth in this document for acceptance into the Administrative Remedy Procedures are solely to assure that incidents which may give rise to a cause of action will be handled through this three step system of review. All forms of communication to the Unit Head will be handled, investigated and responded to as the Unit Head deems appropriate, as in the past.

#### C. ABUSE OF THE PROCEDURE:

1. If an offender submits multiple requests during the period of Step One review on his first request, the first request will be accepted and handled. The others will be logged and set aside for handling at the unit head's discretion. The unit head may determine whether a letter of instruction to the offender is in order. If such a letter is sent, a copy shall also be sent to the Chief of Correctional Services.

2. If a request is unclear or the volume of attached material is too great, it may be returned to the offender with a request for clarity or summarization on one additional page. The deadlines for this request begin on the date the resubmission is received in the Unit Head's office.

3. If an offender refuses to cooperate with the inquiry into his allegation, the request may be cancelled by noting the lack of cooperation on the Form ARP-1 and returning it to the offender.

#### D. REPRISALS:

No action shall be taken against anyone for the good faith use of or good faith participation in the procedure.

The prohibition against reprisals should not be construed to prohibit discipline of offenders who do not use the system in good faith. Those who file requests that are frivolous or deliberately malicious may be disciplined under DOC "Handbook for Adult Prisoners", Rule 22, Theft by Fraud or Rule 4, Disobedience; or "Offender Rules, Juvenile Corrections Institutions" rule violation "Theft by Fraud".

#### VII. PROCESS:

##### A. First Step (Step One)

The offender commences the process by writing a letter to

the Unit Head, in which he briefly sets out the basis for his claim, and the relief sought (see VI. B, supra, for requirements of "letter"). The inmate should make a copy of his letter of complaint and retain same for his own records. The original letter will become a part of the process, and will not be returned to the inmate. The institution is not responsible for furnishing the inmate with copies of his letter of complaint. This letter must be written to the Unit Head within 30 days of an alleged event. (This requirement may be waived where circumstances warrant: If the offender was ill and unable to write, etc. The Screening Officer will use his best, reasonable judgment in such matters.) The requests shall be screened in the Unit Head's office, and, if appropriate for handling through the Administrative Remedy Procedure, shall be forwarded to the staff member who could best afford relief (example: general security concerns would likely be referred to the camp major; food complaints to the kitchen supervisor; medical complaints to the medical director or hospital administrator, etc.). Alternatively, the request might be referred to the staff member named in the complaint, if any. In such a case, Step One will be more of an information-gathering step than a decision-making step. In a case where the request is referred directly to a staff member named in the complaint, it is anticipated that furnishing the offender with information as to how or why a certain action was taken will serve to resolve the grievance. In such an instance, the staff member's response will be furnished to his supervisor for review. If the supervisor feels that the response was inadequate or inappropriate for any reason, he shall intervene to affect any necessary changes, and shall document same in the Step One respondent's file which he maintains.

The Unit Head's office will send notice to the inmate that his request is either being processed, or is being rejected, as per the Screening Policy. The first step respondent will respond to the inmate within 15 days from the date the request is referred to the first level respondent by the Unit Head.

##### B. Second Step - Unit Head's Review (Step Two)

An offender who is not satisfied with the results of his first step attempt may request relief from the unit head. This second step request must be received in the Unit Head's office within five days of the inmate's receipt of the reply to his first step attempt. The unit head shall see to it that the offender receives his response in writing within 25 days of receipt of the request for Second Step review.

##### C. Third Step - Secretary's Review (Step Three)

An offender who is dissatisfied with the second step review may appeal to the Secretary of Public Safety and Corrections. He should attach all appropriate documents and responses from Step One and Two reviewers and mail the package directly to Chief, Correctional Services, Box 94304, Baton Rouge, LA 70804 post-marked within five days of the date of the second step response. A final decision will be made by the Secretary and the offender will be notified by mail postmarked within 40 days of the receipt of the appeal by Correctional Services. A copy of the appeal and the Secretary's response will be sent to the unit head for filing.

#### VIII. DEADLINES AND TIME LIMITS:

No more than 90 days from initiation to completion of the process shall elapse, unless an extension has been granted. Absent such an extension, expiration of response time limits shall entitle the offender to move on to the next step in the process.

An offender may request an extension in writing of up to five days in which to file at any stage of the process. This request shall be to the Unit Head for Steps One and Two, and to the Chief of Correctional Services for Step Three. The offender must certify valid reasons for the delay, which reasons must accompany his untimely request. The issue of sufficiency of valid reasons for de-



lay shall be addressed at each step, along with the substantive issue of the complaint.

The Unit Head may request permission for an extension of not more than five days from the Chief of Correctional Services. The offender must be notified in writing of such an extension.

The Chief of Correctional Services may grant a response time extension of five days for the Third Step Response. The offender must be notified in writing of such an extension.

In no case may the cumulative extensions exceed 25 days.

#### IX. EMERGENCY REVIEW:

At all Department of Public Safety and Corrections institutions, an offender may obtain immediate medical attention by declaring himself a medical emergency. Also, if an offender fears for his personal safety, he may ask that he be placed in lockdown as a protection case. A procedure for handling these two emergency situations is already in place within all of the institutions.

For situations other than the above, if an offender feels he is subjected to emergency conditions, he shall send an emergency request to the shift supervisor. The shift supervisor shall immediately forward the request to the level at which corrective action can be taken. The request shall be handled as expeditiously as possible, and shall be reviewed at the Headquarters level by the Secretary or his designee. All emergency requests shall be documented on a Wardens Unusual Occurrence Report or other form of incident report and filed in the inmate's institutional file.

Abuse of the emergency review process by an offender shall be treated as a frivolous or malicious request and the offender shall be disciplined accordingly (see "Reprisals, Section VI. D.") Particularly, but not exclusively, matters relating to administrative transfers, time computation disputes, and family illness or death are NOT to be treated as emergencies for purposes of this procedure, but shall be expeditiously and compassionately handled by the shift supervisor, where appropriate.

#### X. SENSITIVE ISSUES:

If the offender believes the complaint is sensitive and that he would be adversely affected if the complaint became known at the institution, he may file the complaint directly with the Chief of Correctional Services (Third Step level). The offender must explain, in writing, the reason for not filing the complaint at the institution.

If the Chief of Correctional Services agrees that the complaint is sensitive, he shall accept and respond to the complaint. If he does not agree that the complaint is sensitive, he shall so advise the offender in writing, and return the complaint. When this occurs, the Chief of Correctional Services shall also send a copy of this memo to the Unit Head's office. The inmate shall then have five days from the date the rejection memo is received in the Unit Head's office to submit his request through regular channels, beginning with the first step.

#### XI. RECORDS:

Administrative Remedy Procedure records are confidential. Employees who are participating in the disposition of a request may have access to records essential to the resolution of requests. Otherwise, release of these records is governed by La. R.S. 15:574.12.

All reports, investigations, etc. other than the offender's original letter, and Forms ARP-1 through 4 are prepared in anticipation of litigation, and are prepared to become part of the attorney's work product for the attorney handling the anticipated eventual litigation of this matter and are therefore confidential and not subject to discovery.

Records will be maintained as follows:

1. A log will be maintained by the unit head which will document the nature of each request, all relevant dates, and disposition in the first and second steps.

2. The log will be submitted monthly by the unit heads to the Chief of Correctional Services, who will submit a summary report to the Secretary as of December 31 of each year. This report will show the numbers, types and dispositions of requests by institutions.

3. Individual requests and dispositions, and all responses and pertinent documents shall be kept on file at the Unit Head's office or at Headquarters.

4. Records shall be kept at least three years following final disposition of the request. The Chief of Correctional Services shall formulate a procedure for orderly disposal of these records.

#### XII. TRANSFERRED OFFENDERS:

When an offender has filed a request at one unit and is transferred prior to the review, or if he files a request after transfer on an action taken by the sending unit, the sending unit will complete the processing of the second step (unit head's review). The unit head of the receiving unit will assist in communication with the offender.

#### XIII. DISCHARGED OFFENDERS:

If an offender is discharged before the review of an issue that affects the offender after discharge is completed, or if he files a request after discharge on such an issue, the unit will complete the processing and will notify the offender at his last known address. All other requests shall be considered moot when the offender discharges, and shall not complete the process.

C. Paul Phelps  
Secretary

### RULE

#### Department of Public Safety and Corrections Corrections Services

##### ADULT AND JUVENILE SERVICES

Attorney Visits - Adult and Juvenile Institutions

1. PURPOSE: To provide uniform procedures for the approval and conduct of visits by attorneys to inmates and students.

2. RESPONSIBILITY: It is the responsibility of the Assistant Secretaries for Adult and Juvenile Services and of all wardens and superintendents to implement this regulation and to convey its contents to all inmates, affected employees and attorneys seeking to visit.

##### 3. PROCEDURES:

###### A. Scheduling

Visits by attorneys, their paralegal assistants and law clerks must be scheduled through the institution at least 24 hours in advance. This may be done by phone unless the law clerk or paralegal will not be accompanied by the attorney. In such cases, the employing or supervising attorney must make a written request prior to the first visit by the law clerk or paralegal to the inmate(s). The written request must be accompanied by an affidavit from the attorney certifying the following:

1) The name and social security number of the law clerk or paralegal;

2) How long the law clerk or paralegal has been employed by the attorney; and

3) Which law school the law student is enrolled in, or the type of certification held by the paralegal, and from which college or business school.

The information will then be verified, and the attorney notified of the disposition of the request (approved or denied). Thereafter, as long as the paralegal or law clerk continues in the employ or under the supervision of the same attorney, visits may be approved by phone.

###### B. Time of Visits

Visits by attorneys, paralegals, and law clerks must nor-



mally take place during regular business hours (Monday through Friday from 8:00 a.m. to 4:30 p.m.).

C. Exceptions

The warden or superintendent may approve special visits not in conformity with Paragraphs A and B above when unusual circumstances warrant.

4. LIMITATIONS ON VISITS

A. Number of Inmates

Normally, no more than ten inmates/students may be seen at any one time, nor more than 20 on any one day. Further limitations may be imposed by the warden or superintendent if valid reasons exist. The Department's legal staff must be advised of any such limitations.

B. Number of Attorneys

Normally, no more than two persons (attorneys, paralegals, or law clerks or any combination thereof) may see an inmate/student on any one day. Exceptions may be approved for good cause by the warden or superintendent.

5. GENERAL

A. Inmates/students may refuse to see any attorney, but such refusal should be placed in writing and signed by the inmate/student.

B. A log shall be maintained of all visits by attorneys, paralegals, and law clerks.

C. Visits may be visually observed, but conversation between inmates and counsel shall not, under any circumstances, be monitored.

D. Attorneys, paralegals, and law clerks are subject to the same procedures regarding searches as are all other visitors.

6. EXCEPTION

Nothing contained in this regulation shall apply to attorneys representing the State, the Department, or the institution.

7. CANCELLATION

This regulation supersedes Department Regulation 30-19B dated 9 November 1984.

C. Paul Phelps  
Secretary

**RULE**

**Department of Public Safety and Corrections  
Corrections Services**

**ADULT AND JUVENILE SERVICES**

**Emergency Medical Treatment for Visitors**

1. **PURPOSE:** The purpose of this regulation is to provide guidelines for the provision of medical treatment to visitors of the Department of Public Safety and Corrections, Corrections Services, facilities.

2. **TO WHOM THIS REGULATION APPLIES:** Applicable to all Louisiana Department of Public Safety and Corrections, Corrections Services, facilities.

3. **GENERAL:** Emergency medical treatment will be provided by Department of Public Safety and Corrections' medical staff to visitors of any department facility whenever necessary to protect life or limb and relieve undue suffering. Such services will be provided which are necessary to stabilize the patient until such time as the patient can be transported to his private provider or the nearest public hospital.

4. **CANCELLATION:** This regulation supersedes Department Regulation No. 30-37 dated 2 July 1984.

C. Paul Phelps  
Secretary

**RULE**

**Department of Public Safety and Corrections  
Corrections Services**

**ADULT AND JUVENILE SERVICES**

**Inmate Marriage Requests**

1. **PURPOSE:** To establish the Secretary's policy and procedures for marriages of inmates incarcerated by the Department of Public Safety and Corrections.

2. **TO WHOM THIS REGULATION APPLIES:** This regulation is applicable to all adult operational units (institutions and satellite facilities) of the department.

3. **GENERAL:**

A. The warden shall notify all incarcerated persons under his jurisdiction of the department's policy concerning an inmate's request to be married. When such a request is received, the warden/supervisor shall:

1) Determine whether the party to which the inmate wishes to be married is not in criminal custody. If both parties are incarcerated in correctional institutions, the marriage may be postponed until one of them has been released.

2) Discuss the marriage with both parties, either personally or through one of the chaplains.

3) Document that the parties were counseled with regarding the proposed marriage.

B. Should the chaplain not wish to perform the marriage, he should so inform both parties. The chaplain/warden should counsel with whoever is to perform the marriage to ensure that he is fully aware of the situation of the inmate.

C. Absent unusual circumstances, the warden shall approve the marriage request and set an appropriate time and place for the ceremony. Furloughs will not be granted for a marriage.

D. The warden shall notify the Secretary by letter of the inmate's marriage.

4. **CANCELLATION:** This regulation supercedes Department Regulation 30-23 dated 5 October 1984.

C. Paul Phelps  
Secretary

**RULE**

**Department of Public Safety and Corrections  
Corrections Services**

**ADULT AND JUVENILE SERVICES**

**Introduction of Contraband at Adult and/or Juvenile  
Operational Units**

1. **PURPOSE:** To establish the Secretary's policy regarding the procedure to be followed when it is determined that individuals have introduced or attempted to introduce contraband into an adult or juvenile operational unit.

2. **TO WHOM THIS REGULATION APPLIES:** This regulation is applicable to all wardens and superintendents within the Department of Public Safety and Corrections, Corrections Services.

3. **GENERAL:**

A. It is the Secretary's policy that any individual, be it employee or visitor, found to have introduced or attempted to introduce contraband into an adult or juvenile operational unit shall be detained by authority of Code of Criminal Procedure Article 215.2 and turned over to the local law enforcement authorities for prosecution for violation of R.S. 14:402. For purposes of this regulation, contraband shall be defined as:

"Any article, substance, or thing which is not issued by the authorities operating the facility, sold through the institutional canteen, specifically permitted by applicable regulations, or otherwise

specifically authorized by the head of the facility or his designee. Contraband includes but is not limited to any substance or device defined in the Uniform Controlled Dangerous Substances Law except where prescribed by a physician, provided the drugs are contained in a container from the drug store bearing the full identification of the doctor who issued the drugs, the druggist who dispensed same, and the number of the prescription, and that said drugs are not concealed upon the body of the person; any weapons or devices designed to kill or wound or any plans for the making or manufacturing of such weapons or devices; explosives or combustibles; any plans for escape from an institution; intoxicating beverages; stolen property, and money which is legal tender except when specifically authorized by applicable regulations.”

B. Any contraband seized shall be retained and turned over to the local law enforcement officials as evidence.

C. Unusual Occurrence Reports documenting the incident(s) shall be prepared in accordance with Department Regulation No. 30-1.

D. See Department Regulation No. 30-25(A) re: Searches of Employees. See Department Regulation No. 30-25(B) re: Searches of Visitors.

(This regulation supersedes Department Regulation No. 30-8A dated 27 March 1985).

C. Paul Phelps  
Secretary

#### **RULE**

#### **Department of Public Safety and Corrections Corrections Services**

##### **Adult and Juvenile Services**

##### **Religious Group and Religious Lay Group Visitation**

1. **PURPOSE:** The purpose of this regulation is to state the Secretary's policy regarding religious lay group visitation and religious group sponsored individual lay visitation.

2. **REFERENCES:** R.S. 15:823; 15:828, First Amendment, U.S. Constitution.

3. **TO WHOM THIS REGULATION APPLIES:** This regulation is applicable to all operational units of the Department of Public Safety and Corrections, Corrections Services.

4. **DEFINITIONS:** "Recognized churches" shall be deemed to be any religion, religious denomination or sect supported by literature stating religious principles and recognized by a group of persons who share common ethical, moral and/or intellectual views and/or values which are not defamatory, racial, political or derisive in nature.

5. **GENERAL:** Religion and the Chaplain play a role of potential significance in the correctional institutional treatment program. Religion, if properly oriented, can become a source of hope and meaning to the offender in the midst of confusion and conflict associated with his confinement. It is even possible that religious activity can produce a clarification of purpose along with an appreciation of the worth of others. Since certain controls are necessary because of the nature of the situation, the following guidelines will be adhered to:

A. Recognized churches desiring to obtain lay visitation privileges at the various operational units must submit a list of names in writing over the pastor's personal signature endorsement to the warden or superintendent of the institution for approval. The approved list will then be transmitted to the appropriate section head at the institution authorizing such persons to receive visitation privileges. The operating unit head will establish such minimal rules as necessary to identify the individuals to preserve required security.

B. Visiting religious groups and individuals shall be ori-

ented regarding applicable rules, regulations, policies, procedures and directives of the institution.

C. All visiting religious groups and individuals shall abide by all published rules pertaining to visitors to the institution.

D. Visitation times will be established by the warden or superintendent.

E. Movement within the operational unit and/or limitation of such movement will be at the discretion of the warden or superintendent.

F. Minors will not be allowed to visit under this regulation unless they serve a related function to the religious group. Example: minors participating in religious vocal groups.

G. Any objection or argument raised by religious visitors admitted under this policy either with personnel associated with the program at the operational units or otherwise will be brought to the personal attention of the Secretary of Public Safety and Corrections in writing by the operating unit head within 72 hours after such occurs.

(This regulation supersedes Department Regulation No. 30-5 dated 30 November 1984).

C. Paul Phelps  
Secretary

#### **RULE**

#### **Department of Public Safety and Corrections Corrections Services**

##### **ADULT AND JUVENILE SERVICES Student Visiting and Correspondence (Juvenile Services)**

1. **PURPOSE:** To establish the Secretary's policy regarding student visiting and correspondence at all juvenile institutions and facilities within the Department of Public Safety and Corrections.

2. **TO WHOM THIS REGULATION APPLIES:** This regulation is applicable to all superintendents of juvenile operational units of the Department of Public Safety and Corrections, Corrections Services.

3. **GENERAL:** La. R.S. 15:833 provides that the Secretary of the Department of Public Safety and Corrections may authorize visits and correspondence under reasonable conditions, between students and approved friends, relatives, and other persons. It is the Secretary's policy that uniform visiting and correspondence procedures be established and adhered to at all units, and that visiting and correspondence be under reasonable conditions and in keeping with the most recent court decisions relating to visiting and correspondence in correctional institutions. It is also the Secretary's policy that visiting at the institution and correspondence between students and friends be encouraged and supported.

##### **4. CORRESPONDENCE:**

###### **A. Letters:**

Students shall be allowed to send and receive letters from all persons including persons in other institutions. There shall be no restriction on the number of correspondents, number of letters written, the length of any letter, or the language in which a letter may be written. Before sending or receiving letters, students will be required to sign a copy of the attached form. Student mail, both outgoing and incoming, shall be handled without delay and on a daily basis.

###### **1) Inspection of Outgoing Letters:**

All outgoing letters are to be posted unsealed and inspected for contraband.

**EXCEPTION:** Outgoing "legal" or "official" mail (see fol-

lowing list) may be posted sealed and may not be opened except with a search warrant:

- a) Identifiable courts;
- b) Identifiable prosecuting attorneys;
- c) Identifiable probation and parole officers;
- d) Identifiable state and federal departments, agencies, and their officials;
- e) Identifiable attorneys;
- f) Identifiable members of the press; and
- g) Secretary, Deputy Secretary and/or Assistant Secretary of the Department of Public Safety and Corrections.

For purposes of this exception, "identifiable" means that the official or legal capacity of the addressee is listed on the envelope: John Doe, Assistant District Attorney; John Doe, City Desk Editor; John Doe, Judge; John Doe, Secretary of Labor, etc. Additionally, the name, official or legal capacity, and address of the addressee must be verifiable. If the name, address, and official or legal capacity cannot be verified, designated institutional personnel shall state in writing the means employed to verify the information and the fact that it could not be determined to be correct and true. Upon the determination that this mail is not identifiable official or legal mail, said mail shall be treated as all other outgoing mail, and shall be opened and inspected for contraband.

2) Inspection of Incoming Letters:

Incoming letters may be opened and inspected for contraband.

EXCEPTION:

- a) Letters from identifiable Department of Public Safety and Corrections' officials are not to be opened, and
- b) Letters from the following may be opened and inspected for contraband only in the presence of the student/addressee:

- 1) Identifiable courts;
- 2) Identifiable probation and parole officers;
- 3) Identifiable prosecuting attorneys;
- 4) Identifiable attorneys;
- 5) Identifiable members of the press; and
- 6) Identifiable state and federal agencies and officials.

For purposes of these exceptions, see Section 4 (A) (1) of this regulation for the definition of "identifiable". Upon the determination that this mail is not identifiable official or legal mail, said mail shall be treated as all other incoming mail and shall be opened and inspected for contraband.

3) Reading of Letters:

When the superintendent determines that it is necessary to the maintaining of security, order, or rehabilitation of the institution, he may require the reading of a student's mail. In such cases, a written record shall be kept in the appropriate office and shall include:

- a) Student's name;
- b) A description of the mail to be read (e.g. outgoing only, from a particular person, etc.);
- c) The specific reasons it is necessary to read the mail, including all relevant information and the names of the person(s) supplying information;
- d) Length of time the mail is to be read;
- e) Signature of the superintendent or his representative; and
- f) Notes on the nature of the mail read, but no copies of the mail unless necessary for later use as evidence.

At the termination of the reading period, a copy of all but (c) above shall be placed in the student's file with the entire original remaining in the appropriate office.

4) Stationery and Stamps:

The institution will provide indigent students sufficient sta-

tionery, envelopes, and postage for all legal and official correspondence and for at least two letters of personal correspondence each week. Stationery and stamps for other letters will be made available for purchases by the students.

B. Packages:

1) Approved Items:

Subject to the approval of the Assistant Secretary, each superintendent will prepare and make available to the student population a list of items which may be received in packages.

2) Inspection of Packages:

All packages shall be inspected for the purpose of discovering contraband. Before sending or receiving packages, students may be required to sign a form consenting to the opening of packages for the purpose of inspecting for contraband. Items which are not on the approved list will be returned to the sender with a note specifying the reasons for the return.

C. Publications:

Books, magazines, newspapers, and printed matter which may be legally sent through the postal system shall be approved for students, unless deemed to constitute an immediate threat to the security of the institutions.

D. Withholding of Correspondence:

If it is determined that any letter or publication passed through the mail illegally or that its presence within the institution would present an immediate threat to the security of the institution, it may be withheld. However, the student shall be notified in writing of this action within five days and shall be advised of his right to appeal the decision to withhold to the superintendent and then to the Secretary.

E. Restrictions on Correspondence:

All students, regardless of status, shall be allowed to receive approved correspondence. However, those students in Isolation may have their privilege of originating correspondence restricted to communications with the courts and legal counsel during the period of Isolation.

F. Collection and Distribution of Mail:

The collection and distribution of mail is never to be delegated to a student. Neither is the mail to be dropped on a table or other convenient location for each student to come and look for his own. Mail shall be delivered promptly to the student to whom it is addressed.

5. VISITING: The guidelines for students visiting are set forth below:

A. There will be no discrimination in visiting. All students and visitors will be provided equal opportunity for visiting, except that any who abuse the visiting procedures may expect imposition of restrictions. Disciplinary measures imposed for offenses not related to visiting will not be used as a basis for denying visits. Visits with attorneys will be governed by Department Regulation No. 30-19B. A student should not be compelled to see a visitor whom he does not wish to see, but he should be required to sign a statement to that effect.

B. At least one day per month will be set aside for visiting by parents and other approved persons, preferably on weekends. Special visits for unusual circumstances and for those who cannot visit on regular visiting days are permissible. On regular visiting days persons will be allowed to visit for at least seven hours, preferably between the hours of 9:00 a.m. and 4:00 p.m.

C. Instructions for visiting students must be furnished to parents or guardians. These instructions must be mailed to parents or guardians in advance of the visit. These should include:

- 1) Who may visit;
- 2) Days and time of visits; and
- 3) Rules governing visits.

D. Visitors shall be treated with courtesy at all times and

shall not be subjected to unnecessary inconvenience, embarrassment, delays, or harassment in accomplishing a visit.

6. All rules, regulations, and procedures presently in force will be revised in accordance with this directive and submitted to the Secretary for approval. All subsequent revisions will also be submitted to the Secretary for approval prior to their becoming effective.

7. CANCELLATION:

This regulation supersedes Department Regulation 30-20 dated 8 June 1978.

C. Paul Phelps  
Secretary

**RULE**

**Department of Public Safety and Corrections  
Corrections Services**

**ADULT SERVICES**

Visitation: Adult Inmates

1. **PURPOSE:** The purpose of this regulation is to establish the Secretary's policy regarding inmate visiting at all adult institutions of the Department of Public Safety and Corrections.

2. **RESPONSIBILITY:** It is the responsibility of the Assistant Secretary for Adult Services and all Wardens of adult institutions to implement this regulation and convey its contents to all inmates, affected employees, and persons applying to visit, or persons approved to visit.

3. **LEGAL AUTHORITY:** La. R.S. 15:833(A).

4. **GENERAL:** Inmates are to be permitted visitation under reasonable conditions with approved friends, relatives, and other persons. Uniform visiting procedures are to be established and adhered to at all institutions under conditions and in a manner which is in keeping with the most recent court decisions on inmate visiting.

An inmate may refuse to see a visitor, but the inmate should sign a statement to that effect or a note placed in his file that he refuses to do so. A person may be removed from the approved visiting list at his own request or at the request of the inmate.

The guidelines set forth herein as to the treatment of visitors are to be strictly followed. The restrictions on visiting set forth herein are the most severe which may apply to any institution. However, the Warden may limit the number of visitors which may be approved to visit each inmate, the number of visits, and the duration of the visit in accordance with the provisions of this regulation. Each Warden is to promulgate the rules governing visiting at the institution(s) under his control, and such rules shall be in accordance with this regulation.

5. **PROCEDURE:**

A. Each inmate must apply to the Warden or his designee to have a particular person placed on the inmate's approved visiting list. The inmate must supply a correct name, address, birth date and identify the relationship of the person to that inmate. A list shall be kept of those persons approved to visit, and a record may be kept of persons who do visit an inmate.

B. The inmate may *not* be prohibited, nor limited by number, from receiving visits from the following persons except as provided in Paragraphs (C) and (D) below:

- 1) Identifiable parent(s), or if not raised by parents, the person(s) who raised the inmate;
- 2) Identifiable grandparent(s), if parent(s) are not living;
- 3) Identifiable spouse;
- 4) Identifiable children;
- 5) Identifiable sibling(s), if none of the above are on the visiting list;

6) Identifiable religious or spiritual counselor; and

7) Identifiable attorney(s), their employee(s) authorized by the attorney to act on his behalf, and law students engaged in approved clinical programs.

C. Restrictions on visiting may only be imposed in accordance with the following:

1) Any person may be refused approval to visit an inmate until their identity or relationship to the inmate can be established.

2) Any person may be refused approval to visit an inmate on the day that the visitor refuses to submit to a search.

3) Any person may be refused approval to visit an inmate and removed from the approved visiting list if the visitor does not comply with the rules of the institution during a visit.

4) Any person may be permanently refused approval to visit an inmate if the conduct of the visitor amounts to a violation of state and/or federal law, such as assault, battery, disturbing the peace, introduction or attempted introduction of contraband, etc.

5) Any person who is an ex-felon and who has not been finally discharged from an institution or from probation or parole supervision for more than two years without an intervening criminal record or who has pending criminal charges, may be refused approval to visit the inmate, unless the person is an identifiable parent(s), spouse, sibling(s), grandparent(s), or child of the inmate in which case the two-year restriction does not apply.

6) Any person who is incarcerated or on probation or parole at the time of the requested visit may be prohibited from visiting with an inmate.

7) Any person, except an identifiable religious counselor or attorney, may be refused approval to visit with an inmate if the inmate has had his visiting privileges restricted as a penalty for a rule infraction involving visiting, or if the inmate is in Isolation.

8) No person may be refused approval to visit an inmate solely upon the basis that the person did not know the inmate prior to his incarceration, unless the person applying to visit is also incarcerated.

9) Any person, except those enumerated in Paragraph (B) above, may be refused approval to visit because the inmate has the number of persons permitted by the institution already on his visiting list, or in the case of visits from non-related members of the opposite sex, the inmate is married or lists as a spouse, or has as an approved visitor, a girl friend or boy friend who is a person other than the applicant.

10) Any person may be denied permission to visit during the time of a disturbance at the institution, if the Secretary has declared that all visiting is suspended during the emergency.

11) All minors (under age of 17) must be accompanied by an adult who is either an identifiable family member of the minor, or his legal guardian; or is on the inmate's approved visiting list. **EXCEPTIONS:** (a) minor spouse, (b) emancipated minors (judgment of emancipation required as proof); (c) minors visiting as part of approved institutional programs, such as but not limited to, church groups, parenting groups, etc.

D. **Number, Duration and Conditions of Visits:**

1) Each inmate should be afforded at least two visits per month, preferably on weekends. Each visiting period should be of two hours duration.

2) The Warden of each institution shall promulgate rules governing the number of visitors that may visit an inmate individually at one session, as well as the number of persons which may visit one inmate in a group, and shall submit same to the Secretary for his approval. Family visiting and orderly contact visits are to be permitted to the extent possible.

3) Attorneys, their employees, and law students in approved clinical programs may visit their clients at any time during normal working hours (8:00 a.m. to 5:00 p.m., Monday through

Friday). Special visits may be arranged in accordance with Section 7 of this regulation. Except in emergency cases, visits by attorneys, their employees, and law students in approved clinical programs must be scheduled 24 hours in advance (See D.R. 30-19B).

4) The areas where visiting occurs shall be clean and well lighted. All visitors are to be informed orally or in writing of the rules and regulations governing visiting.

5) Privacy shall be afforded to the degree security permits when an inmate visits with legal advisors, but in no case will conversations during such visits be monitored.

6) Any visit may be terminated while in progress if the inmate or visitor violates the rules governing visiting.

6. TREATMENT OF VISITORS:

A. There shall be no discrimination in visiting. All visitors and inmates will be provided equal opportunities in visiting, in accordance with the inmate's security class and housing assignment.

B. Visitors shall be treated with courtesy at all times and should not be subjected to unnecessary delay, inconvenience, or embarrassment in accomplishing a visit.

C. Any search of a visitor's person shall be done by someone of the same sex, without force, and in a manner that will not cause embarrassment to the visitor.

7. SPECIAL VISITS:

A. The Warden of each institution may approve on a case-by-case basis, or generally in unusual circumstances, special visits in the following cases:

1) Approved visitors who are unable to visit on regular visiting days, or

2) Longer visits, more visitors or more visiting periods than institutional regulations allow.

B. If the person applying to visit is otherwise restricted from visiting, the Warden may approve a special visit, except when the person applying to visit the inmate is also incarcerated, prior approval from the Assistant Secretary of Adult Services is required.

8. CANCELLATION: This regulation supercedes Department Regulation Number 30-19A, dated June 20, 1985. This regulation will not operate to remove any person who is currently on an inmate's approved visiting list.

C. Paul Phelps  
Secretary

**RULE**

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

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

Add the following language to Article 3, Section I (G):

"25. The program will cover eligible expenses related to the transplantation of an organ, including expenses for patient screening, organ procurement, transportation of the organ, transportation of the patient and/or donor, surgery for the patient and donor, and immunosuppressant drugs. The following conditions must be met in order for this coverage to apply:

(a) The transplantation must not be considered experimental or investigational by the American Medical Association.

(b) The recipient must receive two opinions relative to the need for organ transplant surgery from two specialists board certified in the involved field of surgery, which specialists must certify in writing that alternative procedures, services or courses of treatment would not be effective in the treatment of the patient's condition. (Benefits for second surgical opinion, as defined in Article

3, Section II shall not apply to charges incurred in the event that organ transplantation is performed.)

(c) The recipient must be admitted to and the transplant surgery performed at a medical center which has an approved transplant program as determined by an appropriate governmental agency.

Coverage for organ transplantation expenses will be subject to the same deductible, co-insurance, exclusions and other provisions which apply to other expenses that the program covers. In no case will the plan cover expenses for the transportation of surgeons or family members of either the patient or donor in connection with organ transplants."

Amend Article 3, Section VIII, entitled "Exceptions and Exclusions for all Medical Benefits", by adding the italicized language as follows:

"S. Artificial organ implants, *transplantation of other than Homo sapiens (human organs; in vitro fertilization, and artificial insemination;*

BB. *Expenses for the transportation of surgeons or family members of either the patient or the donor in connection with organ transplants.*"

James D. McElveen  
Executive Director

**RULE**

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

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended Article 1, Section III (D) of the Plan Document, entitled "Overage Dependents" by adding the italicized language as follows:

"If an unmarried dependent child is incapable of self-sustaining employment by reason of mental retardation or physical incapacity, became incapable prior to the termination age for children as defined in Article 1, Section I (I) (2) and (3), and is dependent upon the covered Employee for support, the coverage for such dependent child may be continued under the plan, provided, however, the program receives satisfactory proof of mental retardation or physical incapacity, only for so long as such incapacity continues."

James D. McElveen  
Executive Director

**RULE**

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

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

Article 3, Section II (A) (4), page 34, will be rewritten as follows:

"4. A second surgical opinion form must be properly completed and submitted to the program. Should the surgery be performed, the second opinion must pre-date the surgery."

Article 3, Section II (A), on page 34, will be amended to add a sub-section (5), which will read as follows:

"5. Surgery, if performed, must be performed within 90 days of the date the second surgical opinion is rendered."

James D. McElveen  
Executive Director

## RULE

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The following rule was adopted by the Louisiana Wildlife and Fisheries Commission at its regular meeting held in Baton Rouge, Louisiana, October 4, 1985.

#### 1985-86 Furbearer Trapping Season

The Louisiana Department of Wildlife and Fisheries Commission does hereby establish the 1985-86 furbearers trapping season for the northern zone as being November 20, 1985 through February 15, 1986 and the southern zone as being December 1, 1985 through February 28, 1986, and sets a bag limit for daytime and nighttime raccoon and/or opossum per hunter per day or night. The department secretary shall be authorized to close or extend the trapping season as biologically justifiable.

J. Burton Angelle  
Secretary

# Notices of Intent

## NOTICE OF INTENT

### Department of Culture, Recreation and Tourism Office of Tourism

#### Act 455 Matching Funds Program Amending Guidelines

The guidelines for the administration of the Act 455 Matching Funds Program are being amended in order to better serve the tourism industry of Louisiana. The major thrust of these amendments center around revisions to the language and clearly outline the priorities for funding grant requests.

These priorities reflect the encouragement of combined activities to promote tourism in Louisiana and less emphasis on the individual attraction or entity funding. These proposed guidelines now clearly articulate the criteria by which the applications will be judged. The limited matching funds will be more efficiently applied to projects that have the greatest impact upon our tourism economy.

We envision no fiscal impact upon our budget or the constituent organizations due to these revisions, only a more effectively applied grants program with clearly identified marketing goals.

Anyone interested in commenting on these proposed amendments can do so in writing by contacting Bob Dudden, Deputy Assistant Secretary, Louisiana Office of Tourism, Box 94291, Baton Rouge, LA 70804-9291 (504-925-3861), or by visiting our offices at 666 North Foster Drive, Building A, Baton Rouge, LA.

Noelle LeBlanc  
Secretary

## Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Act 455

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

There will be no estimated implementation costs (savings) to state or local governmental units because existing staff can handle the associated workload.

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

There will be no estimated effect on revenue collections of state or local governmental units because no fees are required by the proposed changes.

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

By amending the rules, the overall effectiveness will be enhanced. This encourages tourism entities to work together and develop marketing areas as opposed to individual organizations or attractions applying for these funds. That total impact is estimated to be a plus or "benefit" to the state and not "cost" anything.

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

There will be no estimated effect on competition and employment.

Robert A. Dudden, CPM  
Deputy Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

In accordance with the LRS 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the recommendations of the Vocational Technical Directors' Association on tuition fees for Louisiana residents enrolled in vocational technical schools:

#### Fees for Louisiana Residents Enrolled in Vocational Technical Schools

1. Persons who attend classes or programs for which the school does not claim enrollment credit will NOT be charged registration or tuition fees.

2. Louisiana high school students and incarcerated persons will likewise not be charged.

3. For enrollment and fee purposes, students of Louisiana High Schools and military personnel stationed in Louisiana under Active Duty orders, and their dependents, are deemed to be Louisiana residents.

4. Part time courses of instruction shall include:

a. Extension programs which are offered in the evening, or on week-ends.

b. Programs totaling less than 150 hours.

c. A continuing full-time training program in which the student is enrolled for less than six hours a day comprising less than 30 hours per week.

5. Student fee payments, or acceptable evidence of indebtedness, shall be due upon registration, as part of the enrollment process. These fees are non-refundable, and are to be based upon the State's accounting fiscal year.

6. Acceptable evidence of indebtedness shall include written correspondence requesting enrollment of someone from:

a. Employer

b. School Board Central Office

- c. Other Public Agency
  - d. Private Industry Council, or
  - e. Other evidence acceptable to the school director.
7. Students being "carried over" into another fiscal year shall pay fees on the first day of class in the new fiscal year. Those continuing training into other payment periods shall pay the appropriate fee by the end of the preceding month.
8. Each school will establish internal fiscal and accounting procedures to collect the appropriate fees according to any one, or all, of the following schedules:
- a. Annual, b. Quarter, c. Term, d. Month.
9. In compliance with Act 16 of 1985 the following fee schedule is adopted for the vocational technical schools of Louisiana for fiscal year 1985-86:

|                | RESIDENT TUITION |         |      |       |
|----------------|------------------|---------|------|-------|
|                | Annual           | Quarter | Term | Month |
| Full-Time      | \$50             | \$12.50 | \$10 | \$5   |
| Part-Time      | 25               | 6.25    | 5    | 2.50  |
| Program Length |                  |         |      |       |
| 149-75 hours   | 25               | N/A     | N/A  | N/A   |
| 74 -36 hours   | 12.50            | N/A     | N/A  | N/A   |
| 35 - 1 hours   | 6.25             | N/A     | N/A  | N/A   |

- NOTES: (1) Students who do not pay timely will be dropped from enrollment
- (2) Fees effective January 1, 1986. For Fy 86 maximum annual fees is \$25 per person, per school.

10. *Special Recommendation.* An Attorney General's Opinion should be requested concerning the possible legal consequences of closing classes or programs after collecting tuition; and also, denying high school students a chance to earn credit by closing a class in the middle of a semester.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., January 9, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau  
Executive Director

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

**Rule Title: La. Resident Vo-Tech School Fees**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be minimal cost associated with this rule due to the time and paper work involved in the collection of the fees.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
The vocational-technical schools will collect approximately \$356,250 in tuition which is budgeted at each individual school.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
The persons who will be directly affected are the students who attend school and must pay tuition.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There is a possibility that enrollment may drop at the vocational-technical schools.

Joseph F. Kyle  
Deputy Superintendent  
For Management and Finance

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

In accordance with the LRS 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the proposed Interim Emergency Policy for Hiring Full-Time/Part-Time Noncertified School Personnel as submitted and recommended by both the State Department of Education and the Louisiana Association of Educators (LAE) as follows:

**Interim Emergency Policy for Hiring  
Full-Time/Part-time Noncertified School Personnel**

In an effort to assist local education agencies experiencing extreme difficulty in providing certified personnel for the classroom, the following Interim Emergency Policy is proposed:

Full-time/part-time noncertified school personnel, excluding speech, language and hearing specialists, may be employed by parishes having difficulty in employing certified persons in certain positions provided that proper documentation is submitted to the Department of Education.

This documentation shall include the following:

- 1. a signed affidavit by the local school superintendent that the position could not be filled by a certified teacher;
  - 2. documentation that efforts for recruitment for certified teachers have been made (e.g. newspaper advertisement, letters, contacts with colleges, and so forth);
  - 3. submission of names, educational background, subject matter and grade level being taught as an addendum to the annual school report.
  - 4. copies of transcripts showing the degree earned.
- In addition:
- 5. it is required that these teachers take the NTE at the earliest date that it is offered in their geographical area; and
  - 6. these individuals must have a minimum of a baccalaureate degree from a regionally accredited institution.
  - 7. to be re-employed under this policy, an individual must have earned at least six semester hours toward completion of a teacher education program or six semester hours appropriate to the area of the NTE (general knowledge, professional knowledge, communication skills, specialty area) in which the score was not achieved.

These individuals shall be employed at the same salary on an hourly basis based on the effective state salary schedule for a beginning teacher with a baccalaureate degree and a certificate.

Full-time/part-time noncertified school personnel shall be considered part of the regular teacher allotment, and local systems will be reimbursed in the same manner as they are for regular teachers.

This interim emergency policy will remain in effect until July 1, 1986.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m. January 9, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau  
Executive Director

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

**Rule Title: Policy for Hiring Full-time/Part-time School Personnel**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
The proposed policy revision would create no additional cost or savings to the Department of Education.



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

As a result of this action approximately \$52,387 will be generated in tuition fees paid to Louisiana public universities.

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

The proposed policy revision will require persons rehired under the present policy who do not pass the NTE to earn at least six semester hours toward completion of a teacher education program or six semester hours appropriate to the area of the NTE (General Knowledge, Professional Knowledge, Communication Skills, Specialty Area) in which the score was not achieved. It will also cost each individual approximately \$79 to take the NTE.

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. Individuals employed under this policy who fail the NTE will not be rehired if they fail to earn the six semester hours referred to in Part III above.

Joseph F. Kyle  
Deputy Superintendent  
For Management and Finance

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Amendment to Certification Requirements for School Librarians

In accordance with the LRS 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved a proposal by the Louisiana Council of Education Deans as follows:

Under item 3, page 36 of Bulletin 746, School Library Service, add:

“Persons who have already served three years as full-time school librarians and have completed all Library Science courses except “Elementary and Secondary School Library Practice” may satisfy this requirement by a minimum one-year, on-the-job internship with supervision provided by the Library Science faculty in the College of Education (six semester hours of credit).”

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., January 9, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau  
Executive Director

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

**Rule Title: Amendment to Certification Requirement for School Librarians**

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

This proposed change in certification requirements will create no additional cost or savings to the Department of Education. Because the number of persons opting for this course

is expected to be very small, travel expenses incurred by university faculty providing supervision should be minimal.

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

The proposed change will result in a slight increase in self-generated revenues from tuition if individuals pursue this option.

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

A slight increase in tuition can be expected if individuals pursue this option. Persons serving as school librarians on temporary certificates will be allowed to remain as a full-time school librarian and continue to draw full salary while completing the practicum requirements for regular certification.

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

There will be no effect on competition or employment.

Joseph F. Kyle  
Deputy Superintendent  
For Management and Finance

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

In accordance with the LRS 49:950 et. seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education accepted the proposed revision of requirements for certification in severe/profound impairments as presented and recommended by both the Louisiana Deans Council and the State Department of Education with an effective date of September 1, 1987 for all incoming college freshmen.

Requirements for Certification in Severe/Profound Impairments

\* \* \* \* \*

Specialized Academic Education

A minimum of 36 semester hours of credit is required. The work must be taken in the six areas listed below:

1. General Knowledge—six semester hours
  - a. Introduction to Exceptional Children ..... 3 semester hours
  - b. Introduction to Education of the Severe/Profound ..... 3 semester hours
2. Instructional Strategies—six semester hours, including 90 contact hours of field experiences
  - a. Curriculum for Severe/Profound ..... 3 semester hours
  - b. Instructional Strategies for Severe/Profound ..... 3 semester hours
3. Learning and Classroom Behavior Principles of Severe/Profound—three semester hours, including 30 contact hours of field experiences
  - a. Assessment and Evaluation—six semester hours
    - a. Test and Measurements ..... 3 semester hours
    - b. Practicum in Tests and Measurements (emphasizing informal testing) ..... 3 semester hours
  - b. Methods of Working with Paraprofessionals and Medical and Related Service Personnel/Health and Safety Procedures—three semester hours, including at least 30 contact hours of field experience.
4. Parent, Family, and Community Involvement—three semester hours including 30 contact hours of field experiences
5. Communication Strategies for Severe/Profound—three semester hours
6. Electives—six semester hours

Interested persons may comment on the proposed policy



change and/or additions, in writing, until 4:30 p.m., January 9, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

James V. Soileau  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Certification Requirements on  
Severe/Profound Impairments**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There are no estimated costs (savings) to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There is no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
There is no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There is no estimated effect on competition and employment.

Joseph F. Kyle  
Deputy Superintendent  
For Management and Finance

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT  
Office of the Governor  
Architects Selection Board**

In accordance with R.S. 38:2311.E, the Louisiana Architects Selection Board advertises its intent to amend Article XI(2) of the rules of the Louisiana Architects Selection Board to read as follows:

**ARTICLE XI  
APPLICATION**

Section 1. . . .

Section 2. The Louisiana Architects Selection Board adopts the use of the Standard Form LA-1 as the format for submitting a firm's experiences to the board. The board will accept only those applications submitted on the current edition of the LA-1 form, with no more than two attached additional 8½ × 11 sheets of paper. Any submittals not following this format will be discarded. 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. . . .

Section 4. . . .

Section 5. . . .

Interested persons may submit written comments on the rule change until 4 p.m., December 24, 1985 to the following: Louisiana Architects Selection Board, Attention: Amy L. Primes, Box 94095, Baton Rouge, LA 70804-9095.

Prentiss Seymour  
Chairman

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no implementation costs (savings) to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
There will be no measurable costs or economic benefits associated with the proposed rule changes.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no effect on competition or employment.

Prentiss M. Seymour  
Chairman

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT  
Office of the Governor  
Commission on Law Enforcement**

In accordance with the applicable provisions of the Administrative Procedure Act, LRS 49:950, et seq., notice is hereby given that the Louisiana Commission on Law Enforcement intends to adopt guidelines which will apply to the utilization of federal grant funds received under the 1984 Justice Assistance Act, P.L. 98:473, Part B, Subpart I, Juvenile Justice and Delinquency Prevention Act. These funds will be issued by the Louisiana Commission on Law Enforcement for fiscal year 1986.

The proposed guidelines will be available for public inspection between the hours of 8 a.m. and 4:30 p.m. on any working day after November 20, 1985, at the offices of the Louisiana Commission on Law Enforcement, 2121 Wooddale Boulevard, Baton Rouge, LA. Comments may be submitted in writing through December 31, 1985, to the Louisiana Commission on Law Enforcement, 2121 Wooddale Boulevard, Baton Rouge, LA 70806.

Michael A. Ranatza  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Juvenile Justice and Delinquency Prevention  
Funding Guidelines for Fiscal Year 1986**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no estimated implementation costs to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
There will be no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no estimated effects on competition and employment.

Michael Ranatza  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Health and Human Resources Board of Optometry

The Louisiana State Board of Optometry Examiners (R.S. 37:1061 et seq.) advertises its intent to adopt a rule that will require each applicant for licensure in optometry to submit evidence that he has successfully passed the National Board of Examiners in Optometry written examination. The Louisiana State Board of Optometry will, after adoption of the rule, no longer conduct a written examination. The clinical - practical examination will continue to be administered by the board. Each applicant will be required to successfully complete both the national board exam and the clinical - practical exam administered by the board.

The rule will state, as follows:

1) Beginning January 1, 1986, a graduate of an approved school or college of optometry may submit evidence of having reached the recommended levels of acceptable performance on all written parts of the National Board of Examiners in Optometry and a true written copy of the score report of such national board examination to the secretary of the Louisiana State Board of Examiners in lieu of taking the written examination administered by the Louisiana State Board of Optometry Examiners; and

2) Beginning with the graduating classes of 1989, every new graduate of an approved school or college of optometry making application to this board for examination and licensure shall submit evidence of having reached the recommended levels of acceptable performance on all written parts of the National Board of Examiners in Optometry and shall cause to be furnished a true written copy of the score report of such national board examinations to the secretary of the board prior to approval by the board of his application to take the clinical - practicum examination administered by the board.

Each applicant, after the requirements of the written examination are satisfied, will be given clinical - practicum examinations in written and/or clinical and/or practical form, said examinations to cover those subjects essential to the practice of optometry.

The following individual, president, has the responsibility for responding to inquiries about the rule: James Sandefur, O.D., President.

Interested persons may comment on the proposed rule, in writing, until 5 P.M., December 8, 1985, at the following address: Louisiana State Board of Optometry Examiners, Box 46431, Baton Rouge, LA 70895-6431.

James Sandefur  
President

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: Optometry Written Examination

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

Implementation costs will not exceed \$2500. Annual savings will approximate \$3,000, commencing in 1986.

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

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

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

The board anticipates savings to itself and applicants. The national board conducts its examination in three stages or parts. Students at school of optometry are offered the examination commencing at the end of their first school year. Fees paid to the national board are normally considered as part of the costs of an education leading to a degree as a Doctor of Optometry.

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

The board has no reason to believe that the rule will result in a substantial increase or decrease in the number of applicants for licensure in Louisiana.

Rene J. Pigeon, O.D.  
Secretary-Treasurer

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

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

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

#### Summary

The Personal Care Needs Allowance for Medicaid recipients in skilled and ICF facilities was reduced effective August 1, 1985, to \$25 by emergency rulemaking published in the *Louisiana Register*, Vol. 11, No. 8, dated August 20, 1985, necessary to insure the availability of funds to provide medically necessary services throughout the fiscal year. Effective October 1, 1985, a subsequent, emergency rule was published in the *Louisiana Register*, Vol. 11, No. 10, dated October 20, 1985, which increased the personal care needs allowance from \$25 to \$35. This policy change was implemented at the request of the Legislative Budget Committee.

This proposed rule will establish the personal care needs allowable for Medicaid recipients in skilled and ICF facilities at \$35 for individuals and \$70 for couples. Under this rule, optional state supplementation payments of up to \$10 per month will be restored as allowed by 42CFR 435.725; .733; and .832.

#### COMMENTS

Interested persons may submit written comments through December 6, 1985, to the following address: Marjorie T. Stewart, Assistant Secretary, Box 44065, Baton Rouge, LA 70804. Mrs. Stewart is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

#### NOTICE OF PUBLIC HEARING

A public hearing on this proposed rule will be held on December 6, 1985, 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.

PROPOSED RULEMAKING

PROPOSED RULE

The personal care needs allowance for Medicaid recipients in skilled and intermediate care facilities will be \$35 for individuals and \$70 for couples.

REGULATORY EXCEPTION

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

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

Fiscal and Economic Impact Statement
For Administrative Rules

Rule Title: MAP Personal Care Needs Allowance

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

This proposed rule increases the personal care needs allowance effective October 1, 1985, to Medicaid recipients in skilled and intermediate care facilities from \$25 to \$35 per month. This modifies a rule which became effective August 1, 1985, to lower the allowance from \$40 to \$25 per month. Restoration of the allowance to \$35 per month was directed by the Joint Legislative Committee on the Budget.

As a result of this latest change, total benefits to recipients will increase as follows: \$2,335,830 in 1985-86, including \$1,396,546 state and \$939,284 federal; \$3,392,760 in 1986-87, including \$1,973,268 state and \$1,419,492 federal; \$3,426,720 in 1987-88, including \$1,933,657 state and \$1,433,657 federal. However, the amount budgeted for personal care needs allowance will reflect a decrease from the amount initially appropriated because of the net reduction from \$40 to \$35 per month. The overall estimated savings will be as follows: \$1,447,845 in 1985-86, including \$860,792 state and \$587,053 federal; \$1,685,580 in 1986-87 including \$982,726 state and \$702,854 federal; and \$1,713,360 in 1987-88 including \$996,531 state and \$716,829.

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

Federal revenues will increase as a result of increasing the personal care needs allowance from \$25 to \$35 by the following estimated amounts: \$939,284 in 1985-86; \$1,419,492 in 1986-87 and \$1,433,657 in 1987-88.

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

Total benefits to recipients will increase by \$2,335,830 in FY 85-86; \$3,392,760 in FY 86-87; and \$3,426,720 in FY 87-88.

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

There is no known effect on competition and employment resulting from this rule.

Marjorie T. Stewart
Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Human Resources
Office of Family Security

The Department of Health and Human Resources, Office

of Family Security, proposes to adopt the following rule in the Medical Assistance Program.

Summary

The maximum countable resource limits for SSI-related Medicaid individuals and couples is being increased each year from January 1, 1986 through January 1, 1989. This increase implements a federal regulation published in the Federal Register, Vol. 50, No. 187, Pages 38981 - 38983, dated September 26, 1985.

This proposed rule amends the Medical Assistance Program's SSI Maximum Resource Limits published in the Louisiana Register, Vol. 10, No. 12, Pages 1034 - 1035, dated December 20, 1984.

Comments

Interested persons may submit written comments through December 6, 1985, to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

Notice of Public Hearing

A public hearing on this proposed rule will be held on December 6, 1985, 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.

Proposed Rulemaking

Proposed Rule

The maximum countable resource limits for an SSI-related Medicaid individual/couple are as follows for January 1, 1986 and later.

Table with 3 columns: Effective Date, Individual, Couple. Rows for January 1, 1986, 1987, 1988, 1989.

Regulatory Exception

Upon final state approval of this proposal, implementation shall be dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of this proposal by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

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

Fiscal and Economic Impact Statement
For Administrative Rules

Rule Title: SSI Maximum Countable Resource Limit

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

This rule will not remove anyone from the eligibility roles. Because SSI policy permits a person to spend-down his resources, it is not anticipated that anyone who was not previously eligible will now become eligible as a result of this change. Therefore, no costs are anticipated.

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

There is no estimated effect on revenue collections of state or local governmental units.

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

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

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

There is no estimated effect on competition and employment.

Marjorie T. Stewart  
Assistant Secretary

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

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

The Department of Health and Human Resources, Office of Management and Finance, Division of Policy, Planning and Evaluation proposes to amend the part of the Section 1122 Policies and Guidelines which lists criteria for qualifying for expedited review and the part which lists general criteria for Section 1122 Review. The amendment will change:

1) Number four in the criteria for expedited review (p. 6 of the policies and guidelines) to read "Renovation of an existing facility which costs between \$600,000 and \$1,000,000 and which does not result in a change in existing beds or services."

2) Number nine in the criteria for expedited review (p. 7 of the policies and guidelines) to read "A site change which is not substantial (i.e. adjacent to the originally proposed site, with the same zoning, and within the same parish) or which is a result of expropriation of the original site and in the same service area."

3) Number 12 in the Criteria for Section 1122 Review (p. 16 of the policies and guidelines) to read "Evidence of ownership or legally executed option to acquire an appropriately zoned site."

A public hearing will be held on this proposed rule on December 3, 1985 at 10:00 a.m. in the State Library Auditorium, 760 Riverside, Baton Rouge, LA. Interested persons may submit comments on the proposed change at any time before December 15, 1985 to the following address: Joseph Ross, Administrator, Division of Policy, Planning and Evaluation, 200 Lafayette Street, Suite 406, Baton Rouge, LA 70801. Copies of this notice may also be obtained at the above address.

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

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

**Rule Title: Section 1122 Policies and Guidelines**

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

There will be no implementation costs or savings.

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)

It is estimated that there will be no costs or economic benefits to directly affected entities.

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

It is estimated that there will be no effect on competition and employment.

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

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Department of Health and Human Resources  
Office of Mental Health**

The Department of Health and Human Resources (DHHR), Office of Mental Health (OMH) proposes to adopt the following uniform policies and rule for reimbursement to nonstate providers of residential rehabilitative services in community homes or group homes established in accordance with Louisiana Revised Statute 28:206.

**Proposed Rule**

Effective February 1, 1986 all adult persons entering into voluntary placement by OMH in a community home or group home which is under contractual agreement with OMH shall be responsible for a portion of the per diem cost of residential services. The fee charged to persons residing in the facility shall be based on each person's monthly net income and shall represent the first source of reimbursement to the provider.

**Definitions:**

Resident is any adult person (18 years or older) who has successfully met all the requirements established by OMH for referral to a community home or group home that is fully or partially funded by OMH.

Community Home or Group Home is a residential facility of 15 or fewer beds that is licensed by the State of Louisiana as a community or group home for mentally ill adults.

Provider is any nonstate agency or corporation that provides residential rehabilitative services to mentally ill adults in a community home or group home setting as per contractual agreement with DHHR/OMH.

Net monthly income is defined as gross monthly income less FICA, SUTA, and FUTA payroll deductions, and any savings (up to 10 percent of gross monthly income). Gross monthly income is defined as income including money wages and salaries before any deductions, but does not include food or rent in lieu of wages. Income also includes net receipts from nonfarm or farm self-employment (receipts from a person's own business or farm after deductions for business or farm expenses). Income includes regular payments from social security, railroad retirement, unemployment compensation, worker's compensation, strike benefits from union funds, veterans' benefits, public assistance (including Supplemental Security Income, and General Assistance money payments), training stipends, alimony, child support, and military family allotments or other regular support from an absent family member or someone not living in the household; private pensions, and regular insurance or annuity payments; and income from dividends, interest, rent, royalties, or periodic receipts from estates or trusts.

For eligibility purposes, income does not include the following money receipts: capital gains; any assets drawn down as withdrawals from a bank, the sale of property, a house, or a car; tax refunds, gifts, lump-sum inheritances, one-time insurance payments, or compensation for injury. Also excluded are noncash benefits, such as employer-paid or union-paid portion of health insurance or other employee fringe benefits, and such Federal programs as Medicaid, Food Stamps, or public housing. (This definition of Gross Income is adapted from language used in U.S. Bureau of the Census, "Current Population Reports" series P-60, No. 144 as reported in the March 8, 1985 *Federal Register*, Vol. 50, No. 46.

**PROCEDURE**

OMH shall utilize the following procedure for determining the monthly fee for services charged to individual residents.

(1) Before a client can be admitted to a residential facility, his/her monthly residential fee shall be established by written agreement between OMH treatment team, the client, and the res-

idential provider. The monthly fee charged to each resident is a percentage of the resident's net monthly income up to the allowable per diem cost of the residence as established by DHHR Rate Administration. The schedule below specifies monthly fee charged to individuals with a net monthly income between \$75.00 and \$1,000. Residents with a net monthly income greater than \$1,000 will be charged a monthly fee of 75 percent of their monthly net income or the maximum allowable per diem, whichever is less. Residents whose net monthly income falls between any two amounts on the schedule below will be charged a fee based on the percentage rate applicable to the closest identified amount.

| Monthly Net Income | Monthly Fee Charged to Residents | Percent of Monthly Income |
|--------------------|----------------------------------|---------------------------|
| \$1000             | \$750                            | 75%                       |
| 975                | 731                              | 75%                       |
| 950                | 713                              | 75%                       |
| 900                | 675                              | 75%                       |
| 875                | 656                              | 75%                       |
| 850                | 638                              | 75%                       |
| 825                | 619                              | 75%                       |
| 800                | 600                              | 75%                       |
| 775                | 581                              | 75%                       |
| 750                | 563                              | 75%                       |
| 725                | 544                              | 75%                       |
| 700                | 525                              | 75%                       |
| 675                | 506                              | 75%                       |
| 650                | 488                              | 75%                       |
| 625                | 469                              | 75%                       |
| 600                | 450                              | 75%                       |
| 575                | 431                              | 75%                       |
| 550                | 413                              | 75%                       |
| 525                | 394                              | 75%                       |
| 500                | 375                              | 75%                       |
| 475                | 356                              | 75%                       |
| 450                | 338                              | 75%                       |
| 425                | 319                              | 75%                       |
| 400                | 300                              | 75%                       |
| 375                | 281                              | 75%                       |
| 350                | 263                              | 75%                       |
| 325                | 244                              | 75%                       |
| 300                | 225                              | 75%                       |
| 275                | 200                              | 72.7%                     |
| 250                | 175                              | 70%                       |
| 225                | 150                              | 66.7%                     |
| 200                | 125                              | 66.7%                     |
| 175                | 100                              | 62.5%                     |
| 150                | 75                               | 50%                       |
| 125                | 50                               | 40%                       |
| 100                | 25                               | 25%                       |
| 75                 | 0                                | 0%                        |

(2) Resident income determinations shall be made on a quarterly basis by a procedure established by the OMH Regional Director and which is consistent with the quarterly review of residential treatment plans.

(3) Each resident of the facility shall pay to the OMH residential provider the requisite monthly fee prior to the beginning of the month in which the residential services are received. This fee is non-reimbursable to the resident if he/she does not remain at the facility for the full month. However, a client who is admitted to a facility after the first day of a given service month will not be charged for residential services until the beginning of the next whole service month.

(4) Interim monthly adjustments to residential fees:  
The monthly residential services fee established for each

resident may be adjusted prior to the next regularly scheduled income review date if the resident provides the Provider and the OMH Regional Director with evidence of a 10 percent or greater reduction in net monthly income. The adjusted residential services fee will become effective on the first day of the next whole service month.

It is the responsibility of the Regional Director or his/her designee to inform OMH Headquarters, Division of Administrative Services of any changes within 12 business days after the end of the preceding month to the provider's monthly Request for Reimbursement regarding OMH's share of the per diem cost.

(5) Reimbursement to the Provider by DHHR/OMH for occupied beds shall be the per diem rate established by DHHR Rate Administration less the fee charged by the provider to each resident. It is the responsibility of the provider to collect all fees due the Provider from the residents. However, if a resident refuses to pay the agreed upon fee the provider may request a redetermination by OMH of the resident's continued participation in the residential program. In any case, the amount reimbursed to the Provider by DHHR/OMH is not contingent on the actual fees collected by the Provider, but on the amount of monthly fee charged to residents as per the written agreement between the resident and the Provider.

(6) Reimbursement to the Provider by DHHR/OMH for beds which remain vacant at the request of OMH or represent the allowable vacancy rate of 20 percent will be the per diem rate established by DHHR Rate Administration.

Interested persons may submit written comments to the following address: James W. Loe, M.D., Assistant Secretary, Office of Mental Health, Box 4049, Baton Rouge, LA 70821. He 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 at the state headquarters for the Office of Mental Health, 655 North Fifth Street, Baton Rouge, LA 70821.

A public hearing on the proposed rule will be held on December 5, 1985 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 10 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

James W. Loe, M.D.  
Assistant Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Reimbursement Policy for  
Adult Group Homes**

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

The implementation of this rule shall result in a possible savings of \$35,000 during FY 85-86 and \$84,000 during FY 86-87.

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

No revenue will be collected, this rule will reduce OMH reimbursements to residential contractors.

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

No additional cost to providers is anticipated since current funding allows each facility clerical support for securing reimbursement. This rule only effects the first source of reimbursement - not the amount which is reimbursable. This rule

will enable affected residents to personally contribute to their cost of care, thereby reinforcing the programmatic goal of providing a normalized living situation.

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

There will be no effect on competition and employment.

James W. Loe, M.D.  
Assistant Secretary

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

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

The Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, proposes to adopt amendments to the standards for licensing substance abuse programs. This proposed rule will update the standards originally published January 20, 1977. Program-related activities are authorized, delineated and/or mandated by Act 364 of 1975. The purpose of the program is to ensure effective, high quality care for alcohol and drug abuse clients throughout the state.

Interested persons may submit written comments at the following address: Steve Phillips, Director, Division of Licensing and Certification, Box 3767, Baton Rouge, LA 70821. He 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 and may be obtained by writing the Director, Division of Licensing and Certification.

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

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

**Rule Title: Certified Licensing Standards for  
Alcohol and Drug Abuse Facilities**

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

No additional costs or savings are anticipated to state or local governmental units.

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

Revenue collections of state or local government units will not be affected as a result of implementation of this Rule.

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

No additional costs and/or economic benefits are anticipated as a result of implementation of this Rule.

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

No discernible effects on competition and employment are anticipated as a result of implementation of this Rule.

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

David W. Hood  
Legislative Fiscal Analyst

**NOTICE OF INTENT**

**Department of Labor  
Office of Employment Security**

Under the authority of Act 909 of 1985 and in accordance

with the provisions of R.S. 49:950 et seq., the Office of Employment Security submits the following rule for legislative review.

**Proposed Rule**

The following training is provided to new appeals referees and, by this rule, will continue to be required for all new appeals referees in the future.

1. An intensive one-on-one instruction in the methods of discovering and writing issues involved in U.I. appeals hearings in order to assure that each party is provided with sufficient notice of all issues to be covered at the hearing.

2. Personal reading from selected authors on procedures for administrative hearings.

3. Introduction to the use of the agency's policy and precedent manual.

4. Each referee is furnished with a copy of a manual containing precedent decisions of the courts with reference to most of the issues covered by agency adjudication of unemployment insurance matters. These manuals are updated periodically by the agency legal unit as new decisions are made.

5. Each new referee observes hearings conducted by several experienced appeals referees before having to actually conduct any hearings on his own.

6. Each new referee is monitored carefully in the conduct of hearings for several weeks, performing his work with an experienced appeals referee in the room.

7. Each new referee views training videotapes and work exercises on the subjects of de novo hearings, principles of evidence, administrative hearing procedures and decision writing.

8. All decisions of new referees are monitored carefully by a supervising hearing officer for correct application of law and for principles of good writing in the findings of fact and conclusions as well as for concise orders to the agency.

9. Periodic conferences are held for updating of methods and information about unemployment insurance and changes in Administrative Law.

10. As many employees as possible are sent for formal training at the National Judicial College.

Interested persons may submit comments on this rule to Al Davis, Director of Administrative Hearings and Legal Activities, Legal Unit, Office of Employment Security, Box 94094, Baton Rouge, LA 70804-9094, by December 10, 1985.

George Whitfield  
Administrator

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Training of New Appeals Referees**

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

It is expected that there will be no costs to the state beyond what is currently being expended. Adoption of this rule will have no effect on local governmental units.

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

Adoption of this rule will have no estimated effect on revenue collections of state or local governmental units because no fees are required by this rule.

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

Adoption of this rule will have no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

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

Adoption of this rule will have no effect on competition or employment.

George Whitfield  
Administrator

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Natural Resources  
Office of Conservation  
Injection and Mining Division**

Docket Number AML 85-1

In accordance with the provisions of R.S. 49:950, et. seq., the Louisiana Administrative Procedure Act, and the authority given in R.S. 901, et. seq., notice is hereby given that the Commissioner of Conservation will conduct a public hearing at 9:00 a.m., Friday, December 6, 1985, in the Conservation Hearing Room located on the First Floor of the State Land and Natural Resources Building, 625 North 4th Street, Baton Rouge, LA.

At such hearing the Commissioner or his authorized representative will consider the revision of Statewide Order 29-0-1, Subchapter R, Parts (270 - 286), Abandoned Mine Reclamation, which governs the reclamation of eligible lands and waters which were disturbed by mining of coal/lignite or non-coal and abandoned prior to the August 3, 1977 enactment date of Federal Act Public Law P. L. 95-87, and for which there is no responsibility for reclamation by any person or body.

A copy of the proposed rules and regulations may be obtained at no cost by writing James H. Welsh, Office of Conservation, Injection and Mining Division, Box 44275, Baton Rouge, LA 70804-4275, by calling 504/342-5515 or by coming in person to Room 253 of the State Land and Natural Resources Building, 625 North 4th Street, Baton Rouge, LA.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing in accordance with R.S. 49:953. Written comments will be accepted until 4:45 p.m., Friday, December 13, 1985 to Office of Conservation, Injection and Mining Division, Box 44275, Baton Rouge, LA 70804-4275, Re: Docket No. AML 85-1.

Herbert W. Thompson  
Commissioner of Conservation

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

**Rule Title: 29-0-1 SUB CH R Abandoned Mine Land Rules**

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

Implementation of the proposed rules will not require State funding, as the program is supported by a yearly federal grant generated by a reclamation fee of 10 cents (10¢) per ton of coal imposed on the coal operators; the State is entitled to half of the fee and the Secretary of the Interior retains the other half. Additional Federal monies from the Secretary of the Interior may be available for program implementation and administration.

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

There will be no estimated effect on revenue collections of State or Local governmental units because the State

of Louisiana does not assess fees as related to abandoned mine reclamation activities.

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

The benefits that could be derived by affected persons or non-governmental groups could be in the form of reclaimed abandoned mine areas that would otherwise be virtually worthless.

Possible costs to affected persons or non-governmental groups might occur, if the above mentioned reclamation greatly enhanced the value of the reclaimed areas. The participants may be required to share in the costs of reclaiming the land in such a case. Additional costs may be experienced in the form of liens and/or fines as provided by Act 281 of the 1985 Regular Legislative Session.

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

The Abandoned Mine rules should provide construction work, building, truck hauling and environmental work to reclaim abandoned mine land areas.

James H. Welsh, Director  
Injection and Mining Division

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Natural Resources  
Office of Conservation  
Injection and Mining Division**

Docket No. UIC 85-38

In accordance with the provisions of R.S. 49:951, et. seq., the Louisiana Administrative Procedure Act, and the authority given in R.S. 30:4, notice is hereby given that the Commissioner of Conservation will conduct a public hearing at 9:00 a.m., Friday, December 6, 1985, in the Conservation Hearing Room located on the First Floor of the State Land and Natural Resources Building, 625 North 4th St., Baton Rouge, LA.

At such hearing the Commissioner or his authorized representative will consider the revision of Statewide Order No. 29-N-1 which will address clarification of Section 50.06 (A) Operating Requirements concerning maximum allowable surface injection pressure for Class I Industrial Waste Injection Wells. This clarification will add the mathematical formula for calculation of this pressure to the existing rule and including a safety factor to prevent the fracture of injection zones or their confining layers.

A copy of the proposed rules and regulations may be obtained at no cost by writing James H. Welsh, Office of Conservation, Injection and Mining Division, Box 94275, Baton Rouge, LA 70804-9275, by calling 504/342-5515, or by coming in person to Room 253 of the Natural Resources Building, 625 N. 4th St., Baton Rouge, LA.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing in accordance with R.S. 49:953. Written comments will be accepted until 4:45 p.m., Friday, December 13, 1985 to Mr. Welsh at the above address.

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

Herbert W. Thompson  
Commissioner of Conservation



**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: S.O. 29-N-1**

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

There will be *no* implementation costs (savings) to State or local governmental units by the promulgation of the rule changes because the proposed changes will bring the existing program into compliance with existing Federal regulations and will not require additional staff or operating expenses.

**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 *no* fees will be requested as part of the proposed rule change.

**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 of nongovernmental groups because this is a clarification of an existing rule.

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

There will be *no* effect on competition and employment.

James H. Welsh, Director  
Injection and Mining Division

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Seafood Division, Louisiana Department of Wildlife and Fisheries, intends to change particular rules governing the Experimental Fisheries Program. This program is authorized under R.S. 56:571 A,B,C, and the authority to promulgate rules and regulations was delegated to the secretary of the department by Act 331 of 1978. The proposed rules are as follows:

**Rules and Regulations  
Experimental Fisheries Program**

Permits under Louisiana law, only gear which is legally sanctioned may be used in a fishery. All other types of gear require a permit. Permits will be issued to persons who are interested in the development of new fisheries designed to harvest underutilized species, and to persons who are interested in the development of experimental gear and equipment to harvest fish and other aquatic species. The purpose of permits is to:

1. Allow the permittee to experiment with new gear which might not meet the requirements of existing statutory law.

2. Allow the department to closely supervise fisheries which are not sanctioned by statutory law, which may conflict with established fisheries, or which may use gear prohibited by statutory law in other fisheries.

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

1. Permits will not be issued for any species unless the department is satisfied that harvesting will not adversely affect that species. In no instance shall permits be issued for threatened or endangered species, or for fisheries or gear types which are specifically prohibited by law.

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

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

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

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

6. A permit does not entitle the bearer the exclusive harvest of the resource, although, at the discretion of the department, a permit may entitle the bearer to exclusive harvest of a certain area but this privilege may be of limited duration and may be lost once management regulations specific to the fishery or gear are promulgated.

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

8. Permit requests for experimental gear must include complete descriptions of the gear and methods used, including drawings or pictures, the specie(s) to be fished, and the area to be fished. All potential permittees must request an appointment. Proof of ownership of the proposed permitted vessel(s) must be provided at the time of appointment, and the person requesting a permit must show proof that all applicable license have been applied for before a permit is issued. Proof of bonafide residency is also required at this time.

9. Permits will be issued for only such time to allow the department to properly evaluate the gear or methods being used. The department may withdraw any permit in order to conduct its own evaluation of the gear, or fishery; may effect management regulations which render any permit inoperative; or may extend any permit as a means of regulating the fishery until such time the fishery comes under statutory laws.

10. When a permit is issued for an underutilized specie(s) or for the development of a new fishery, only the permitted specie(s) can be harvested. All other species must be returned to unrestricted waters with a minimum of handling. No other fish may be in the possession of the permittee, and all fish on board the permitted vessel must have the head and caudal fin (tail) intact.

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

12. Each applicant for a permit under this program will be assessed an administrative fee of \$50 per permit at the time of appointment. Each applicant who is a resident of Louisiana will be required to post a performance fee deposit, bond or cashier's check in the amount of one thousand dollars, payable by cashier's check. All non-residents must post a performance fee deposit, bond or cashier's check in the amount of four thousand dollars, also payable by cashier's check. These deposits are required upon application and are valid until December 31 of each year.

13. The permitted boat used in the program must have a distinguishing sign so that it may be identified. The sign shall have the word "EXPERIMENTAL" printed on it in at least 6 inches high letters, on a contrasting background, so as to be visible from low flying aircraft or from any other vessel in the immediate vicinity.

**Additional proposed Regulations**

14. When permitted gear is on board permitted vessel or in possession of permittee, permittee and vessel are assumed to be



operating under conditions of the permittee. No gear other than permitted gear may be on board or in possession of permittee under provisions of the permit.

15. A report must be received by the department no later than 30 days following the last day of each month. If any permittee does not report monthly as required, his permit shall be suspended. If no report is received by January 31 following suspension, the deposit is forfeited.

16. All permittees must notify department prior to leaving port to fish under permitted conditions and immediately upon returning from permitted trip. The department must be notified by calling a designated phone number. Commonly accepted passive gear, i.e., eel pots, may be exempt from this requirement.

17. If citation(s) are issued to any permittee regarding conditions regulated by the permit, all permittee's permits will be revoked, and the permittee may lose all rights and privileges to participate in the program. If found guilty, the deposit is also forfeited.

18. The Secretary reserves the right to limit the number of permits issued each year. When the number is limited, permits will be granted on a first come, first served basis.

Public comment was received from interested parties prior to final formulation of the intended rules and regulations. Additional comments may be submitted in writing to: Gerald Adkins, Finfish Supervisor, Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

J. Burton Angelle  
Secretary

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
None except printing, miscellaneous paperwork. This affects an ongoing program and requires no increase in headcount, salaries or equipment.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
None - performance fee deposits will be returned if not relinquished by depositor. Administrative fees will cover cost of program, but will not add to revenue base.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
Will result in an expanded market for fisheries products, gear purchases, etc. Total estimated benefits approximately \$5 million annually to private interests.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
None on competition. Could result in slight increase in employment in particular areas of coastal Louisiana.

Mary Michell  
Fiscal Analyst

Mark C. Drennen  
Legislative Fiscal Officer

# Committee Reports

**COMMITTEE REPORT  
House of Representatives  
House Natural Resources Committee  
Oversight Review**

Pursuant to the provisions of R.S. 49:968, the House of

Representatives Natural Resources Subcommittee on Natural Resources met on October 21, 1985 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the September 20 *Louisiana Register* with the following results:

1) Proposal to establish a comprehensive legal and administrative framework for implementing the mandates of the state's water control laws.

Approved by a vote of 7-0.

Clyde W. Kimball  
Chairman

**COMMITTEE REPORT  
House of Representatives  
House Natural Resources Committee  
Oversight Review**

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on October 21, 1985 and reviewed certain changes in state regulations proposed by the Louisiana Department of Natural Resources for which notice of intent was published in the September 20 *Louisiana Register* with the following results:

1) Proposal to adopt timber stumpage values based on current average stumpage market values to be used for severance tax computations for 1985.

Approved by a vote of 7-0.

Clyde W. Kimball  
Chairman

**COMMITTEE REPORT  
House of Representatives  
House Natural Resources Committee  
Oversight Review**

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on October 21, 1985 and reviewed certain changes in state regulations proposed by the Louisiana Department of Wildlife and Fisheries for which notice of intent was published in the September 20 *Louisiana Register* with the following results:

1) Proposal by the Department of Wildlife and Fisheries for setting guidelines for alligator enclosures.

Approved by a vote of 5-0.

Clyde W. Kimball  
Chairman

**COMMITTEE REPORT  
House of Representatives  
House Natural Resources Committee  
Oversight Review**

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on October 21, 1985 and reviewed certain changes in state regulations proposed by the Louisiana Department of Wildlife and Fisheries for which notice of intent was published in the September 20 *Louisiana Register* with the following results:

1) Proposal by the Department of Wildlife and Fisheries for closing the shrimp season in outside waters.

Approved by a vote of 6-0.

Clyde W. Kimball  
Chairman

**COMMITTEE REPORT**  
**House of Representatives**  
**House Natural Resources Committee**  
**Oversight Review**

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on October 21, 1985 and reviewed certain changes in state regulations proposed by the Louisiana Department of Wildlife and Fisheries for which notice of intent was published in the September 20 *Louisiana Register* with the following results:

- 1) Proposal by the Department of Wildlife and Fisheries to lift the moratorium on accepting oyster lease applications.  
 Approved by a vote of 6-0.

Clyde W. Kimball  
 Chairman

**COMMITTEE REPORT**  
**House of Representatives**  
**House Natural Resources Committee**  
**Oversight Review**

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on October 21, 1985 and reviewed certain changes in state regulations proposed by the Louisiana Department of Wildlife and Fisheries for which notice of intent was published in the September 20 *Louisiana Register* with the following results:

- 1) Proposal by the Department of Wildlife and Fisheries for setting the 1985-86 trapping seasons.  
 Approved by a vote of 6-0.

Clyde W. Kimball  
 Chairman

# Potpourri

**POTPOURRI**  
**Department of Agriculture**  
**Horticulture Commission**

The next retail floristry examinations will be given at 10 a.m. daily at McNeese State University, Lake Charles, LA on January 13-17, 1986. The deadline for getting in application and fee is December 27, 1985.

Further information concerning examinations may be obtained from Craig Roussel, Director, Horticulture Commission, Box 44157, Capitol Station, Baton Rouge, LA 70804, phone (504) 925-7772.

Bob Odom  
 Commissioner

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

The Department of Health and Human Resources, Office of Family Security, is making the following changes in rulemaking which was previously published:

1. Reimbursement methodology for inpatient hospital services (Cap on Carve Out Units) - The notice of intent published in the September 20, 1985, *Louisiana Register*, (Volume 11, Number 9, Pages 898-899) which limits the allowable costs for neonatal/pediatric intensive care unit, burn unit, and transplant unit services to three times the hospital's target rate per discharge is being withdrawn. No final rule will be published.

2. Adult Day Health Care Services Suspension - Under the provisions of the Final Rule published October 20, 1985 in the *Louisiana Register*, (Volume 11, Number 10, Page 947) Adult Day Health Care Services will be continued without interruption. Federal funding under Title XIX (Medicaid) of the Social Security Act has been approved by the Health Care Financing Agency which will allow Louisiana's Medical Assistance Program to continue providing said service.

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

**POTPOURRI**  
**Department of Natural Resources**  
**Fishermen's Gear Compensation Fund**

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56:700.1 through 56:700.5, and 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 66 completed claims, amounting to \$73,196.22, were received during the month of October, 1985. During the same month, 38 claims, amounting to \$51,700.86 were paid. The following is a list of the paid claims:

|   |  |  |
|---|--|--|
| Claim No. 84-1653<br>George Reno          | Claim No. 85-2298<br>George Reno           | Claim No. 84-1819<br>Timothy Schouest, Sr. |
| Claim No. 85-2333<br>Ashful Authement     | Claim No. 85-2409<br>Danny Segura          | Claim No. 85-2446<br>Lester Arcement       |
| Claim No. 85-2395<br>John Mialjevich      | Claim No. 85-2396<br>John Mialjevich       | Claim No. 85-2397<br>John Mialjevich       |
| Claim No. 84-1694<br>Herbert Schultz, Jr. | Claim No. 85-2356<br>Joseph Latapie, Sr.   | Claim No. 85-2402<br>Steven Charpentier    |
| Claim No. 85-2371<br>Anthony Galliano     | Claim No. 85-2444<br>Anthony Touns         | Claim No. 85-2344<br>Jimmy Gisclair        |
| Claim No. 85-2342<br>Michael Adam         | Claim No. 85-2352<br>Jefferson Lasseigne   | Claim No. 85-2437<br>Terry Perez           |
| Claim No. 85-2303<br>Scott Pete           | Claim No. 85-2346<br>William Harvey        | Claim No. 85-2398<br>Percy Boudwin, Jr.    |
| Claim No. 85-2316<br>Joseph Dion          | Claim No. 85-2297<br>Byron Burton          | Claim No. 84-1844<br>Anse Guidry           |
| Claim No. 85-2384<br>Percy Jeanfreau      | Claim No. 85-2365<br>Robison Guidry        | Claim No. 85-2361<br>David Griffin         |
| Claim No. 84-1894<br>Johnny Gallardo      | Claim No. 84-1673<br>Jim Finnegan          | Claim No. 80-159<br>Dennis Creppel         |
| Claim No. 85-2351<br>Cleve Coulon         | Claim No. 85-2340<br>Terry Cheramie        | Claim No. 85-2390<br>Roy Campo             |
| Claim No. 85-2318<br>Joseph Myers, Jr.    | Claim No. 85-2334<br>Santos Menhaden Corp. | Claim No. 85-2366<br>Louis Pitre           |
| Claim No. 85-2379<br>Allen Trahan, Jr.    | Claim No. 85-2301<br>Harry Wiltz           |  |

Thursday, December 5, 1985, at 10:00 a.m., in the Police Jury Office, 8201 West Judge Perez Drive, in Chalmette, LA:

CLAIM NO. 85-2363

Donald R. Evans, Jr., of St. Bernard, LA, while trawling on

the vessel, "LIL BRANDY," in Black Bay, Plaquemines Parish, encountered a submerged pipeline on May 24, 1985, at approximately 10 a.m., causing damage to his vessel. Amount of Claim: \$1,268.37

CLAIM NO. 85-2367

Lester J. Evans, Jr. of St. Bernard, LA, while trawling on the vessel, "CAPT. SWAMPY," in Breton Sound, south of Point Chicot, at approximate LORAN-C readings of 29,095.0 and 46,956.0, St. Bernard Parish, encountered an unidentified submerged obstruction on May 22, 1985, at approximately 12 a.m., causing damage to his 55 foot trawl and tickle chain. Amount of Claim: \$975.00

CLAIM NO. 85-2373

Joseph Parrett, of Chalmette, LA, while trawling on the vessel, "MR. SCHLITZ," in Lake Pontchartrain, south of Point Platte, at LORAN-C readings of 28,816.0 and 47,066.2, St. Tammany Parish encountered an unidentified submerged obstruction on May 26, 1985, at approximately 2 p.m., causing loss of his trawl and tickle chain. Amount of Claim: \$522.90

CLAIM NO. 85-2387

Mark and Darryl Eymard, of Buras, LA, while trawling on the vessel, "CAPT. DARRYL," in Breton Sound, northwest of Bird Island, at LORAN-C readings of 28,969.6 and 46,888.4, Plaquemines Parish, encountered an unidentified submerged obstruction on May 24, 1985, at approximately 8 a.m., causing damage to his net. Amount of Claim: \$496

CLAIM NO. 85-2406

Michael Seuzeneau, of New Orleans, LA, while trawling on the vessel, "MIKE'S PRIDE," in Lake Borgne, northeast of Shell Point, at approximate LORAN-C readings of 28,945.0 and 47,039.2, St. Bernard Parish, encountered an unidentified submerged obstruction on May 28, 1985, at approximately 10:30 p.m., causing loss of his 50 foot trawl and tickle chain. Amount of Claim: \$919.88

CLAIM NO. 85-2419

Gary Treuil, of Metairie, LA, while trawling on the vessel, "DAWN MIST," in Lake Pontchartrain, northwest of the Lakefront Airport, at approximate LORAN-C readings of 28,710.0 and 47,033.5, Orleans Parish, encountered an unidentified submerged obstruction on June 4, 1985, at approximately 6 a.m., causing loss of his 50 foot trawl, chain, rope, test trawl and boards. Amount of Claim: \$808.80

CLAIM NO. 85-2428

Robert Kenney, of Slidell, LA, while trawling on the vessel, "PAPPY," in Lake Pontchartrain, south of North Shore, at approximate LORAN-C readings of 28,871.0 and 47,059.7, St. Tammany Parish, encountered an unidentified submerged obstruction on June 17, 1985, at approximately 7 a.m., causing loss of his 12 foot test trawl. Amount of Claim: \$150

CLAIM NO. 85-2433

Martin Alfonso, Jr., of St. Bernard, LA, while trawling on the vessel, "MAE MARIE," in Fishing Smack Bay, St. Bernard Parish, encountered a submerged 25 foot pipe on June 9, 1985, at approximately 1 p.m., causing loss of his 50 foot trawl and damage to his vessel. Amount of Claim: \$3,290.02

CLAIM NO. 85-2434

Jules B. Kain, Sr., of Violet, LA, while trawling on the vessel, "CHRIS AND SHANE," in Breton Sound, off California Point at LORAN-C readings of 28,980.3 and 46,924.7, Plaquemines Parish, encountered an unidentified submerged obstruction on June 4, 1985, at approximately 5:15 a.m., causing loss of his 60 foot trawl, test trawl, boards and tickle chain. Amount of Claim: \$1,452.92

CLAIM NO. 85-2435

Jules B. Kain, Sr., of Violet, LA, while trawling on the ves-

sel, "CHRIS AND SHANE," in Breton Sound, southeast of Point Gardner, at approximate LORAN-C readings of 28,973.2 and 46,935.0, encountered an unidentified submerged obstruction on June 5, 1985, at approximately 8:45 p.m., causing loss of his 60 foot trawl and tickle chain. Amount of Claim: \$1,176.62

CLAIM NO. 85-2436

Jules B. Kain, Sr., of Violet, LA, while trawling on the vessel "CHRIS AND SHANE," in Breton Sound, near Battledore Reef, at approximate LORAN-C readings of 28,950.4 and 46,911.4, encountered a submerged piling on June 6, 1985, at approximately 9:45 a.m., causing loss of his 45 foot balloon trawl, tickle chain and lazy line. Amount of Claim: \$649.02

CLAIM NO. 85-2450

Wayne Abreu, of Yscloskey, LA, while trawling on the vessel, "PIRATE LADY," in Caminada Pass, north side of pass, Jefferson Parish, encountered a submerged sand bar on May 4, 1985, at approximately 9 p.m., causing damage to his butterfly frames, nets and hardware. Amount of Claim: \$2,386.49

CLAIM NO. 85-2457

Wallace LeBouef, of Yscloskey, LA, while trawling on the vessel, "WINDJAMMER," in Lake Borgne, southeast of Proctor Point, at LORAN-C readings of 28,903.5 and 47,004.2, St. Bernard Parish, encountered a submerged quarter boat on June 22, 1985, at approximately 9 a.m., causing loss of his 50 foot trawl and tickle chain. Amount of Claim: \$706.60

CLAIM NO. 85-2468

Tony Goutierrez, of Braithwaite, LA, while trawling on the vessel, "BAYOU BOY," in Cranetown Bay, west of Elephant Point Pass, at approximate LORAN-C readings of 29,178.0 and 47,021.5, St. Bernard Parish, encountered a submerged seismographic pipe on June 24, 1985, at approximately 6 a.m., causing loss of his 47 foot trawl, boards and tickle chain. Amount of Claim: \$1,052.92

CLAIM NO. 85-2512

Joan R. Cure, of St. Bernard, while trawling on the vessel, "LADY JOAN," in Lake Pontchartrain, northwest of the Lakefront Airport, at approximate LORAN-C readings of 28,710.0 and 47,033.0, Orleans Parish, encountered an unidentified submerged obstruction on June 19, 1985, at approximately 8 a.m., causing loss of his 50 foot trawl. Amount of Claim: \$635

CLAIM NO. 85-2513

Joan R. Cure, of St. Bernard, while trawling on the vessel, "LADY JOAN," in the Mississippi River-Gulf Outlet, near Lake Athanasio, St. Bernard Parish, encountered an unidentified submerged obstruction on June 25, 1985, at approximately 7:30 a.m., causing loss of his 50 foot trawl and boards. Amount of Claim: \$1,200

CLAIM NO. 85-2519

Stanley Weiskopf, of Braithwaite, while trawling on the vessel, "KAREN SUSAN," in Breton Sound, northeast of Little Battledore Island, Plaquemines Parish, encountered an unidentified submerged obstruction on June 8, 1985, at approximately 2:30 a.m., causing loss of his 50 foot trawl and boards. Amount of Claim: \$1,766

CLAIM NO. 85-2524

Vincent Lopez, of St. Bernard, while trawling on the vessel, "LA-9741-BG," in River Aux Chenes, south of Shell Bayou, Plaquemines Parish, encountered a submerged tree on July 8, 1985, at approximately 10 a.m., causing loss of his trawl, boards and tickle chain. Amount of Claim: \$453.76

CLAIM NO. 85-2547

Terry Shelley, of Belle Chasse, LA, while trawling on the vessel, "SECOND CHANCE," in Breton Sound, northwest of Bird Island, at LORAN-C readings of 28,969.6 and 46,888.4, Plaquemines Parish, encountered an unidentified submerged obstruction

on July 10, 1985 at approximately 6 a.m., causing loss of his two 40 foot trawls. Amount of Claim: \$1,613.20  
CLAIM NO. 85-2558

Norman J. Couture, of Chalmette, LA, while trawling on the vessel "CHERYL LYNN," in Christmas Camp Lake, north-east of Point Cahill, St. Bernard Parish, encountered an unidentified submerged obstruction on June 26, 1985, at approximately 11 a.m., causing damage to his vessel. Amount of Claim: \$906.54  
CLAIM NO. 85-2573

Daniel Morales, of St. Bernard, while trawling on the vessel, "BLUE DIAMOND," in Black Bay, west of Mozambique Point, Plaquemines Parish, encountered an unidentified submerged obstruction on July 18, 1985, at approximately 10 p.m., causing loss of his 45 foot trawl and tickle chain. Amount of Claim: \$637.98  
CLAIM NO. 85-2580

Kenneth Adams, Jr., of New Orleans, while trawling on the vessel, "SHANNA BABY," in Lake Borgne, south of Pointe Aux Marchettes, at approximate LORAN-C readings of 28,955.0 and 47,009.6, St. Bernard Parish, encountered a submerged tree on July 9, 1985, at approximately 1:30 a.m., causing damage to his trawl and shark tail. Amount of Claim: \$415  
CLAIM NO. 85-2583

Raymond Gilham, of Metairie, LA, while trawling on the vessel, "LA-2201-AP," in Lake Pontchartrain, northwest of the Lakefront Airport, at LORAN-C readings of 28,687.0 and 47,033.5, Orleans Parish, encountered an unidentified submerged obstruction on July 23, 1985, at approximately 3 a.m., causing loss of his 50 foot balloon trawl. Amount of Claim: \$625  
CLAIM NO. 85-2584

Gary Treuil, of Metairie, LA, while trawling on the vessel, "DAWN MIST," in Lake Pontchartrain, north of South Point, at LORAN-C readings of 28,831.0 and 47,053.0, Orleans Parish, encountered a submerged sunken tug boat on July 22, 1985, at approximately 2 a.m., causing loss of his 50 foot trawl, tickle chain, boards, lazy line and chain. Amount of Claim: \$1,304.81  
CLAIM NO. 85-2585

Gary Jeanfreau, of Reggio, LA, while trawling on the vessel, "MR. VINCENT," in Black Bay, northwest of Mozambique Point, Plaquemines Parish, encountered an unidentified submerged obstruction on July 22, 1985, at approximately 7:30 a.m. causing loss of his 55 foot trawl. Amount of Claim: \$587.18  
CLAIM NO. 85-2591

Robert Earhart, of Chalmette, LA, while trawling on the vessel, "LA-1096-BK," in Lake Machias, north of Lake Fortuna, St. Bernard Parish, encountered a submerged large metal pipe on July 17, 1985, at approximately 8 a.m., causing loss of his 32 foot balloon trawl and boards. Amount of Claim: \$408.76  
CLAIM NO. 85-2593

Eddie Goutierrez, of Braithwaite, LA, while trawling on the vessel, "TIFFANY LYNN," in Black Bay, south of Mozambique Point, Plaquemines Parish, encountered a submerged metal obstruction on July 23, 1985, at approximately 2 a.m., causing loss of his 50 foot ballon trawl and chain. Amount of Claim: \$850.00  
CLAIM NO. 85-2596

Salvador Catalano, Sr., of Kenner, LA, while trawling on the vessel, "SASSY," in Lake Pontchartrain, southeast of Pass Manchac, at approximate LORAN-C readings of 28,626.0 and 47,064.0, St. John Parish, encountered a submerged steamboat propeller on July 22, 1985, at approximately 11 p.m., causing loss of his 50 foot trawl, test trawl and damage to his vessel. Amount of Claim: \$2,021.82  
CLAIM NO. 85-2597

Eugene Morales, Sr., of St. Bernard, LA, while trawling on the vessel, "MARK GENIE," in Lake Fortuna, 500 feet from Mozambique Point, St. Bernard Parish, encountered an unidentified

submerged obstruction July 8, 1985, at approximately 10:35 p.m., causing loss of his 50 foot trawl, shark tail and tickle chain. Amount of Claim: \$784.14  
CLAIM NO. 85-2598

Domingo Rano, of St. Bernard, LA, while trawling on the vessel, "CAPTAIN MINGO," in Chandeleur Sound, southeast of Point Comfort, at approximate LORAN-C readings of 29,147.0 and 46,981.2, St. Bernard Parish, encountered a submerged steel object on July 8, 1985, at approximately 1 p.m., causing loss of his 50 foot trawl. Amount of Claim: \$819.36  
CLAIM NO. 85-2606

Martin Kain, Jr., of New Orleans, LA, while trawling on the vessel, "MRS. JUANITA," in Breton Sound, south of the gap in the Rocks, at approximate LORAN-C readings of 29,041.0 and 46,929.0, St. Bernard Parish, encountered a submerged pipe on May 20, 1985, at approximately 10:30 p.m., causing loss of his 45 foot trawl. Amount of Claim: \$723.29  
CLAIM NO. 85-2608

Martin Kain, Jr., of New Orleans, LA, while trawling on the vessel "MRS. JUANITA," in Lake Borgne, approximately 2 miles east of Proctor Point, St. Bernard Parish, encountered a submerged airplane on July 2, 1985, at approximately 10:30 p.m., causing damage to his vessel. Amount of Claim: \$1,799.17  
CLAIM NO. 85-2634

Gary Treuil, of Metairie, LA, while trawling on the vessel, "DAWN MIST," in The Rigolets, near the Lighthouse, Orleans Parish, encountered a submerged creosote timber on August 1, 1985, at approximately 2 a.m., causing loss of his wing nets. Amount of Claim: \$645  
CLAIM NO. 85-2635

Daniel Morales, of St. Bernard, LA, while trawling on the vessel, "DANIELLE MARIE," in Grand Pass, between Lake Jean Louis Robin and Lake Coquille, St. Bernard Parish, encountered an unidentified submerged obstruction on July 5, 1985, at approximately 5:30 a.m., causing loss of his 45 foot trawl, shark tail, tickle chain and boards. Amount of Claim: \$1,107.48  
CLAIM NO. 85-2641

Dan F. Egan, of Slidell, LA, while trawling on the vessel, "CAPT. DAN'S PEARL," in Lake Pontchartrain, north of Little Woods, at approximate LORAN-C readings of 28,780.0 and 47,042.0, Orleans Parish, encountered an unidentified submerged obstruction on June 15, 1985, at approximately 3:30 p.m., causing loss of his 40 foot set back net, boards and chain. Amount of Claim: \$880  
CLAIM NO. 85-2642

Pat J. Bowers, of Buras, LA, while trawling on the vessel, "COUSINS," in Lake Pontchartrain, south of The Rigolets, at approximate LORAN-C readings of 28,903.0 and 47,050.6, Orleans Parish, encountered a submerged cluster of pilings on May 28, 1985, at approximately 7:30 p.m., causing loss of his 50 foot trawl. Amount of Claim: \$640  
CLAIM NO. 85-2643

Pat J. Bowers, of Buras, LA, while trawling on the vessel, "COUSINS," in Breton Sound, east of Quarantine Bay, Plaquemines Parish, encountered a submerged sunken barge on July 13, 1985, at approximately 10:30 p.m., causing loss of his 52 foot trawl. Amount of Claim: \$1,163

Any written objections to these claims must be received by the close of business on December 2, 1985. Any person may submit evidence or make objections in person at the hearings. Written comments must be mailed to: B. Jim Porter, Secretary, Department of Natural Resources, Box 44124, Capitol Station, Baton Rouge, LA 70804.

B. Jim Porter  
Secretary

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Water Resources, Office of (see Environmental Quality Department)

## WILDLIFE AND FISHERIES DEPARTMENT

### Wildlife and Fisheries Commission

Alligator enclosure, 923N, 1109CR  
Alligator season, 679ER  
Boat equipment safety, 185N, 501CR, 705R  
Channel catfish, 127R  
Experimental Fisheries, 729N, 1108N  
Horses/mules on wildlife management areas, 848ER  
Hunter safety, 187N, 501CR  
Hunting seasons, bag limits, 728N, 925CR  
Lake Bruin, Commercial fishing, 1029N  
Migratory birds hunting season, 756ER  
Migratory seasons other than waterfowl, 681ER  
Net ban, Lacassine Bayou, 729N, 926CR, 982R  
Net ban, Lake Bisteneau, 730N, 925CR, 981R  
Oyster fishing, Calcasieu Lake, 682ER  
Oyster moratorium, 924N, 1110CR  
Oyster seed reservations, 681ER  
Rockefeller Refuge, 187N, 501CR  
Scuba game fish seasons, 592N, 706R, 731CR  
Seafood Promotion and Marketing Board, 126R  
Shrimp seasons, 188N, 501CR  
Shrimp season/outside waters, 923N, 1109CR  
Trapping season, 925N, 1098R, 1110CR  
Waterfowl regulations/hunting season dates, 848ER

### CR—Committee Report

E—Errata EO—Executive Order ER—Emergency Rule

L—Legislation N—Notice of Intent P—Potpourri

PPM—Policy and Procedure Memorandum R—Rule

# Notes