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Emergency Rules

DECLARATION OF EMERGENCY

Department of Economic Development
Racing Commission

Title 35
HORSE RACING
Part V. Racing Procedures
Chapter 63. Entries
§6311. Registration of Horse

No horse shall be allowed to enter or start in any race conducted by any licensee unless the horse is a quarter horse, thoroughbred or Appaloosa. Registration of a thoroughbred horse by the Jockey Club of New York, a quarter horse by the American Quarter Horse Association and an Appaloosa horse by the Appaloosa Horse Club, Inc. shall be prima facie evidence that such horse is a thoroughbred, quarter horse or an Appaloosa. However such registry shall not be conclusive evidence, nor binding on the commission. At the time of entry such certification of registration and Coggins test certificate must be on file in the office of the racing secretary before starting, except when such certificates are on file at another track which is then operating. The foal certificate must be on file with the racing secretary before a horse starts. The stewards may, at their discretion, waive this rule in the case of horses shipped in to start in races in this state.

AUTHORITY NOTE: Promulgated in accordance with R. S. 4:148.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1971, amended LR 2:91 (March, 1976), LR 2:436 (December, 1976), LR 3:32 (January, 1977), repromulgated LR 4:279 (August, 1978), amended LR: (January, 1989).

Alan J. LeVasseur
Executive Director

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Board of Examiners for Nursing Home Administrators

The Department of Health and Hospitals, State Board of Examiners for Nursing Home Administrators, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953-B to adopt the following rule in the Certified Nurse Assistant Program.

It was necessary to adopt this as an emergency rule as the Omnibus Budget Reconciliation Act of 1987 mandates the implementation of a Certified Nurse Assistant Register by January 1, 1989. Failure to implement this register by the required date will jeopardize the state's receipt of federal Medicaid funds.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLIX. Nursing Home Administrators
Chapter 16. Certified Nurse Assistants
§1601. General Definitions

A. A *Certified Nurse Assistant* is a person who has met standards established by the Bureau of Health Standards and who has been certified to the board as eligible.

B. *Certified Nurse Assistant Register* is a listing of all certified nurse assistants including names, addresses, certification number and other pertinent data.

C. *Standards* means the standards established by the Bureau of Health Standards for the training, examination, certification, investigation, hearings and other actions required to establish and maintain a certification program in compliance with federal regulations.

D. The *Bureau* is the Bureau of Health Standards in the Department of Health and Hospitals.

§1603. Certified Nurse Assistant Register

A. The board shall establish a certified nurse assistant register that maintains a current list of all certified nurse assistants in the state.

B. The register shall contain the name, address, Social Security number, certification number, school attended, date of certification, record of employment and whether nurse assistant has been disciplined. A second part of the register will contain specific information on disciplinary action for patient abuse or neglect, and/or misappropriation of patient property.

§1605. Register Notification

A. The bureau shall notify the register, supplying all required information on each person the bureau certifies.

B. The bureau shall notify the register of each person disciplined for patient abuse or neglect; misappropriation of patient properties, and any other act the bureau deems pertinent to certification.

§1607. Certification Fees

A. The board shall set a certification and re-registration fee not to exceed $3 annually for each certified nurse assistant.

§1609. Certificate Form

A. An applicant who has been certified by the bureau and paid the fee set by the board shall be issued a certificate and/or a certification card on a form provided for that purpose by the board, certifying that such applicant has met the requirements of standards and regulations entitling him/her to work and to hold himself/herself out as a duly certified nurse assistant. The certificate shall include an expiration date.

§1611. Registration of Certificates

A. Every person who holds a valid certificate as a certified nurse assistant issued by the board shall immediately upon issuance thereof be deemed registered with the board. Thereafter, such individual shall apply annually on a date set by the board for a new certificate of registration and report any facts required by the board and the bureau.

B. Re-registration application shall be made on forms provided by the board and the applicant must at the same time

submit a fee not to exceed $3 as set by the board.

C. Upon receipt of the application and the fee the board shall issue a new certificate of registration showing its expiration date.

D. When a certified nurse assistant fails to comply with provisions of this Section the register shall show his/her registration is not current.

§1613. Use of the Register

A. Each nursing home administrator who is administrator-of-record in a nursing home shall verify with the register that a nurse assistant is certified and in good standing before employing the nurse assistant, except as provided in the standards of the bureau.

§1615. Reproducing Certificates

A. No certified nurse assistant certificate may be copied or reproduced in any way.

§1617. Reissuing Certificates

A. When a certificate is lost or marred to the extent it is not readily legible, the holder shall apply to the board for a replacement. There shall be a replacement fee as set by the board not to exceed $2.

The effective date of these rules is January 1, 1989 and will expire May 1, 1989.

Winborn E. Davis
Executive Director

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Office of the Secretary

The Department of Health and Hospitals, Office of the Secretary, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953 B to adopt the following rule in the Bureau of Health Services Financing.

Public Law 100-203 established mandatory preadmission screening and annual resident review requirements for nursing care (other than ICF-MR) provided under Title XIX of the Social Security Act. Section 1919(b)(3)(E) prohibits admission of a mentally ill or mentally retarded recipient, unless the recipient requires the level of services provided by a nursing facility because of his/her physical and mental condition, as determined by the state mental health or state mental retardation authority. Additionally, when the admission or continued residence in a nursing facility is appropriated, a determination must be made as to whether active treatment for mental illness or mental retardation is required. Under mandatory federal law, the Bureau of Health Services Financing must follow the preadmission screening and annual resident review criteria for individuals with Mental Illness and Mental Retardation established by the Health Care Financing Administration.

Under this emergency rule, the Bureau of Health Services Financing is adopting the mandatory preadmission screening and annual resident review requirements required under P.L. 100-203 effective January 1, 1989.

RULE

The Bureau of Health Services Financing shall follow the criteria developed and published by the Health Care Financing Administration for making preadmission and annual review determinations for recipients who have mental illness or mental retardation who seek admission or continued residence in a nursing facility (SNF, ICF-I, or ICF-II).

David Ramsey
Secretary

DECLARATION OF EMERGENCY

Department of the Treasury
Bond Commission

The State Bond Commission at a regular meeting on December 15, 1988, unanimously adopted an amendment to its rules as previously adopted and amended.

The commission exercised the emergency provisions of the Administrative Procedure Act R.S. 49:953B and amended Rule No. 2 as follows:

"2. Applications must be filed with the commission at least 20 working days in advance of a commission meeting, except in cases of absolute emergencies or in case where permission for later filing of routine matters is granted."

This emergency adoption is necessary due to the increase volume of applications and the increased complexity of their analysis and review.

This rule is effective immediately.

Mary L. Landrieu
Treasurer and Chairman

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Closing 1988 Shrimp Seasons

In accordance with R.S. 49:967 (D) and R.S. 49:953 (B) of the Administrative Procedure Act and Act 1988 Number 893, the Louisiana Wildlife and Fisheries Commission hereby declares:

1. the shrimp season in Shrimp Management Zone 1, Zone 2 and Zone 3 in Louisiana's inshore waters as defined in R.S. 56:495 will close at 12:01 a.m. December 21, 1988 and

2. the shrimp season in Shrimp Management Zone 1, Zone 2 and Zone 3 in Louisiana's offshore territorial waters will close at 12:01 a.m. January 31, 1989 except in the area from Bayou Fontanelle (Empire Ship Channel) to Caminada Pass where the closure will be for that portion of Louisiana's offshore territorial waters in Shrimp Management Zone 2 from the inside-outside "shrimp" line seaward for a distance of three miles.

Don Hines, Ph.D.
Chairman

Rules

RULE

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

Title 7
AGRICULTURE AND ANIMALS
Part XXXIX. Forestry

Chapter 1. Timber Stumpage
§101. Stumpage Values

The Office of Forestry and Tax Commission, as required by LRS 3:4343, adopted the following timber stumpage values based on current average stumpage market values to be used for severance tax computations for 1989:

A. Pine Sawtimber	$160 per M bd.ft.
B. All Hardwoods and Cypress Sawtimber	72 per M bd.ft.
C. Pine Pulpwood	15 per Cord
D. Hardwood Pulpwood	5 per Cord

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1543.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Forestry, and the Louisiana Forestry Commission, LR 4:9 (January 1978), amended LR 5:7 (January 1979), LR 5:468 (December 1979), LR 6:728 (December 1980), LR 7:627 (December 1981), LR 8:651 (December 1982), LR 9:848 (December 1983), LR 10:1038 (December 1984), LR 11:1178 (December 1985), amended by the Department of Agriculture and Forestry, Office of Forestry, and the Louisiana Forestry Commission, LR 12:819 (December 1986), LR 13:432 (August 1987), amended LR 14:9 (January 1988), LR 15: (January 1989).

William D. Mercer,
Acting State Forester

Mary K. Zervigon, Chairman
Tax Commission

RULE

Department of Economic Development
Board of Architectural Examiners

Under the authority of R.S. 37:144 and in accordance with the provisions of R.S. 49:950 et seq., the Board of Architectural Examiners gives notice that it amended Chapter 5 (Applications for Examination), Chapter 7 (Requirements for Registration and Examination), and Chapter 9 (Registration Procedure) in their entirety so that said chapters will henceforth provide:

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part I. Architects

Chapter 5. Applications for Examination
§501. Making Application for Architectural Registration Examination

A. A person desiring to take the Architectural Registration Examination ("ARE") should contact the National Council of Architectural Registration Boards ("NCARB") and request that NCARB file with the board on or before a date determined by the board a complete and approved intern development program record for final review and approval by the board. The applicant shall also furnish the board a photograph and pay directly to the board the fee for taking the examination.

B. The intern development program record, photograph, and the fee for taking the examination must be received by the board on or before the date determined by the board. If the record, photograph, and fee are not received by said date, the applicant will not be allowed to take the examination that year.

C. The applicant has full, complete, and sole responsibility for timely requesting from NCARB the filing of the record with the board, for furnishing to NCARB all necessary information, and for paying to NCARB all required fees. The applicant should be aware that NCARB requires a certain period of time to complete and file the record.

D. Upon request, an examination informational packet is available from the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, LR 4:333 (September 1978), LR 10:738 (October 1984), LR 12:760 (November 1986), amended by Department of Economic Development, Board of Architectural Examiners, LR 15: (January 1989).

§503. Failure to Take ARE

If an applicant fails to take the ARE at the time for which he has applied, two-thirds of his examination fee will be returned. Such applicant who desires to take the ARE thereafter is not required to file a new application but is required to pay the board the full examination fee and furnish the board a new photograph on or before the date set by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, LR 4:333 (September 1978), LR 10:738 (October 1984), amended by the Department of Economic Development, Board of Architectural Examiners, LR 15: (January 1989).

§507. Training credits for Applicants not Holding a Professional Degree

Experience used to meet the educational equivalency requirements set forth in R.S. 37:146(D)(2) can not be used to satisfy the practical architectural work experience requirements set forth in R.S. 37:146(D)(3). Although training credits can be earned prior to satisfactory completion of the educational equivalency requirements set forth in R.S. 37:146(D)(2) at such times permitted by NCARB in its Circular of Information No. 1, experience used in earning such credits can not also be used to satisfy the training requirements of R.S. 37:146(D)(3).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, LR 4:333 (September 1978), LR 10:738 (October 1984), amended by the Department of Economic Development, Board of Architectural Examiners, LR 15: (January 1989).

§509. Making Application for Computer Administered Version of the ARE

To obtain information regarding the computer administered version of the ARE ("C/ARE"), a candidate should write the board. The applicant will then receive instructions on the procedure to follow.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, LR 4:333 (September 1978), LR 10:738 (October 1984), amended by the Department of Economic Development, Board of Architectural Examiners, LR 15: (January 1989).

Chapter 7. The Examination

§701. Examinations Required

The Architectural Register Examinations ("ARE") as prepared by the NCARB, and the computer administered version thereof ("C/ARE"), are adopted by this board as the examinations required to obtain registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:147, R.S. 37:148, and R.S. 37:157.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, LR 4:333 (September 1978), LR 10:738 (October 1984), repealed and adopted by the Department of Economic Development, Board of Architectural Examiners, LR 15: (January 1989).

§703. Review of Examination and Answers of the Candidate; Reversing Grades

A candidate will not be permitted to review his/her examination or answers thereto. The board will not reverse the grade received by a candidate from NCARB.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:145-146.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, repromulgated LR 4:334 (September 1978), LR 10:738 (October 1984), repealed and adopted by the Department of Economic Development, Board of Architectural Examiners, LR 15: (January 1989).

§705. Proctoring the Architectural Registration Examination

As a courtesy to licensing boards in other states, the board will proctor candidates taking the ARE but only upon request made by another state licensing board prior to March 1 of the year in which the examination is to be taken and only for a candidate:

A. that is residing and working in Louisiana for a period of six months prior to March 1 of the year in which the examination is to be taken and

B. that has satisfied the same initial examination eligibility requirements as Louisiana, including:

1. the satisfactory completion of an internship of practical working experience as defined by NCARB and as outlined by the intern development program administration of NCARB and

2. the holding of a first professional degree from a school whose curriculum has been accredited by the National Architectural Accrediting Board. The board shall charge $50 for this service which fee must be paid at the time of the request by the other licensing board for proctoring.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:145, R.S. 37:147; R.S. 37:148 and R.S. 37:149.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, repromulgated LR 4:334 (September 1978), LR 10:738 (October 1984), repealed and adopted by the Department of Economic Development, Board of Architectural Examiners, LR 15: (January 1989).

Chapter 9. Registration Procedure

§901. Registration Information

To obtain information regarding registration to practice architecture in Louisiana an individual, a corporation which satisfies the requirements of the Professional Architectural Corporations Law, and an architectural-engineering corporation which satisfies the requirements of the Architectural-Engineering Corporation Law, shall write the board indicating whether the applicant seeks to be registered as an architect, a professional architectural corporation, or an architectural-engineering corporation. The applicant will then receive instructions on the procedure to follow.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:145.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, LR 4:334 (September 1978), LR 10:738 (October 1984), amended by the Department of Economic Development, Board of Architectural Examiners, LR 15: (January 1989).

§903. Individuals Registered in Other States

A. The exclusive means for an individual registered in another state(s) seeking to be registered in Louisiana is the submission to the board of an NCARB (blue cover) certificate.

B. Upon finding the NCARB (blue cover) certificate in order and upon payment of the registration fee, the board will register said individual and issue a license to said individual to practice architecture in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:148-149.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, LR 4:334 (September 1978), LR 10:738 (October 1984), amended by the Department of Economic Development, Board of Architectural Examiners, LR 15: (January 1989).

§905. Certificates

A. Upon granting registration and issuance of a license to practice architecture, a copy of the licensing law and the rules of the board shall be forwarded to the registrant.

B. Only individuals, professional architectural corporations, and architectural-engineering corporations who have met the statutory registration requirements through established board rules shall receive certificates of registration.

C. Each holder of a certificate shall maintain the certificate in his principal office or place of business in this state.

D. A replacement certificate will be issued to a registrant to replace one lost or destroyed, provided the current annual registration renewal is in effect, the registrant makes proper re-

quest and submits an acceptable explanation of the loss or destruction of the original certificate, and the registrant pays a fee to be set by the board.

E. Registrants 65 years of age or older, who have retired from active practice may request emeritus status. The annual renewal fee for approved emeritus registrants will be $5. Revocation and reinstatement rules will otherwise apply to emeritus registrants, just as they do to all other registrants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:148.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, LR 4:334 (September 1978), LR 10:738 (October 1984), amended by the Department of Economic Development, Board of Architectural Examiners, LR 15: (January 1989).

Mary "Teeny" Simmons
Executive Director

RULE

Department of Economic Development
Racing Commission

Title 35
HORSE RACING
Part XV. Off-Track Wagering

Chapter 125. Licensing
§12521. Application Form

An application form ("Application for Off-Track Wagering Facility") shall be completed for each facility by its applicant or applicants and shall be submitted to the commission for approval. Omission and/or falsification of information on the application form may be grounds for denial of the application form. Such application shall be totally completed or will not be considered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 211-222.

HISTORICAL NOTE: Promulgated by the Racing Commission in 1988, emergency rule 9/28/88, LR 15: (January, 1989).

Alan J. LeVasseur
Executive Director

RULE

Department of Economic Development
Racing Commission

Title 35
HORSE RACING
Part I. General Provisions

Chapter 15. Permitted Medications
§1507. Bleeder Medication

A. - D. ...

E. A bleeder shall be eligible to enter and run as follows, but only after a recorded workout.

1. First time, after the expiration of the 14th day he is placed on the bleeder list.

2. Second time, after the expiration of the 90th day he is placed on the bleeder list.

3. Third time, after the expiration of the 365th day he is placed on the bleeder list.

4. Fourth time, lifetime suspension, provided hemorrhage from the nostrils is documented by the state veterinarian.

5. Should a horse which is on the bleeder list race three times within 365 days without bleeding, it shall be considered a first-time bleeder when next it is observed bleeding by a commission or association veterinarian or an endoscopic examination, conducted within one hour of a race, reveals blood in the trachea and/or upper respiratory tract.

6. For the purposes of this rule the counting of time periods will commence on the day after the bleeding was observed before the horse can go back into entries.

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

HISTORICAL NOTE: Promulgated by the Racing Commission LR 6:174 (May 1980), amended LR 6:543 (September 1980), LR 9:547 (August 1983), amended LR 15: (January 1989).

Alan J. LeVasseur
Executive Director

RULE

Department of Economic Development
Racing Commission

Title 35
HORSE RACING
Part V. Racing Procedures

Chapter 63. Entries
§6311. Registration of Horse

No horse shall be allowed to enter or start in any race conducted by any licensee unless the horse is a quarter horse, thoroughbred or Appaloosa. Registration of a thoroughbred horse by the Jockey Club of New York, a quarter horse by the American Quarter Horse Association and an Appaloosa horse by the Appaloosa Horse Club, Inc. shall be prima facie evidence that such horse is a thoroughbred, quarter horse or an Appaloosa. However such registry shall not be conclusive evidence, nor binding on the commission. At the time of entry such certificate of registration and Coggins test certificate must be on file in the office of the racing secretary before starting, except when such certificates are on file at another track which is then operating. The foal certificate must be on file with the racing secretary before a horse starts. The stewards may, at their discretion, waive this rule in the case of horses shipped in to start in races in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1971, amended LR 2:91 (March

1976), LR 2:436 (December 1976), LR 3:32 (January 1977), repromulgated LR 4:279 (August 1978), amended LR 15: (January 1989).

Alan J. LeVasseur
Executive Director

RULE

Department of Economic Development
Racing Commission

Title 35
HORSE RACING
Part XIII. Wagering

Chapter 109. Super Six
§10901. Super Six

A. - F. ...
1. ...

2. Thirty percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders, plus any carryover resulting from provisions of Subsection F.4, shall be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the six races comprising the Super Six.

3. Thirty percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the second most official winners, but less than six, in each of the six races comprising the Super Six.

4. ...
a. Seventy percent of the net amount in the pari-mutuel pool shall be retained by the association as distributable amounts and shall be carried over to the next succeeding racing day as an additional net amount to be distributed as provided in Subsection F.2.

b. Thirty percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the most official winners, but less than six, in each of the six races comprising the Super Six.

5. ...
G. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.
HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission, LR 6:542 (September 1980), amended LR 12:11 (January 1986), emergency rule amendment 6/30/88, amended LR 15: (January 1989).

Alan J. LeVasseur
Executive Director

RULE

Department of Economic Development
Racing Commission

Title 35
HORSE RACING
Part XIII. Wagering

Chapter 112. Twin Trifecta
§11201. Twin Trifecta

A. - D. . . .
E. After wagering closes for the first half of the twin trifecta, the commissions will be deducted from the pool in accordance with laws of the state. The remaining pool will then be divided into two separate pools of 70 percent and 30 percent.
F. The monies in the 30 percent portion of the divided pool shall be distributed to the holder of the twin trifecta tickets selecting the first three horses in order, on the first designated twin trifecta trace, in accordance with established pari-mutuel practice.
G. The 70 percent portion of the divided pool shall be placed in a separate pool to be distributed to the holders of the second half twin trifecta tickets selecting the first three horses in order, on the second designated twin trifecta race, in accordance with established pari-mutuel practice.
H. - R. . . .
AUTHORITY NOTE: Promulgated in accordance with R. S. 4:149.
HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission, LR 12:419 (July, 1986), amended LR 14:227 (April, 1988), emergency rule amendment 8/26/88, amended LR 15: (January, 1989).

Alan J. LeVasseur
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 October 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 1.10.00.b
The board adopted the following Calendar of Activities for the Louisiana Quality Education Support Fund 8(g) as an amendment to the 8(g) Policy and Procedure Manual:

CALENDAR OF ACTIVITIES

AUGUST	Advertise public hearing to be held in September
SEPTEMBER	Hold public hearing
OCTOBER	Meeting of 8(g) Advisory Council to recommend priorities
NOVEMBER	Board establishes 8(g) Program and Budget
DECEMBER	Publish Notice of Intent of 8(g) Program and Budget in *Louisiana Register*
JANUARY	- - -
FEBRUARY	Deadline to receive competitive projects
MARCH	SDE review of eligibility of competitive projects

APRIL	Implement evaluation by 8(g) Evaluation Committee
MAY	Deadline for completion of work by 8(g) Evaluation Committee
JUNE	Notification of disposition of projects
JULY	Official notification of grant awards

Em Tampke
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 October 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 4.00.72.c(5)

The board adopted an amendment to Bulletin 1196, *School Food Services Program Policies of Operation*, the revised competitive food policy as recommended by the State Department of Education as stated below:

"Reimbursement for the Lunch, Special Milk, or Breakfast Program may be withheld from schools if concessions, canteens, snack bars, and vending machines are operated on a profit basis before the end of the last lunch period."

Em Tampke
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 September 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 4.00.76

The board adopted the rules and regulations for the operation of the federally funded Louisiana Child Care Food Program, as recommended by the Department of Education. Copies of the rules and regulations may be seen in their entirety at the Office of the State Board of Elementary and Secondary Education, located in Room 104 of the Education Building, at 626 North Fourth Street, Baton Rouge, LA or in the Office of the Louisiana Register.

Em Tampke
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 October 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 4.05.03

The board adopted the following policy on the suspension, denial or revocation of a Louisiana teaching certificate of an individual who presents to the Department of Education, fraudulent documentation pertaining to his/her certification:

SUSPENSION OF TEACHING CERTIFICATE

1. A Louisiana teaching certificate may be denied, suspended, or revoked if a teacher presents fraudulent documentation pertaining to his/her certificate to the Board of Elementary and Secondary Education or the Department of Education.

Upon receiving notice that a teacher has submitted fraudulent documentation pertaining to his/her teaching certificate, the State Department of Education, Bureau of Higher Education and Teacher Certification shall investigate the matter. Upon confirmation of the information investigated, the Bureau of Teacher Certification shall notify the teacher, by certified mail, that a recommendation is being made to the BESE to deny, suspend, or revoke his/her certificate.

2. The Teacher Certification Committee shall make a recommendation to the full board, based upon information received from the Bureau of Teacher Certification, whether the teaching certificate should be denied, suspended, or revoked. The decision of the board shall be transmitted to the local school board and the teacher affected.

3. An individual whose teaching certificate is denied, suspended, or revoked under the provisions of the policy will be notified of their right to appeal, within 30 days of receipt of the notice of denial, suspension, or revocation to the Board of Elementary and Secondary Education. The decision of the board to deny, suspend, or revoke a teaching certificate shall remain in effect pending all appeals.

4. A teacher whose certificate has been revoked under the provisions of this part may only apply for reinstatement three years or later after the effective date of the revocation of his or her certificate. The Due Process Committee of the board may conduct a hearing to determine if the former teacher has rehabilitated himself sufficiently to warrant reinstatement of the teaching certificate.

Em Tampke
Executive Director

RULE

Department of Health and Hospitals
Board of Embalmers and Funeral Directors

The Department of Health and Hospitals, Board of Embalmers and Funeral Directors, in accordance with R.S. 37:840 gives notice that rulemaking procedures have been instituted to amend LAC 46:XXXVII. 109, 901, 903 and 909 to read as follows:

Chapter 1. General Provisions

§109. Embalmers Attire

A. Each Louisiana licensed embalmer or intern, while engaged in embalming a dead human body, shall be attired in a clean and sanitary smock or gown; and the body being embalmed shall at all times be covered so as to insure the privacy of said body.

B. Each Louisiana licensed embalmer or intern, while engaged in embalming a dead human body, shall be properly attired to provide for his/her own safety as well as the safety of others and in that regard, it is suggested that the proper attire of the embalmer or intern shall include the following:

1. a sanitary waterproof disposable gown, apron or smock;

2. clean and sanitary rubber or latex gloves;

3. a mask or some other type of protective shield for eye and face protection.

C. Protective clothing should be removed before leaving the preparation room and deposited within a container that can be properly disposed of in accordance with governmental codes covering such disposals.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 15: (January 1989).

Chapter 9. Internship

§901. Requirements for Embalming

A. Any person desiring to engage in the practice of embalming and the profession of funeral directing in this state shall serve as an intern within the state of Louisiana for one year and must meet the following requirements.

1. The intern shall serve his internship within the state of Louisiana for one year under the direct supervision of a Louisiana licensed embalmer/funeral director.

2. The intern shall have actively assisted in the preparation of at least 25 dead human bodies during his period of internship and shall have actively assisted in conducting at least 25 funerals during his period of internship.

3. The intern must have a high school diploma or the equivalent G.E.D. certificate at the time of making application for internship.

4. While serving the term of internship, the intern must work on a full-time basis, that is a minimum of 40 hours per week. Half of the hours worked, on a weekly basis, must be worked during the hours of 7 a.m. and 5 p.m. while the other half of the hours worked on a weekly basis may be served any hours of the day or night.

5. The employment at the funeral home must be the intern's principal occupation.

6. The employment of the intern at the funeral home must be verified by the state board's inspector during any of the required inspections of the intern. Verification of employment will be made by presenting the quarterly returns submitted either to the Internal Revenue Service of the the Louisiana Department of Revenue and Taxation, or, alternatively, some other official form used to verify employment, to the state board's inspector for his review.

7. A work schedule must be submitted with the intern's application showing hours to be worked and duties to be performed. Any changes or modifications within the original work schedule must be forwarded to the board's office within 14 days of the change.

8. The internship must be served within 12 months after graduating from embalming school.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended March 1974, promulgated LR 5:277 (September 1979), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 15: (January 1989).

§903. Requirements for Funeral Directing

A. Any person desiring to engage in the profession of funeral directing within this state shall serve as an intern within the state of Louisiana for a period of one year and must meet the following requirements.

1. The intern shall serve as an intern within the state of Louisiana under the direct supervision of a Louisiana licensed funeral director for a period of one year.

2. The intern shall have actively assisted in conducting at least 25 funerals during the period of internship.

3. The intern applicant must have a minimum of 30 semester hours in an accredited college or university as evidenced by a certified copy of the transcript of said college or university. The minimum subject hours shall include 21 semester hours of the basic freshman courses, which include but are not limited to the following: English, math, bookkeeping, accounting, business math, psychology, history, science, business administration, biology, economics, chemistry, and marketing or such other minimum hours as the law may provide.

4. The intern must work on a full-time basis, that is, a minimum of 40 hours per week, worked between the hours of 7 a.m. and 5 p.m.

5. Employment at the funeral home must be the intern's principal occupation.

6. The employment of the intern at the funeral home must be verified by the state board's inspector during any of the required inspections of the intern. Verification of employment will be made by presenting the quarterly returns submitted either to the Internal Revenue Service or the Louisiana Department of Revenue and Taxation, or, alternatively, some other official form used to verify employment, to the state board's inspector for his review.

7. A work schedule must be submitted with the intern's application showing hours to be worked and duties to be performed. Any changes or modifications within the original work schedules must be forwarded to the board's office within 14 days of the change.

8. The internship must be served after completing the 30 semester hours, or such other minimum hours as the law may provide within the accredited college or university, as noted hereinabove, and, prior to taking the National Conference Examinations.

9. Upon completion or internship, the intern application must appear before the board at its next regular examination meeting except when a delayed appearance for good cause, acceptable to the board is allowed.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended March 1974, promulgated LR

5:277 (September 1979), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 15: (January 1989).

§909. Notification to Licensed Person

A. The secretary of the board, upon notification by the applicant, will inform the licensed person responsible for the supervision and the training of the intern of the rules and regulations concerning the internship and that he will be responsible to the board for the application and enforcement of these rules and regulations. The designated supervisor must be present and in charge of the intern during the normal working hours as required and shall be responsible for the instruction and the performance of the intern during the course of internship.

B. Credit for funeral director and/or embalmer internship shall not be allowed to any person while he is in military service or while enrolled as a full-time student in a mortuary college or university (part-time students pursuing 11 hours or less are acceptable).

C. It shall be a requirement and responsibility of the intern to make these reports monthly and to have them in the office of the secretary on the date specified. Failure to perform as specified in this rule will mean automatic loss of that monthly credit. Failure of the licensed supervisor to perform as agreed or to in any way falsify the records of the internship will cause a fine to be levied in accordance with the provisions of R.S. 37:850 for said violation.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, promulgated LR 5:277 (September 1979), amended LR 11:946 (October 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 15: (January 1989).

Lloyd E. Eagan
Secretary

RULE

**Department of Health and Hospitals
Office of Mental Health
Office of Mental Retardation and
of Prevention and Recovery from
Alcohol and Drug Abuse**

The Department of Health and Hospitals (DHH), Office of Prevention and Recovery from Alcohol and Drug Abuse is applying for Block Grant federal funding for fiscal year 1988-89 in accordance with Public Law 99-570, the Alcohol and Drug Abuse Treatment and Rehabilitation (ADTR) Part C, Title XIX, PHS Act/45 CFR Part 96.

DHH, Office of Prevention and Recovery from Alcohol and Drug Abuse, will continue to administer the ADTR Block Grant in accordance with provisions set forth in Public Law 99-570 and the federal regulations.

David L. Ramsey
Secretary

RULE

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing is adopting an amendment to the Facility Need Review policies and procedures which set forth the criteria for full review of applications proposing to enroll beds in the Medicaid Program. The affected criteria were published as a Rule on July 20, 1988, and are contained in LAC 48:I. 12502. A. (2) c. ii - iv(3) and 12502.F.

The amendments are as follows:

Criterion Number 6. (Documentation of Zoning) is deleted in its entirety. The zoning requirement is no longer necessary for two reasons: (1) requirements for construction will be sufficient to ensure that needed beds are developed, licensed, and enrolled in Medicaid within specified time frames. In addition, current policy requires that site change of an approved, unconstructed facility requires a full review, with bed need and utilization considered. Therefore, it will be incumbent on the applicant to obtain appropriate zoning for the proposed site, and failure to do so within set time frames will result in expiration of the approval.

Criterion Number 1. (Availability and Utilization of beds). Within this criterion, the requirement that capital costs shall not exceed the amount that a cost-conscious buyer would pay is deleted. The "cost-conscious buyer" policy is no longer relevant or necessary due to changes in the method of Title XIX Medicaid reimbursement for ICF/MR group and community homes. Reimbursement is no longer based on actual costs, but is a set per diem rate for the facility type.

The above amendments will affect the Policies and Procedures for Facility Need Review which is attached to the Title XIX State Plan.

David L. Ramsey
Secretary

RULE

**Public Safety and Corrections
Board of Private Security Examiners**

Notice is hereby given that the Department of Public Safety and Corrections, Louisiana State Board of Private Security Examiners amended LAC 46:LIX as follows.

**Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LIX. Private Security Examiners
Chapter 1. Organization and General Provisions
§103. Definitions**

A. - I. . . .

J. *Armed Security Officer* is an individual whose principal duty is that of an armed security officer, and who at any time wears, carries, possesses, or has access to a firearm in the performance of his duties. An armed security officer also includes:

1. a security officer who may carry a shotgun; and/or

2. a nightstick; and/or

3. carry a P.R.C. 24 nightstick; and/or

4. stun gun or any other device which emits electrical charges: and/or

5. any other defensive tactic weapon the board may so define.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:751 (December 1987), amended LR 15: (January 1989).

Chapter 2. Application and Requirements for Company License

§203. Application Procedure

A. - E. . . .

F.1. Companies wishing to do business in Louisiana must either incorporate here or be duly qualified to do business within this state with a valid certificate of authority issued by the Secretary of State, and shall have an agent for service of process designated as required by law.

2. Out-of-state companies wishing to do business in Louisiana, who satisfied all the licensing requirements outlined in this law, may do so without examination if the state under which it holds a valid license has comparable licensing requirements. Verification of satisfactory completion of such other state's examination must be submitted to the board. If the out-of-state company is licensed by a state that does not have licensing requirements comparable to those of Louisiana, then the company must satisfy all the licensing requirements outlined in R.S. 37:3270 et seq.

3. Fees for out-of-state companies are the same as for in-state companies except that an out-of-state company shall be required to pay the board of the cost of transportation, lodging and meals at the state rate when an examination of records is performed if those records are kept outside of the state.

G. - K. . . .

L. A branch office of a board licensed company which desires to register with the board may do so on a voluntary basis at a fee of $100 per year.

M. Any company actively operating a contract security business since September, 1985 and did not apply to the board for license, will be assessed an administrative fee of $200 per year for each year past September, 1985.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:752 (December 1987), amended LR 15: (January 1989).

Chapter 3. Examination

§301. Examination

A. A qualified company at the time of the effective date of R.S. 37:3270 et seq. may be licensed without an examination, upon approval of the board, if the company applied to the board prior to March 31, 1986.

1. If the company applied to the board prior to April 1, 1988, the board may use the successful completion of the application as well as the information therein to suffice for knowledge of the private security business, his ability to apply that knowledge and assume responsible charge in the practice of private security.

B. - F. . . .

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:753 (December 1987), amended LR 15: (January 1989).

Chapter 4. Registration of Security Officers

§401. Registration of Security Officers

A. - D. . . .

E. Procedure for Registration

1. Cover letter must accompany application being submitted, identifying name of officer and categorizing fees by application, reapplication or transfer, fingerprints, and armed or unarmed status.

2. A security officer must submit an application on a form prescribed by the board, with a current photograph no larger than 2" × 2", and a $20 application fee payable to the board.

3. One classifiable set of fingerprints of the applicant must accompany the application with a $10 fee payable to the Department of Public Safety for the processing of the prints.

4. The applicant must sign the application to verify that the information is correct.

5. The licensee or branch manager must review and sign the application to certify that the applicant will be given the required training. The licensee or branch manager must also review the application to insure the application is complete and signed by the guard.

6. The employer shall give the applicant a copy of the application and/or the portion of the application indicating temporary registration and shall retain a copy in the individual's personnel file in the employer's office.

7. The applicant's copy of the application and/or the portion of the application indicating temporary registration shall be carried by the applicant when he is within the scope of his employment until such time as he receives his permanent guard registration card from the board. Temporary or permanent registration card shall be exhibited upon the request of any representative of the board or law enforcement officer.

8. A registration card will not be issued until an investigation determines that the applicant meets the requirements to become registered and certification has been received by the board that the required training has been successfully completed.

9. Special Events

a. Armed security officers must be registered with the board and have received all board training.

b. Unarmed security officers may work a maximum of seven days within a six-month period of time, prior to registering with the board.

c. Company must provide a list of security officers who worked a special event within five days after event.

F. - M. . . .

N. Transfers

1. In the event a registrant terminates employment with one licensee and is reemployed within 30 calendar days as a security guard with another licensee, then the licensee must submit a transfer application with a $10 transfer fee made payable to the board.

2. After receipt of the transfer application and fee, the board shall then issue a new registration card reflecting the name of the new employer.

3. The company that the security officer transfers to is

responsible for insuring that officer is trained, or has been trained in accordance with R.S. 37:3284 and that proper documentation is, or has been, submitted to the board.

O. - R. . . .

S. A security officer who will only carry a nightstick or P.R.C. 24 nightstick and has successfully completed training and does not carry any other defensive weapon shall be issued an armed registration card classified as nightstick only.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:753 (December 1987), amended LR 15: (January 1989).

Chapter 5. Training

§501. Training

A. . . .

B. Armed security officers in addition to the training requirements outlined in rule 501A. shall complete eight hours of firearms training and range qualifications prior to armed work assignment. Armed security officers must also complete an annual retraining course of at least four hours, which includes two hours of refresher courses on subjects previously specified and at least two hours aggregate retraining in firearms instructions to include minimum marksmanship qualification of 60 percent approved by the board.

C. . . .

D. Firearms Proficiency Course

1. An armed security officer must pass the course outlined as follows and all scores must be recorded on a form prescribed by the board. The weapon trained with must be the same weapon he/she carries while on his/her security work assignment.

2. .357 caliber revolver, minimum four inch barrel, with .357 or .38 caliber ammunition;

3. .38 caliber revolver minimum four inch barrel, .38 caliber ammunition.

4. 60 percent required to qualify, 150 points out of 250

		Seconds
5. 4 Yards	12 Shots, unsupported, point-shooting, without sights	45
	6 Shots, strong hand only	
	6 Shots, weak hand only	
6. 7 Yards	2 Shots, unsupported Two handed - with sights (Indexing these rounds)	5
	12 Shots, unsupported Two-handed with sights	60
	12 Shots, unsupported Two-handed with sights	60
7. 15 Yards	12 Shots, barricade-strong hand Two-handed, with sights	60
	6 Shots, standing right barricade	
	6 Shots, standing left barricade	

8. INRA B-27 or TQ-10 Target is required.

9. SHOTGUN

a. 5 shots buckshot (9 pellets only), 5 shots slugs. 60 percent required to qualify out of 100 points possible on a NRA B-27 target. (B-29 target may be used for 25 yards at 15 yards)

b. Training in use of shotgun is to be taught only if the security officer is required to carry a shotgun in the performance of his duties.

c. SCORING: 2 points for each hit (pellets or slugs) within the 7 ring. One point for each hit outside the 7 ring, in the black.

d. At the end of each stage of firing, all firearms will have their actions open, safeties on, with barrels up and muzzle above head.

e. Buckshot Stage

	Seconds
i. 15 Yards 2 Rounds, standing from the shoulder	10
ii. 25 Yards 3 Rounds total, from the shoulder; one round standing, two rounds kneeling. Time includes loading time with the shotgun starting from the "cruiser-safe" position. (Chamber empty, magazine loaded, safety on).	20

f. Slug Stage

	Seconds
i. 25 Yards 2 Rounds total, from the shoulder; one round kneeling, one round standing	15
ii. 25 Yards 3 Rounds total, from the shoulder; one round standing, two rounds kneeling. Starting from the "cruiser-safe" position.	20

E. - F. . . .

G. Qualifications for Certification as an Instructor of Armed Guards are:

1. approved by the Board of Private Security Examiners; and

2. qualifications of an applicant as required by R.S. 37:3276 A(1) - (6); and

3. minimum of three years supervisory experience with a contract security company; proprietary security organization; or with any federal, state, parochial, or municipal law enforcement agency; or

4. a degree in Administration of Justice from an accredited college or university or the equivalent thereof; or

5. P.O.S.T certified instructors certificate; or

6. teaching certificate issued by state of Louisiana, Department of Education or the equivalent thereof; and one year supervisory experience in the security industry, and

7. the successful completion of training and the possession of a (1) National Rifle Association Security or Police Firearms Instructor Certificate; or (2) a P.O.S.T. Firearm Instructor Certificate or (3) a DOE Firearms Instructor Certificate.

H. - L. . . .

M. Trainer Examination

1. All applicants who apply to the board to become licensed as an instructor after October 1, 1988 are required to pass a written examination administered by the board.

2. The passing grade of the exam shall be 70 percent.

3. Fee for the examination is $25.

4. A person who does not successfully pass the examination may reapply to take the examination for a fee of $15. A person may take the examination no more than three times within a 12-month period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:755 (December 1987), amended LR 15: (January 1989).

Chapter 7. Investigation, Records and Unlawful Acts

§703. Administrative Fines

A. Administrative fines, for licensees in non-compliance, may be assessed by the executive secretary in lieu of, but not limited to, bringing before the board at a hearing. Fines are described as follows:

1. Failure to submit guard application, fingerprint card, and necessary fees within 20 days from date of hire as described in §401.B of these rules. . . . . Not to Exceed $25
2. Failure to resubmit fingerprint cards in a timely manner after two written requests by the board. . . . . Not to Exceed $25
3. Failure to notify the board in writing of guards who have been terminated past 10-day period as prescribed by R.S. 37:3283 F(3) . . . . . Not to Exceed $25
4. Failure to submit information as requested by the board when a deadline date is given . . . . . Not to Exceed $25
   If information is not submitted within 14 days after deadline date, amount of fine accumulates at a daily rate, up to $500.
5. Failure to submit company renewal fee prior to expiration date . . . . . Not to Exceed $25
6. Failure to obtain training as described in R.S. 37:3284 . . . . . Not to Exceed $25
7. Failure to submit training verification within 10 days from completion of training . . . . . Not to Exceed $25

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:757 (December 1987), amended LR 15: (January 1989).

§707. Employee Records Required to be Kept and Subject to Inspection

A. The following is required to be kept and subject to such inspection as may reasonably be required by an authorized representative of the board during reasonable business hours:

1. current residence of all registrants;
2. copy of the application submitted to the board;
3. documented information on the training required and provided;
4. copy of registration card issued by the board;
5. date of termination.

B. An authorized representative of the board shall be defined as the executive secretary, investigator or staff member of the board. Board members are not authorized to inspect employee records of licensees without the approval of majority of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:757 (December 1987), amended LR 15: (January 1989).

§709. Licensee Inspection

A. Licensee shall make available to any authorized representative of the board for inspection such employee records and other information as the board may reasonably require to insure compliance with the Private Security Regulatory and Licensing Law and with these rules and regulations.

B. The board shall notify the company in writing 15 days prior to the conducting of a routine inspection of employee records.

C. The board shall notify the company in writing three days prior to conducting an inspection of their employee records brought on by a complaint.

D. A company will have no more than 30 days to comply with the board's written findings as a result of any inspection in addition to paying any fine assessed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:757 (December 1987), amended LR 15: (January 1989).

Chapter 8. Insignias, Markings, Restrictions

§801. Restrictions

A. With the exception of sworn peace officers in police uniforms, no individual, while performing the duties of a security guard, shall wear or display any badge, patch, or insignia that contains the word "police" or which would lead a reasonable man to believe that he is a sworn peace officer.

B. The board will decide on an individual basis whether circumstances are such as would lead a reasonable man to believe that the badge, patch, insignia or other markings were those of a sworn peace officer.

C. A copy of such badges and insignias of the licensee shall be submitted for approval to the board at the time of filing for initial and renewable license application.

D. No person, while performing any security services, shall have or utilize any vehicle or equipment displaying the words "police" or "law enforcement," or have any sign, shield, marking or insignia that would lead a reasonable man to believe that such vehicle or equipment is from a public law enforcement agency.

E. Security officer uniforms shall be specifically described in writing and a full length picture of said uniform shall be submitted in writing to the board for approval.

F. No badge or insignia with the initials "SP" or "SO" may be worn on the uniform of a security officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:758 (December 1987), amended LR 15: (January 1989).

Cynthia Fonté
Executive Secretary

RULE

Department of Social Services
Office of Eligibility Determinations

The Department of Social Services, Office of Eligibility Determinations, has adopted the following rule in the Food Stamp Program.

This change in the dependent care deduction is mandated by the Hunger Prevention Act with an implementation date of October 1, 1988. The rule hereby amends the rule entitled "Dependent Care Deductions for Elderly and Disabled", published in the Louisiana Register, Vol. 13, No. 3, March 20, 1987, page 181. This proposed rule was published as an emergency rule in the *Louisiana Register*, Vol. 14, No. 10, October 20, 1988.

Rule

Effective October 1, 1988, the maximum dependent care deduction shall be $160 per dependent rather than $160 per food stamp household.

May Nelson
Secretary

RULE

Department of Transportation and Development
Traffic and Planning

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development adopted this fee schedule that will apply to Outdoor Advertising Permits issued by the department's Traffic and Planning Section, all in accordance with the provisions of R.S. 48:344, 381.

LAC 70
TRANSPORTATION

Sign Size (Sq. Ft.)	Initial Permit	Effective 7/1/89 Annual Renewal Fee
300+	$125.00 Sign Face	$25.00 Sign Face
101-300	62.50 Sign Face	12.50 Sign Face
0-100	37.50 Sign Face	7.50 Sign Face
	(No Charge)	

Neil L. Wagoner
Secretary

RULE

Department of Transportation and Development
Weights and Measures

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development adopted the following fee schedule that will apply to Bulk Meter Calibrations for Airport Fuel Vendors and Wholesale Fuel Distributors conducted by the department's Materials and Testing Section, all in accordance with the provisions of R.S. 36:504, (A)(3),(B)(5) and R.S. 48:265.

LAC 73
WEIGHTS, MEASURES AND STANDARDS

Bulk Meter Calibrations for Airport Fuel Vendors and Wholesale Fuel Distributors

Meter Calibration: 1 - 3 Meters	$275
Each additional meter (At one location within State)	$50
Truck Calibration - Per Truck (At one location within State)	$275

Neil L. Wagoner
Secretary

RULE

Department of Transportation and Development
Weights and Measures

In accordance with the applicable provisions of the Administrative Procedure Act, R.S 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development adopted the following fee schedule that will apply to manuals produced by the department's Materials and Testing Section, all in accordance with the provisions of R.S. 36:504(A)(3), (B)(5), and R.S. 48:265.

LAC 73
WEIGHTS, MEASURES AND STANDARDS

		With Tax
Testing Procedures Manual (2 volume set)	$40.00	$40.40
Field Testing Procedures Manual	20.00	20.20
Qualified Products List Manual	20.00	20.20
Materials Sampling Manual	20.00	20.20

Neil L. Wagoner
Secretary

RULE

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Pursuant to the authority granted under Louisiana Revised Statutes, Title 56, Section 22 the Louisiana Wildlife and Fisheries commission hereby prohibits the use of gill and trammel nets in Black Lake and Clear Lake in Natchitoches and Red River Parishes. The ban extends from January 1, 1989 to December 30, 1990.

Virginia Van Sickle
Secretary

Notices of Intent

NOTICE OF INTENT

Department of Civil Service
Civil Service Commission

The State Civil Service Commission will hold a public hearing on Wednesday, February 15, 1989 to consider amending a Civil Service rule and adopting certain new rules. The public hearing will begin at 8 a.m. in the Second Floor Commission Hearing Room, DOTD Annex Building, 1201 Capitol Annex Road, Baton Rouge, LA.

The following are proposed rules and amendments to be considered at the meeting:

PROPOSAL - AMEND RULE 19.3(b) AND ADOPT RULE 19.3(e)

19.3 Pay Upon Movement of Jobs to New Structure Grades

a. ...

b. Subject to the provisions of Rule 19.3(e), if the employee's individual pay rate falls above the new range maximum, his pay shall be red circled. Individual pay rates that fall above the maximum established for the grade become Red Circle Rates and remain in effect for 2 years or until the range catches up with the rates, whichever comes first. Individuals whose salary rates are red circled shall not be eligible for any other pay adjustments.

c. ...

d. ...

e. If the employee's individual pay rate falls above the new range maximum as a direct result of the implementation of the new pay plan and not as a result of the existence of a prior Red Circle Rate, his pay shall be red circled until the range catches up with the rate. An individual whose salary rate is red circled shall not be eligible for any further adjustment to his base pay. Special pay for hazardous duty, shift differential, etc. may be granted to individuals where appropriate and in accordance with these rules regardless of red circle status.

EXPLANATION

Rule 19.3(b) is proposed for revision in order to cite the exception written into 19.3(e). 19.3(e) is proposed in order that an individual whose pay has been red circled as a direct result of the movement into the new pay grades will retain his pay rate until the range catches up with the rate. It is our intention that the implementation of the pay plan does not adversely affect the pay of employees. This exception applies only to those employees whose rate of pay was red circled initially on June 29, 1987, when the new pay levels were assigned to the new job titles.

PROPOSAL - ADOPT RULE 19.11

19.11 Individual Pay Adjustments

a. When an appointing authority determines that the relationship of individual pay rates resulting from the implementation of the January 1, 1987 Pay Plan adversely affects the efficiency of work unit(s), the Director may grant a request for an individual pay adjustment. Each request must include certification that funds are available to implement the request, the proposed amount of adjustment, a detailed explanation of the methodology used to determine the appropriate adjustment and explicit reasons why an individual pay adjustment is necessary to correct the existing management problem. The director shall include a listing of all approved adjustments in his monthly report to the commission.

b. The director's decision shall be final and shall only be appealable to the commission pursuant to Rule 13.10(i)

EXPLANATION

This rule is proposed to allow agencies to correct individual pay rates which have caused unforeseen severe internal equity problems in the classified service and which occurred as a direct result of the walkover to new job titles on January 1, 1987.

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

Herbert Sumrall
Director

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendments to 8(g) Policy and Procedure Manual
Part 140. Application for Support Fund Monies

In accordance with R.S. 49:950 et seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following amendments to Part 140 of the 8(g) Policy and Procedure Manual:

Page 18, Insert as "J"

"Any other source of public funds (such as JTPA, Chapter 11, local revenues, etc.) identified by type and amount, to be utilized by the proposed project:"

Page 20, Insert as "10."

Supplement (only for applications requesting continued funding)

"An application for 8(g) Support Funds for an additional year shall be supplemented by a concise report of the results or perceived results of the on-going project. This supplement shall be attached to the Support Fund applications."

Interested persons may comment on the proposed policy change and/or additions in writing until 4:30 p.m., March 10, 1989 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Executive Director

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Amendment to the 8(g) Policy and Procedure Manual

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

There are no implementation costs or savings to state or local governmental units associated with this rule.

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

There are no effects on revenue collections of state or local governmental units associated with this rule.

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

There are no costs or economic benefits to directly affected persons or non-governmental units associated with this rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no effects on competition and employment associated with this rule.

Em Tampke
Executive Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

High School Credit for Correspondence Courses

In accordance with R.S. 49:950 et seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved revisions to standard 2.015.41 (Bulletin 741) to permit approval of correspondence courses taken at accredited universities other than LSU and Southern as follows:

Reword standard 2.015.41 and add the following procedural block to page 100 of Bulletin 741 which states the following:

2.105.41

Credit toward high school graduation for high school students shall be earned through correspondence work from Louisiana State University, Southern University, or other accredited universities as approved by the Bureau of Secondary Education.

Procedural Block

In order to be approved to award high school credit for correspondence courses, a university must apply to the Bureau of Secondary Education. The application shall include a detailed course description with objectives for each course offering. Courses will be approved on an individual basis. Required courses must address all standards listed in the appropriate state curriculum guide.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., March 10, 1989 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Executive Director

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Academic Programs Elem. and Sec. Ed. Comm.

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

The revision and distribution of Bulletin 741 will cost approximately $50.

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

There will be no effect on revenue collection of state or local governmental units.

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

There will be no costs to directly affected non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Graig A. Luscombe
Assistant Superintendent

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Standard 2.105.14 of Bulletin 741

In accordance with R.S. 49:950 et seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following amendments to Bulletin 741:

Standard 2.015.14

Journalism course offerings shall be as follows:

Course Title	Unit(s)	Bulletin
Journalism I	1	
Journalism II	1	
Publications I (Yearbook)	1	1816
Publications II (Yearbook)	1	1816
Publications I (Newspaper)	1	1819
Publications II (Newspaper)	1	1819

Procedural blocks

"Teachers must be certified in Journalism to teach Journalism."

"Teachers certified in the areas of Journalism, English, and/or Business Education are qualified to teach Publications I and II (Yearbook)."

"Publications I is a prerequisite to Publications II."

"A maximum of two Carnegie units may be earned from the six courses listed under Journalism."

Standard 2.105.18
Delete

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., March 10, 1989 at the following address: State Board of Elementary and Secondary Education, Box 94064, Baton Rouge, LA 70804-9064.

Em Tampke
Executive Director

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Amendment to Bulletin 741: Standard 2.105.14

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Fifty dollars is estimated for printing and distribution of a one-page insert or addendum to Bulletin 741.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No effect on revenue collections is involved in the proposed action.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The fifty dollars ($50) estimated will be used to print approximately 1,000 copies of the one-page insert and to distribute these pages to local school systems and other educational agencies. The use of Bulletin 741 is restricted to educational agencies.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The rule will have no effect on competition and employment.

Graig A. Luscombe
Assistant Superintendent

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Standard on Local Electives
(Bulletin 741)

In accordance with R.S. 49:950 et seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following revisions to standards for approval of local electives (Bulletin 741 amendment):

Add Standard 1.105.38 following the second procedural block on page 98.1 to state the following:

"During the year preceding the system's accreditation on-site review, an end-of-the-year evaluation shall be completed for all specially designed elective courses. The department will review each course evaluation as a part of the on-site review and make a determination concerning the continuation for each course."

NOTE: All other policy and standard numbers will be changed accordingly.

Add Standard 1.090.10 to page 71.1 which states the following:

"During the year preceding the system's accreditation on-site review, an end-of-the-year evaluation shall be completed for all specially designed elective courses. The department will review each course evaluation as a part of the on-site review and make a determination concerning the continuation for each course."

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m. March 10, 1989 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Executive Director

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Academic Programs Elem. and Secondary Ed. Comm.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The revision and distribution of Bulletin 741 will cost approximately $100.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collection of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There will be no costs to directly affected non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Graig A. Luscombe
Assistant Superintendent

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Nonpublic School Standards

In accordance with R.S. 49:950 et seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the following amendment to the nonpublic school standards:

"Instructional time includes scheduled time within the normal school day approved by a school(s) for teaching courses outlined in the Program of Studies for parent/teacher conferences wherein the progress of the student or the student's program of study is assessed and semester or quarterly testing and evaluation of the student according to the adopted school calendar."

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., March 10, 1989 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Academic Programs Elem. and Sec. Ed. Comm.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The revision and distribution of Bulletin 741 will cost approximately $50.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collection of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There will be no costs to directly affected non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Graig A. Luscombe
Assistant Superintendent

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Deadline for Submission of Local Electives

In accordance with R.S. 49:950 et seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved an amendment to Bulletin 741 which would change the deadline for submission of secondary local elective courses from March 1 to 60 days prior to implementation.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., March 10, 1989 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Academic Programs Elem. and Sec. Education Comm.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The revision and distribution of Bulletin 741 will cost approximately $50.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collection of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There will be no costs to directly affected non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Graig A. Luscombe
Assistant Superintendent

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Division of Administration
Office of State Planning

Community Development Block Grant (LCDBG) Program
FY 1989 Final Statement

I. PROGRAM GOALS AND OBJECTIVES

The LCDBG Program, as its primary objective, provides grants to units of general local government in nonentitlement areas for the development of viable communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. Consistent with this objective, not less than 60 percent of the aggregate of fund expenditures shall be for activities that benefit low and moderate income persons.

Each activity funded must meet one of the following two national objectives:

A. Principal benefit (at least 60 percent) to low/moderate income persons.

B. Elimination or prevention of slums and blight. In order to justify that the proposed activity meets this objective, the following must be met. An area must be delineated by the grantee which:

1. meets the definition of slums and blight as defined in Act 590 of the 1970 Parish Redevelopment Act, Section Q-8 (See Appendix 1); and

2. contains a substantial number of deteriorating or dilapidated buildings or public improvements throughout the area delineated.

The grantee must describe in the application the area boundaries and the conditions of the area at the time of its designation and how the proposed activity will eliminate the conditions which qualify the area as slum/blight. If an applicant plans to request funds for an activity claiming that the activity addresses the slums/blight objective, the state must be contacted for the specific requirements for this determination/qualification prior to application submittal.

To accomplish these national objectives, the state has established the following goals:

A. strengthen community economic development through the creation of jobs, stimulation of private investment, and community revitalization, principally for low and moderate income persons,

B. benefit low and moderate income persons,

C. eliminate or aid in the prevention of slums or blight, or

D. provide for other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs.

II. GENERAL

A. APPLICATION PROCESS

This statement sets forth the policies and procedures for the distribution of LCDBG funds. Grants will be awarded to eligible applicants for eligible activities based on a competitive selection process to the extent that funds are available.

The state shall establish deadlines for submitting applications and notify all eligible applicants through a direct mailing. The applications submitted for FY 1988 funds for housing and public facilities were rated and ranked and funded to the extent that monies were available. The ranking under the FY 1988 program will also be used to determine the grants selected for funding under the FY 1989 LCDBG Program. In other words, the top ranked applications, to the extent that monies were available, were funded with FY 1988 funds; the next highest ranked applications will be funded in FY 1989 to the extent that monies are available. Only one application for housing or public facilities could be submitted for FY 1988 funds; that same application will be considered for FY 1989 funds. No new applications for housing and public facilities will be accepted in FY 1989. Only new applications for economic development and demonstrated needs funds will be accepted for FY 1989.

B. ELIGIBLE APPLICANTS.

Eligible applicants are units of general local government, that is, municipalities and parishes, excluding the following areas: Alexandria, Baton Rouge, Bossier City, Terrebonne Parish Consolidated Government, Jefferson Parish (including Grand Isle, Gretna, Harahan, Jean Lafitte, and Westwego), Kenner, Lafayette, Lake Charles, Monroe, New Orleans, Shreveport, Slidell, and Thibodaux. Each eligible applicant may only submit an application on its own behalf. Two or more eligible applicants may submit a joint application for activities of mutual need of each eligible applicant. Joint projects shall necessitate a meeting with state staff prior to submitting the application to determine the appropriate applicant. All local governing bodies involved must be eligible according to the threshold criteria.

C. ELIGIBLE ACTIVITIES.

An activity may be assisted in whole or in part with LCDBG funds if the activity meets the provisions of Title 24 of the U. S. Code of Federal Regulations, Subpart C, as provided in Appendix 2. For application purposes, eligible activities are grouped into the program areas of housing, public facilities, economic development or demonstrated need.

D. TYPES OF GRANTS.

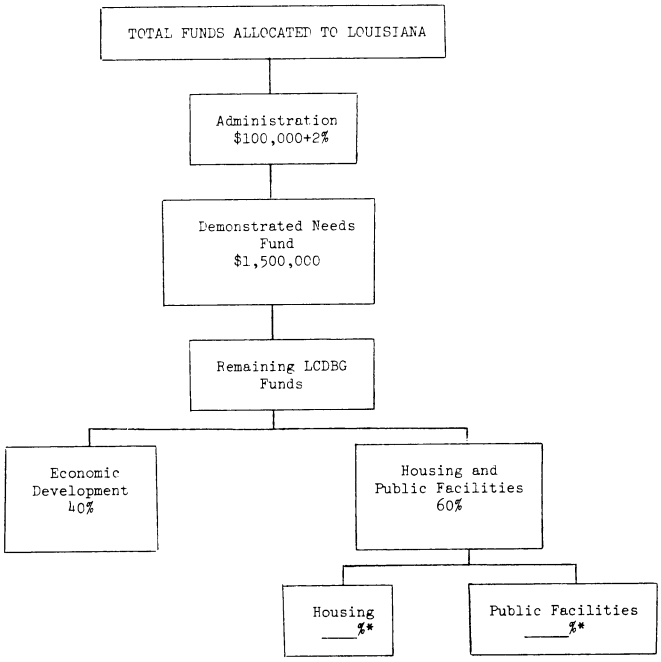
The state will only accept applications for single purpose grants. A single purpose grant provides funds for one need (water or sewer or housing, etc.,) consisting of an activity which may be supported by auxiliary activities. Single purpose economic development grants are for one project, consisting of one or more activities.

E. DISTRIBUTION OF FUNDS.

Approximately $23,000,000 (subject to federal allocation) in funds will be available for the FY 1989 LCDBG Program. Figure 1 shows how the total funds will be allocated among the various program categories.

Of the total CDBG funds allocated to the state, up to $100,000 plus two percent will be used by the state to administer the program.

FIGURE 1



*The percentage distribution between the housing and public facilities program categories will be based upon the number of applications received and amount requested in each category. Half of the funds will be distributed based on percentage of applications received in each category and half on the basis of amount of funds requested in each category. However, the dollar amount allocated for housing will be no more than ten percent of the total funds available for housing and public facilities. Three subcategories (water, sewer, and other) will be established under public facilities. The dollar amount for each of these subcategories will be distributed based upon the percentage of applications submitted and amount of funds requested in each subcategory.

In addition, $1,500,000 will be set aside for the Demonstrated Needs Fund. Since the creation and retention of permanent jobs is so critical to the economy of the state, up to 40 percent of the remaining LCDBG funds will be allocated specifically for economic development type projects. Only economic development applications will compete for these funds. Economic development applications and demonstrated needs proposals will be accepted on a continual basis within the time frame designated by the state. Public facilities and housing applications will be funded with the remaining LCDBG funds. There will be one funding cycle for housing and public facilities applications. This fund will be divided into two program categories as identified in Figure 1; the exact distribution of these funds will be based upon the number of applications received and amount of funds requested in each program category as established under the FY 1988 LCDBG Program. Half of the money will be allocated based on the number of applications received in each category and half based on the amount of funds requested in each category with a maximum of ten percent of the funds allocated to housing. The public facilities category will be allocated in the same manner, by number and dollar amount of applications for sewer, water, and other type projects. Six months following the date of the state's executed grant agreement with HUD, the status of the monies originally allocated (40 percent) for economic development will be evaluated. At that time, any monies in excess of half of the original allocation which have not yet been awarded for economic development projects will then be transferred to the current program year's public facilities category to fund the project(s) with the highest score that was not initially funded. Twelve months following the date of the state's executed grant agreement with HUD, all unawarded monies remaining in the original allocation for economic development will be transferred to the current program year's public facilities category to continue to fund the highest ranked project(s) not already funded.

F. SIZE OF GRANTS

1. Ceilings. The state has established a funding ceiling of $550,000 for housing grants and $600,000 for public facilities grants with the exception of sewer grants which have a funding ceiling of $750,000. The state has established a funding ceiling of $600,000 for economic development projects.

Within the ceiling amounts the state allows applicants to request funds for administrative costs with the following limitations. Administrative funds for housing programs cannot exceed 12 percent of the estimated housing costs and administrative funds for public facilities programs cannot exceed seven percent of the estimated public facilities project costs. The amount which can be requested for demonstrated needs programs must be commensurate with the amount allowable for the specific type of project (housing rehabilitation or public facilities) for which funds are requested. For public facilities, housing, and demonstrated needs programs for which the total estimated project cost is less than $200,000, the state will make the final determination as to the appropriate allowable administrative costs. General administrative funds for economic development projects will be the greater of $12,000 or a maximum of four percent of the LCDBG funds requested for project costs. In addition to the general administrative funds, the state will provide an additional two percent of the estimated economic development project costs; this additional two percent is specifically dedicated for the grantee to contract with a small business development center. If, after a project has been funded, the scope of the project changes significantly, the state will make a determination as to the actual amount which will be allowed for administrative costs; this determination will be made on a case-by-case basis.

Engineering fees may also be requested within the ceiling amounts; the funds requested must be in compliance with those established by the American Society of Civil Engineers and/or Farmer's Home Administration. If, after a project has been funded, the scope of the project changes significantly, the state will make a determination as to the actual amount which will be allowed for engineering costs; this determination will be made on a case-by-case basis.

2. Individual grant amounts. Grants will be provided in amounts commensurate with the applicant's program. In determining appropriate grant amounts for each application, the state shall consider an applicant's need, proposed activities, and ability to carry out the proposed program.

G. RESTRICTIONS ON APPLYING FOR GRANTS.

1. Each eligible applicant could apply for one housing or public facilities grant under the FY 1988 LCDBG Program; that application will also be considered for funding under the FY 1989 LCDBG Program. Any eligible applicant may apply for an economic development project or demonstrated needs grant, even those applicants previously funded under the housing and public facilities components. The number of demonstrated needs grants which an eligible applicant may receive during each program year is limited to one.

2. Capacity and performance: threshold considerations for grant approval. No grant will be made to an applicant that lacks the capacity to undertake the proposed program. In addition, applicants which have previously participated in the Community Development Block Grant Program must have performed adequately. Performance and capacity determinations for FY 1989 will be made as of the date the state receives its executed grant agreement from HUD. In determining whether an applicant has performed adequately, the state will examine the applicant's performance.

In order to be eligible for a grant award in FY 1989, the following thresholds must have been met:

a. Units of general local government will not be eligible to receive funding unless past CDBG programs awarded by HUD have been closed out.

b. Units of general local government will not be eligible to receive funding unless past LCDBG programs (FY 1982, FY 1983 [including Jobs Bill Programs], FY 1984, FY 1985, FY 1986, FY 1987 and FY 1988) awarded by the state have been conditionally closed-out.

c. Audit and monitoring findings made by the state or HUD have been cleared.

d. All required reports, documents, and/or requested data have been submitted within the time frames established by the state.

Any applications that were determined to be ineligible for FY 1988 funding will be re-evaluated for eligibility for FY 1989 funding. The state is not responsible for notifying applicants as to their performance status. No waivers to the thresholds will be given by the state except for applicants requesting economic development and Demonstrated Needs funds. All requests for waivers must be submitted in writing to the state prior to the submittal of the application. There shall be no waiver granted if funds are due to HUD or the state unless a satisfactory arrangement for repayment of the debt has been made and payments are current.

H. DEFINITIONS.

For the purpose of the LCDBG Program or as used in the regulations, the term:

1. *Unit of general local government* means any municipal or parish government of the state.

2. *Low/moderate income persons* are defined as those having an income equal to or less than the Section 8 lower income limits as determined by the U. S. Department of Housing and Urban Development. (See Appendices 3 and 4.)

3. *Auxiliary activity* means a minor activity which directly supports a major activity in one program area (housing, public facilities). Note: The state will make the final determination of the validity (soundness) of such auxiliary activities in line with the program intent and funding levels and delete if deemed appropriate.

4. *Slums and blight* is defined as in Act 590 of the 1970 Parish Redevelopment Act, Section Q-8. (See Appendix 1.)

5. *Division* refers to the Division of Administration.

III. METHOD OF SELECTING GRANTEES.

The state has established selection and rating systems which identify the criteria used in selecting grantees.

A. DATA.

1. Low and Moderate Income. The low/moderate income limits are defined as being equal to or less than the Section 8 income limits as established by HUD. In order to determine the benefit to low/moderate income persons for a public facility project, the applicant must utilize either census data (if available) or conduct a local survey. A local survey must be conducted for housing activities and must involve 100 percent of the total houses within the target area. Local surveys which have been conducted within twelve months prior to the application submittal date will be accepted, provided the survey conforms to current program requirements.

a. Census Data. If an applicant in a non-metropolitan area chooses to utilize census data rather than conducting a local survey, the higher of either 80 percent of the 1980 median income of the parish or 80 percent of the median income of the entire non-metropolitan area of the state will be utilized to determine the low/moderate income levels. The 1980 annual income limits for low/moderate income persons for each parish is shown in Appendix 4. The FY 1979 median income for non-metropolitan Louisiana was $15,011; therefore, the non-metropolitan low/moderate income level would amount to $12,009. The low and moderate income levels for applicants in Metropolitan Statistical Areas (MSAs) will be determined on the basis of the entire MSA.

If 1980 census data on income is available by enumeration district, then the division will calculate the applicant's low/moderate income percentages. The applicant must request this data prior to submittal of the application.

b. Local Survey. If the applicant chooses to conduct a local survey, the survey sheet in the FY 1988 application package must be used. Local surveys must be conducted for all housing activities.

When conducting a local survey rather than using 1980 census data, an applicant in a non-metropolitan area will determine the low and moderate income level based on the higher of either 80 percent of the median income of the parish OR 80 percent of the median income of the entire non-metropolitan area of the state. The annual income limits for low/moderate income persons for each parish is provided in Appendix 3. The FY 1987 median income for non-metropolitan Louisiana was $22,400; therefore, the non-metropolitan state low/moderate income level would amount to $17,920. The low and moderate income levels for applicants in Metropolitan Statistical Areas (MSA) will be determined on the basis of the entire MSA.

If the applicant chooses to determine low/moderate income based on family size, the following sliding scale must be used:

# OF PERSONS IN HOUSEHOLD	% OF PARISH/MSA* MEDIAN INCOME
1	50
2	64
3	72
4	80
5	85
6	90
7	95
8 or more	100

*MSA = Metropolitan Statistical Area

When a local survey, rather than census data, is used to determine the low/moderate income benefit, a random sample which is representative of the population of the entire target area must be taken. There are several methodologies available to insure that the sample is random and representative. The methodology used must be stated in your application. If you have questions on the methodology to use, you should contact the Division for assistance. The appropriate sample size varies with

the total number of households in the target area and is determined by using the following formula:

$$n = .9604 \times N \div (.0025N + .9579)$$

Where n = required number of households in sample

Where N = total number of occupied households in target area

If the situation arises where it must be determined as to whether or not the sample taken was indeed random, then standard statistical tests at the appropriate geographical level will be used.

B. PROGRAM OBJECTIVES.

Each activity must address one of the two national objectives previously identified under Section 1. Program Goals and Objectives.

C. RATING SYSTEMS.

All applications submitted for housing, public facilities, and economic development projects will be rated according to the following criteria established for each program category. Each FY 1988 housing and public facilities application was rated/ranked against all similar activities in the appropriate program category/subcategory.

1. HOUSING (Total of 100 points)

All units which will be rehabilitated or replaced must be occupied by low/moderate income persons. Also, the number of housing target areas may not exceed two. In delineating the target areas, it must be kept in mind that the boundaries must be coincident with visually recognized boundaries such as streets, streams, canals, etc.; property lines cannot be used unless they are also coincident with visually recognized boundaries. All houses rehabilitated within the FEMA one hundred year flood plain must comply with the community's adopted flood damage prevention ordinance, where applicable.

(a) PROGRAM IMPACT (Maximum Possible Points - 25)

This will be determined by dividing the total number of owner occupied units to be rehabilitated and/or replaced plus vacant units to be demolished in the target area by the total number of owner occupied substandard units in need of rehab and/or replacement plus vacant units in need of demolition in the target area.

$$\frac{\text{\# of owner occupied units to be rehabilitated and replaced + \# of vacant units to be demolished inside the target area}}{\text{\# of owner occupied substandard units including those in need of demolition and replacement + vacant units in need of demolition inside the target area}} = \text{Raw Score}$$

The raw scores were ranked and the top ranked applicant(s) received 25 points. All other applicants received points based on how they scored relative to that high score:

$$\text{Program Impact Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 25$$

No project will be funded that meets less than 75 percent of the identified need. Rental units which are occupied by low/moderate income persons are eligible as long as the number of rental units to be treated does not exceed ten percent of the total owner occupied units proposed for rehab; the rehab of rental units did not affect the impact score in any way. All units must be brought up to at least the Section 8 Existing Housing Quality Standards and HUD's Cost Effective Energy Conservation Standards.

b. NEEDS ASSESSMENT (Maximum Possible Points-25)

This was determined by comparing the total number of owner occupied and vacant units to be treated in the target area to the overall needs of the target area.

$$\frac{\text{\# of owner occupied and vacant units to be treated in target area}}{\text{\# of units in need of treatment in target area}} = \text{Raw Score}$$

The raw scores were arrayed and the top ranked applicant(s) received 25 points.

$$\text{Needs Assessment Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 25$$

c. PROJECT FEASIBILITY (Maximum Possible Points-50) This was rated based upon the project's cost effectiveness and overall needs of the area including housing as well as infrastructure.

2. PUBLIC FACILITIES (Total of 120 Points)

For the purpose of ranking public facilities projects, three separate subcategories were established (sewer, water, and other).

a. **Program Impact** (Maximum Possible Points - 50)

Maximum Impact - 50 points

The proposed project would completely remedy existing conditions that are in violation of a state or federal standard promulgated to protect public health and safety. The existing conditions and the standard being violated must be documented by cognizant state or federal agencies.

Moderate Impact - 25 points

The proposed project would result in substantial progress being made towards improving existing conditions that are in violation of a state or federal standard promulgated to protect public health and safety. The existing conditions and the standard being violated must be documented by cognizant state or federal agencies.

Minimal Impact - 0 points

The project would improve a community's infrastructure but would not address a violation of state or federal standard promulgated to protect public health and safety or the conditions in violation of the standard are inadequately documented.

b. **Benefit to low/moderate income persons** (Maximum Possible Points - 10)

Projects consisting of more than one activity which involved different numbers and percentages of beneficiaries for each activity should have specifically identified the numbers and percentages for each activity.

Percent of Low/Moderate Income (Maximum Possible Points - 5)

The percentage of low/moderate income persons benefitting was calculated by dividing the number of low/moderate income persons benefitting (as defined by the State) by the total persons benefitting. Points for percentage of low/mod benefitting were assigned according to the following ranges:

85% or more - 5 points

at least 70% but less than 85% - 4 points

at least 60% but less than 70% - 3 points

Number of Low/Moderate Income (Maximum Possible Points - 5)

Points for the number of low/moderate income persons benefitting were assigned according to the following ranges:

500 or more - 5 points
200 to 499 - 4 points
less than 200 - 3 points

c. **Cost Effectiveness** (Maximum Possible Points - 10)

Cost estimates per person benefitting were carefully evaluated. The cost per person benefitting was calculated for all projects. All applicants for the same type project (water, sewer, and natural gas or other) were grouped and each of these groups were then grouped by whether the project was for a new system or for repair to an existing system. Once all of these separate groups were established, they were separated into categories based on the number of persons benefitted. An average cost per person benefitting was then determined for each of these categories. Each applicant in a given category was scored relative to that average cost per person figure determined for that given category. An average cost project received five points, a project with lower than average cost per person benefitted received more than five points (a maximum of 10), and a project with higher than average cost per person received fewer than five points. The following formula was used to determine the cost effectiveness points for each applicant in each grouping:

$$\text{CE Points} = \frac{\text{Average Cost per Person Benefitted}}{\text{Applicant Cost per Person Benefitted}} \times 5$$

If the calculation yielded more than 10, it was revised downward to the 10 point maximum. This allowed all applications for new sewer systems, sewer system repairs, new water systems, water system repairs, etc., to be rated against similar type projects. It also allowed those projects benefitting many people and those benefitting few people to be rated against other projects helping a similar number of persons.

d. **Project Severity** (Maximum Possible Points - 50)

This was rated based upon the severity of the problem and extent of the effect upon the health and welfare of the community. Priority will be given to water, sewer, and gas systems.

In assigning points for project severity, the following general criteria was critiqued for type of project proposed.

Gas Systems - the percentage of unaccounted for gas, the amount and magnitude of leaks, the type of material used in the distribution system, and the number of customers served. Water Systems primarily for fire protection purposes - well capacity, reliability of supply, amount of water stored, extent of hydrant coverage or spacing, and water pressure and volume for fire fighting.

Water systems addressing potable water and sewer systems - the existence of conditions in violation of those provisions of the State Sanitary Code that most directly safeguard public health, and the adequacy of the proposed improvements to eliminate such conditions. The assessment will be based upon the problem as documented by DHH records, the relative degree of risks to human health posed and the number of persons most directly affected.

Problems that are generally attributable to a lack of routine operation and maintenance resulted in a less favorable evaluation. The proposed actions to eliminate verified problems were evaluated in terms of the direct applicability of the solution; superfluous or inadequate solutions resulted in a lowering of the overall rating.

3. ECONOMIC DEVELOPMENT

The economic development loan set aside is to be used to provide loans to businesses for job creation or retention projects. The LCDBG-ED funds go from the state to the local unit of government to the private developer. A three-way agreement (contract) is signed by these three participants, and other parts of the application are reviewed by them, to ensure a complete understanding by the three parties of the planned development, the expected number of jobs to be created or retained, the sources and uses of all funds to be committed to the project, the payback arrangements for all funds borrowed, the security assigned to each loan granting institution or agency, the financial and other reporting requirements of the developer and the local unit of government to the state, and all other obligations of the developer, the local governmental unit and the state.

An application for LCDBG-ED funds may be submitted at any time during the year, may not exceed $600,000, may not request more than $15,000 per job created or retained, and must be for a project which will create or retain a minimum of 10 jobs.

The term *"developer"* shall mean the corporate entity as well as the individual investors, stockholders, and owners of the applicant business. As an example of the effect of this definition, an LCDBG-ED loan to Company A cannot be used to purchase equipment, land, etc., from Company B, when both Company A and Company B are substantially owned by one or more of the same individuals.

The state will recoup 100 percent of the payback of LCDBG-ED loans (program income to the state) unless the local governing body will utilize the payback for expansion of the originally funded development. These program income funds received by the state will be placed in an Economic Development Revolving Loan Fund which will be used to supplement funding for economic development projects. These funds will be subject to the federal regulations regarding use of program income.

The interest rate charged on the LCDBG-ED loan depends on the financial and cash flow projections of the applicant business. This rate will be determined in the application review. In some instances it may be necessary and appropriate for a local unit of government to receive a grant for infrastructure improvements needed by a specific developer before his proposed job creation project can be fully implemented. This economic development grant could be used by the local unit of government to provide sewer, water, and street/road access on public property to the industrial/business site. It cannot be used for general industrial park projects created with the hope that a business client will then be attracted. It must be tied to a specific developer creating a specific number of jobs for low to moderate income people. It must be a "but for" situation, where the business cannot locate or expand at that site unless the particular infrastructure is provided. The developer must show why this location, which lacks proper infrastructure, must be used instead of another site which already has proper infrastructure. The developer must provide sufficient financial and other statements, projections, etc., to establish that the business is likely to be successful, and will create the appropriate number of jobs at the site in a specified time frame. Certain assurances by the developer, related to the timing of his development on the site, will be required. Other agreements between the local governing body and the developer/property holder, relative to public rights of way, availability of site to local governing body upon failure or change in operation by the developer, etc., will be required as needed on an individual project basis.

The maximum amount available to the local governing body for an infrastructure type project grant is $5,000 per job created or retained, with a $500,000 limit for infrastructure improvements on any single project. Any funds used as grant funds, in a situation where the grant is combined with a loan,

decreases the amount available as a loan to the developer on a dollar-for-dollar basis. For example, if $500,000 is used as grant funds for infrastructure improvements, then only $100,000 is available as loan funds to the developer - a total of $600,000 maximum. The following five requirements must be met by all economic development applicants.

A. A firm financial commitment from the private sector will be required upon submission of the application. The private funds/public funds ratio must not be less than 1:1 for manufacturing firms with Standard Industrial Code classifications of 20-39. A private to public ratio for non-manufacturing firms will have a minimum requirement of 2.5:1. In addition, the state must be assured that non-manufacturing projects will have a net job creation impact on the community and not simply redistribute jobs around the community. Private funds must be in the form of a developer's cash or loan proceeds. Revenues from the sale of bonds may also be counted if the developer is liable under the terms of the bond issue. Previously expended funds will not be counted as private funds for the purpose of this program, nor will private funds include any grants from federal, state or other governmental programs, nor any recaptured funds. The value of land, buildings, equipment, etc., already owned by the developer and which will be used in the new or expanded operation, will not be considered as private match. Personal endorsement from all principals of corporations, partnerships, or sole proprietorships shall be required on the LCDBG loan documents. The principals shall: 1) endorse the LCDBG loan to the corporation and 2) guarantee the payment and fulfillment of any obligation of the corporation. These endorsements will be made jointly to the local government and state of Louisiana.

Normally, a principal is defined as owning five percent or more of the business.

B. If cost per job created or retained exceeds $15,000 for the LCDBG monies, applications will not be considered for funding.

C. A minimum of 10 jobs created or retained is required for LCDBG-ED assistance.

D. A minimum of 60 percent of the employment will be made available to people who at the time of their employment are living in households whose total income is below the low to moderate income limit for the parish where the development occurs (see Appendix 3).

E. The application must include documentation showing that the project is feasible from the management, marketing, financial and economic standpoints. Management feasibility has to do with the past experience of the developer in managing the type of project described in the application, or other similar managerial experience. Marketing feasibility deals with how well the market for the product has been documented at the application stage - the best case being that the developer has verifiable commitments substantiating the first year's sales projection. A typical market study includes a detailed analysis of competition, the expected geographical sales plan, and letters of intent to buy, specifying quantity and price. Economic feasibility relates to whether or not the developer has realistic projections of revenues and variable costs, such as labor and cost of materials, and whether they are consistent with industry value-added comparisons. An assessment will be made of the industry sector performances for the type of industry/business described in the application. Financial feasibility has to do with the ability of the firm to meet all of its financial obligations in the short and long run, determined by a cash flow analysis on the financial history and projections of the applicant's business. In analyzing the financial feasibility of a project, the state may suggest alternatives in the timing of expenditures, the amount and proposed use of public and private funds, as well as other financial arrangements proposed in the application.

For an application to be funded, the state must be assured that: the project is credit worthy; there is sufficient developer equity; the LCDBG funds will be efficiently and effectively invested; the maximum amount of private and the minimum amount of public funds will be invested in the project; the project will make an adequate return in the form of public benefits commensurate with the money invested; the State and the local community will not assume a disproportionate amount of risk in the project; and, the state and the community will receive an adequate security interest proportionate to the LCDBG funds invested in the project.

DEFAULT: The local governing body shall be ultimately responsible for repayment of the contract funds which were provided by the state.

The state shall look to the local governing body for repayment of all funds disbursed under this contract and default by the developer shall not be considered as just cause for non-payment by the local governing body.

In case of a default by the local governing body in the repayment of contract funds to the state, in accordance with the terms and conditions of the contract, the full sum remitted to the local governing body shall become due and payable to the state upon demand, without the need of putting the local governing body in default.

The state shall deem the local governing body in default, regardless of the fact that the default was precipitated by the developer, to the extent that the local governing body failed to perform its contractual obligations in good faith.

D. DEMONSTRATED NEEDS FUND.

A $1.5 million reserve fund will be established to alleviate critical/urgent community needs.

An application cannot be submitted for consideration under this fund if the same application is currently under consideration for funding under any other LCDBG program category.

Subject to the availability of funds, projects that meet the following criteria will be funded:

1. GENERAL ELIGIBILITY

Proposed activities must be eligible under Section 105 (a) of the Housing and Community Development Act of 1974, as amended (see Appendix 2).

Each proposed activity must address one of the national objectives.

2. CRITICAL/URGENT NEED - PROJECT SEVERITY

Each activity must address a critical/urgent need which can be verified by an appropriate authority, (cognizant state or federal agency), other than the applicant as having developed within six months prior to submittal of the application.

The project evaluation request will be submitted to the appropriate cognizant agency by the division. In addition to the stipulation that the critical/urgent need must have developed within six months prior to submittal, the cognizant agency will rate the severity or urgency of the project on a scale of one to five based on the following:

(1) project is urgently needed and is of a health threatening potential;

(2) project is worthwhile and needed, health risk is moderate, urgency is moderate;

(3) most of project is worthwhile;

(4) portions of project are worthwhile;

(5) project is not worthwhile.

Only those projects receiving a rating of 1 will be fundable.

3. APPLICATION REQUIREMENTS

All items and forms necessary for a regular public facilities application will also be required for demonstrated needs.

E. SUBMISSION REQUIREMENTS.

Applications shall be submitted to the division on forms provided by the division and shall consist of the following:

1. Program Narrative Statement. This shall consist of:

a. identification of the national objective(s) that the activity will address.

b. A detailed description of each activity to be carried out with LCDBG assistance. The description of each activity must clearly identify the target area or areas by street names, highway names or numbers for each street serving as a boundary of the target area. The written description must clearly and exactly conform to the designated area or areas on the map(s). A detailed cost estimate is also required for each activity. If the proposed activity is dependent on other funds for completion, the source of funds and the status of the commitment must also be indicated. If the applicant is applying for a public facilities project, the description must specifically describe what means will be taken by the applicant to ensure that adequate revenues will be available to operate and maintain the proposed project; the description must identify the source of and estimated amount of funds that will be generated for this purpose.

c. A statement describing the impact the activity will have on the problem area selected and on the needs of low and moderate income persons, including information necessary for considering the program impact.

d. A statement on the percent of funds requested that will benefit low and moderate income persons. The statement should indicate the total number of persons to be served and the number of such persons that meet the definition of low and moderate income.

2. Map. A map of the local jurisdiction which identifies by project area:

a. census tracts and/or enumeration districts by number;

b. location of concentrations of minorities, showing number and percent by census tracts and/or enumeration districts;

c. location of concentrations of low and moderate income persons, showing number and percent by census tracts and/or enumeration districts;

d. boundaries of areas in which the activities will be concentrated;

e. specific location of each activity.

3. Program Schedule. Each applicant shall submit, in a format prescribed by the state, a listing of dates for major milestones for each activity to be funded.

4. Title VI Compliance. All applicants shall submit, in a form prescribed by the state, evidence of compliance with Title VI of the Civil Rights Act of 1964. This enables the state to determine whether the benefits will be provided on a nondiscriminatory basis and will achieve the purposes of the program for all persons, regardless of race, color, or national origin.

5. Certification of Assurances. The certificate of assurances required by the state, relative to federal and state statutory requirements, shall be submitted by all applicants; this certificate includes, but is not limited to, Title VI, Title VIII, and affirmatively furthering fair housing. In addition, each recipient should target at least 15 percent of all grant monies for minority enterprises. All assurances must be strictly adhered to; otherwise, the grant award will be subject to penalty.

6. Certification to Minimize Displacement. The applicant must certify that it will minimize displacement as a result of activities assisted with LCDBG funds. In addition to minimizing displacement, the applicant must certify that when displacement occurs reasonable benefits will be provided to persons involuntarily and permanently displaced as a result of the LCDBG assistance to acquire or substantially rehabilitate property. This provision applies to all displacement with respect to residential and nonresidential property not governed by the Uniform Relocation Act.

7. Certification of Residential Antidisplacement and Relocation Assistance Plan. The applicant must certify that it has developed and is following a residential antidisplacement and relocation assistance plan. The plan must include two components - a requirement to replace all low/moderate income dwelling units that are demolished or converted to a use other than low/moderate income housing as a direct result of the use of CDBG assistance and a relocation assistance component.

8. Certification to Promote Fair Housing Opportunities. Applicants are required to certify that they will make every effort to further fair housing opportunities in their respective jurisdictions.

9. Certification Prohibiting Special Assessments. The applicant must submit a certification prohibiting the recovery of capital costs for public improvements financed, in whole or in part, with LCDBG funds through assessments against properties owned and occupied by low and moderate income persons. The prohibition applies also to any fees charged or assessed as a condition of obtaining access to the public improvements.

10. Certification of Citizen Participation. Applicants shall provide adequate information to citizens about the Community Development Block Grant Program. Applicants shall provide citizens with an adequate opportunity to participate in the planning and assessment of the application for Community Development Block Grant Program funds. At least one public hearing must be held prior to application submittal in order to obtain the citizens' views on community development and housing needs. A notice must be published informing the populace of the forthcoming public hearing; a minimum of five calendar days is required for this notice. Citizens must be provided with the following information at the hearing:

a. The amount of funds available for proposed community development and housing activities;

b. The range of activities that may be undertaken, including the estimated amount proposed to be used for activities that will benefit persons of low and moderate income;

c. The plans of the applicant for minimizing displacement of persons as a result of activities assisted with such funds and the benefits to be provided to persons actually displaced as a result of such activities.

d. If applicable, the applicant must provide citizens with information regarding the applicant's performance on prior LCDBG programs funded by the state.

A second notice must be published after the first public hearing has been held but before the application is submitted. The second notice must inform citizens of the proposed objectives, proposed activities, the location of the proposed activities and the amounts to be used for each activity. Citizens must be

given the opportunity to submit comments on the proposed application. The notice must further provide the location at which and hours when the application is available for review. The notice must state the proposed submittal date of the application.

Applicants must submit a notarized proof of publication of each public notice.

In order to provide a forum for citizen participation relative to the proposed activities, a second hearing must be held to receive comments and discuss the proposed application.

Each applicant shall provide citizens with adequate opportunity to participate in the planning, implementation, and assessment of the CDBG program. The applicant shall provide adequate information to citizens, hold public hearings at the initial stage of the planning process to obtain views and proposals of citizens, and provide opportunity to comment on the applicant's community development performance. In order to achieve these goals each applicant shall prepare and follow a written citizen participation plan that incorporates procedures for complying with the following regulations (i-vi). The plan must be made available to the public at the beginning of the planning stage, i.e., the first public hearing.

e. The written plan must:

i. provide for and encourage citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used;

ii. provide citizens with reasonable and timely access to local meetings, information, and records relating to the state's proposed method of distribution, as required by regulations of the secretary, and relating to the actual use of funds under Title I of the Housing and Community Development Act of 1974, as amended;

iii. provide for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee;

iv. provide for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodations for the handicapped.

v. provide for a timely written answer to written complaints and grievances, within 15 days where practicable; and

vi. identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.

11. Certification Regarding Lead-Based Paint. The applicant must certify that its notification, inspection, testing, and abatement procedures concerning lead-based paint are in compliance with Section 570.608 of the Housing and Community Development Act of 1974, as amended.

12. Local Survey Data. Those applicants who conduct a local survey to determine specific data required for the application must include one copy of all completed survey forms.

13. Submission of Additional Data. Only that data received by the deadline established for applications will be considered in the selection process unless additional data is specifically requested, in writing, by the state. Material received after the deadline will not be considered as part of the application, unless requested by the state.

F. APPLICATION REVIEW PROCEDURE.

1. The application must be mailed or delivered prior to any deadline dates established by the division. The applicant must obtain a "Certificate of Mailing" from the Post Office, certifying the date mailed. The division may require the applicant to submit this Certificate of Mailing to document compliance with the deadline, if necessary.

2. The application submission requirements must be complete.

3. The funds requested must not exceed the ceiling amounts established by the division.

4. Review and notification. Following the review of all applications, the division will promptly notify the applicant of the actions taken with regard to its application.

5. Criteria for conditional approval. The division may make a conditional approval, in which case the grant will be approved, but the obligation and utilization of funds is restricted. The reason for the conditional approval and the actions necessary to remove the condition shall be specified. Failure to satisfy the condition may result in a termination of the grant. Conditional approval may be made:

a. where local environmental reviews have not yet been completed;

b. where the requirements regarding the provision of flood or drainage facilities have not yet been satisfied;

c. to ensure the project can be completed within estimated costs.

d. to ensure that actual provision of other resources required to complete the proposed activities will be available within a reasonable period of time.

6. Criteria for disapproval of an application. The division may disapprove an application for the following reasons:

a. based on a field review of the applicant's proposal or other information received, it is found that the information was incorrect; the division will exercise administrative discretion in this area;

b. the Division of Administration determines that the applicant's description of needs and objectives is plainly inconsistent with facts and data generally available. The data to be considered must be published and accessible to both the applicant and state such as census data, or recent local, area wide, or state comprehensive planning data;

c. other resources necessary for the completion of the proposed activity are no longer available or will not be available within a reasonable period of time;

d. the activities cannot be completed within the estimated costs or resources available to the applicant;

e. Any of the items identified under E. SUBMISSION REQUIREMENTS are not included in the application.

G. PROGRAM AMENDMENTS FOR LCDBG PROGRAM.

The division may consider amendments if they are necessitated by actions beyond the control of the applicant. Recipients shall request prior division approval for all program amendments involving new activities or alteration of existing activities that will change the scope, location, or objectives of the approved activities or beneficiaries.

1. New or altered activities are considered in accordance with the criteria for selection applicable at the time the original application was reviewed and the policy, current at that time, regarding amendments.

2. All amended activities must receive environmental clearance prior to construction.

3. The state will ascertain as to whether or not the proposed activity is an integral part of the originally approved project and is necessary to complete the project as originally approved. The state will also review the site location of the proposed activity in relation to the originally approved target area. As a general rule, activities which are not an integral part of the originally approved project and which are not located within the boundaries of the originally approved target area will not be approved.

IV. ADMINISTRATION.

Rule for Policy Determination. In administering the program, while the division is cognizant of the intent of the program, certain unforeseeable circumstances may arise which may require the exercise of administrative discretion. The division reserves the right to exercise this discretion in either interpreting or establishing new policies.

V. REDISTRIBUTION OF FUNDS.

Any monies awarded by the state that are later recaptured by or returned to the state will be reallocated in accordance with the division's policy, then in effect. The sources of these funds may include, but not be limited to, program income, questioned costs, disallowed expenses, recaptured funds from loans, unallocated monies, previously awarded funds not spent by grant recipients, etc.

With the following exceptions and the stipulations identified in Section II.E., the monies as defined above will be placed in the current program year's public facilities category and will be used to fund the project(s) with the highest score that was not initially funded. This policy will govern all such monies as defined herein from the FY 1982, FY 1983, FY 1984, FY 1985, FY 1986, FY 1987, FY 1988, and 1989 LCDBG program years as well as subsequent funding cycles, until later amended. One exception to this rule is that funds recaptured from economic development loans which were not spent by the grant recipients will initially be transferred to the current economic development program category. Those monies remaining in the economic development program category at the end of the FY 1989 program year will be transferred to the public facilities category for distribution as described above. Another exception is that all funds recaptured by the state from the payback of economic development loans will be placed in an economic development revolving loan fund which will be used to supplement funding for economic development projects. These funds will be subject to the federal regulations regarding use of program income.

These regulations are to be effective on March 20, 1989, and are to remain in force until they are amended or rescinded. Anyone having comments should submit them in writing by February 7, 1989 to Joan Wharton, Director, Office of State Planning, Division of Administration, Box 94095, Baton Rouge, LA 70804-9095. A public hearing will also be held to receive comments. The hearing will be held in the Auditorium of the State Library on January 31, 1989 at 2 p.m.

Dennis Stine
Commissioner

APPENDIX 1

Act 590 of the 1970 Parish Development Act
Section Q-8

(8) "Slum area" means an area in which there is a predominance of buildings or improvements, whether residential or non-residential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open space, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or an area of open land which, because of its location and/or platting and planning development, for predominantly residential uses, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.

(i) "Blighted area" means an area which by reason of presence of an substantial number of slum, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use; but if the area consists of any disaster area referred to in Subsection C (5), it shall constitute a "blighted area."

APPENDIX 2

Eligible Activities

Sec. 105.(a) Activities assisted under this title may include only—

(1) the acquisition of real property (including air rights, water rights, and other interests therein) which is (A) blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth; (B) appropriate for rehabilitation or conservation activities; (C) appropriate for the preservation or restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources, and scenic areas, the provision of recreational opportunities, or the guidance of urban development; (D) to be used for the provision of public works, facilities, and improvements eligible for assistance under this title; or (E) to be used for other public purposes;

(2) the acquisition, construction, reconstruction, or installation (including design features and improvements with respect to such construction, reconstruction, or installation that promote energy efficiency) of public works, facilities (except for buildings for the general conduct of government), and site or other improvements;

(3) Code enforcement in deteriorated or deteriorating areas in which such enforcement, together with public improvements and services to be provided, may be expected to arrest the decline of the area;

(4) clearance, demolition, removal, and rehabilitation (including rehabilitation which promotes energy efficiency) of buildings and improvements (including interim assistance, and financing public or private acquisition for rehabilitation and reha-

bilitation of privately owned properties and including the renovation of closed school buildings);

(5) special projects directed to the removal of material and architectural barriers which restrict the mobility and accessibility of elderly and handicapped persons;

(6) payments to housing owners for losses of rental income incurred in holding for temporary periods of housing units to be utilized for the relocation of individuals and families displaced by activities under this title;

(7) disposition (through sale, lease, donation or otherwise) of any real property acquired pursuant to this title or its retention for public purposes;

(8) provisions of public services, including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, energy conservation, welfare or recreation needs, if such services have not been provided by the unit of general local government (through funds raised by the such unit, or received by such unit from the state in which it is located) during any part of the twelve-month period immediately preceding the date of submission of the statement with respect to which funds are to be made available under this title, and which are to be used for such services, unless the Secretary finds that the discontinuation of such services was the result of events not within the control of the unit of general local government, except that not more than 15 per centum of the amount of any assistance to a unit of general local government under this title may be used for activities under this paragraph unless such unit of general local government used more than 15 percent of the assistance received under this title for fiscal year 1982 or fiscal year 1983 for such activities (excluding any assistance received pursuant to Public Law 98-8), in which case such unit of general local government may use not more than the percentage or amount of such assistance used for such activities for such fiscal year, whichever method of calculation yields the higher amount;

(9) payment of the non-Federal share required in connection with a Federal grant-in-aid program undertaken as part of activities assisted under this title;

(10) payment of the cost of completing a project funded under Title I of the Housing Act of 1949;

(11) relocation payments and assistance for displaced individuals, families, businesses, organizations, and farm operations, when determined by the grantee to be appropriate;

(12) activities necessary (A) to develop a comprehensive community development plan, and (B) to develop a policy-planning-management capacity so that the recipient of assistance under this title may more rationally and effectively (i) determine its needs, (ii) set long-term goals and short-term objectives, (iii) devise programs and activities to meet these goals and objectives, (iv) evaluate the progress of such programs in accomplishing these goals and objectives, and (v) carry out management, coordination, and monitoring of activities necessary for effective planning implementation;

(13) payment of reasonable administrative costs and carrying charges related to the planning and execution of community development and housing activities, including the provision of information and resources to residents of areas in which community development and housing activities are to be concentrated with respect to the planning and execution of such activities, and including the carrying out of activities as described in section 701(e) of the Housing Act of 1954 on the date prior to the date of enactment of the Housing and Community Development Amendments of 1981;

(14) activities which are carried out by public or private nonprofit entities, including (A) acquisition of real property; (B) acquisition, construction, reconstruction, rehabilitation, or installation of (i) public facilities (except for buildings for the general conduct of government), site improvements, and utilities, and (ii) commercial or industrial buildings or structures and other commercial or industrial real property improvements; and (C) planning;

(15) assistance to neighborhood-based nonprofit organizations, local development corporations, or entities organized under section 301(d) of the Small Business Investment Act of 1958 to carry out a neighborhood revitalization or community economic development or energy conservation project in furtherance of the objectives of section 101(c), and assistance to neighborhood-based nonprofit organizations, or other private or public nonprofit organizations, for the purpose of assisting, as part of neighborhood revitalization or other community development, the development of shared housing opportunities (other than by construction of new facilities) in which elderly families (as defined in section 3(b)(3) of the United States Housing Act of 1937) benefit as a result of living in a dwelling in which the facilities are shared with others in a manner that effectively and efficiently meets the housing needs of the residents and thereby reduces their cost of housing;

(16) activities necessary to the development of energy use strategies related to recipient's development goals, to assure that those goals are achieved with maximum energy efficiency, including items such as—

(A) an analysis of the manner in, and the extent to, which energy conservation objectives will be integrated into local government operations, purchasing and service delivery, capital improvements budgeting, waste management, district heating and cooling, land use planning and zoning, and traffic control, parking, and public transportation function; and

(B) a statement of the actions the recipient will take to foster energy conservation and the use of renewable energy resources in the private sector, including the enactment and enforcement of local codes and ordinances to encourage or mandate energy conservation or use of renewable energy resources, financial and other assistance to be provided (principally for the benefit of low- and moderate-income persons) to make energy conserving improvements to residential structures, and any other proposed energy conservation activities.

(17) provisions of assistance to private, for-profit entities, when the assistance is necessary or appropriate to carry out an economic development project;

(18) the rehabilitation or development of housing assisted under Section 17 of the United States Housing Act of 1937; and

(19) provision of assistance to facilitate substantial reconstruction of housing owned and occupied by low and moderate income persons (A) where the need for reconstruction was not determinable until after rehabilitation under this section had already commenced, or (B) where the reconstruction is part of a neighborhood rehabilitation effort and the grantee (i) determines the housing is not suitable for rehabilitation, and (ii) demonstrates to the satisfaction of the Secretary that the cost of substantial reconstruction is significantly less than the cost of new construction and less than the fair market value of the property after substantial reconstruction.

(b) Upon the request of the recipient of assistance under this title, the Secretary may agree to perform administrative services on a reimbursable basis on behalf of such recipients in con-

nection with loans or grants for the rehabilitation of properties as authorized under subsection (a)(4).

(c)(1) In any case in which an assisted activity described in paragraph (14) or (17) of subsection (a) is identified as principally benefitting persons of low and moderate income, such activity shall—

(A) be carried out in a neighborhood consisting predominately of persons of low and moderate income and provide services for such persons; or

(B) involve facilities designed for use predominately by persons of low and moderate income and provide services for such persons; or

(B) involve facilities designed for use predominately by persons of low and moderate income; or

(C) involve employment of persons, a majority of who are persons of low and moderate income.

(2)(A) In any case in which an assisted activity described in subsection (a) is designed to serve an area generally and is clearly designed to meet identified needs of persons of low and moderate income in such area, such activity shall be considered to principally benefit persons of low and moderate income if (i) not less than 51 percent of the residents of such area are persons of low and moderate income; (ii) in any metropolitan city or urban county, the area served by such activity is within the highest quartile of all areas within the jurisdiction of such city or county in terms of the degree of concentration of persons of low and moderate income; or (iii) the assistance for such activity is limited to paying assessments (including any charge made as a condition of obtaining access) levied against properties owned and occupied by persons of low and moderate income to recover the capital cost for a public improvement.

(B) The requirements of subparagraph (A) do not prevent the use of assistance under this title for the development, establishment, and operation for not to exceed 2 years after its establishment of a uniform emergency telephone number system if the Secretary determines that —

(i) such system will contribute substantially to the safety of the residents of the area served by such system;

(ii) not less than 51 percent of the use of the system will be by persons of low and moderate income; and

(iii) other Federal funds received by the grantee are not available for the development, establishment, and operation of such system due to the insufficiency of the amount of such funds, the restrictions on the use of such funds, or the prior commitment of such funds for other purposes by the grantee. The percentage of the cost of the development, establishment, and operation of such a system that may be paid from assistance under this title and that is considered to benefit low and moderate income persons is the percentage of the population to be served that is made up of persons of low and moderate income.

(3) Any assisted activity under this title that involves the acquisition or rehabilitation of property to provide housing shall be considered to benefit persons of low and moderate income only to the extent such housing will, upon completion, be occupied by such persons.

APPENDIX 3

1988 Median Family Income By Parish and MSA

Parish	1988 Median Family Income	Low/Mod Income Limit	Low Income Limit
Acadia	$22,000	$17,600	$11,000
Allen	22,700	18,150	11,350
Ascension	See MSA - Baton Rouge		
Assumption	27,900	22,300	13,600
Avoyelles	17,900	14,300	8,950
Beauregard	25,200	20,150	11,800
Bienville	21,500	17,200	10,750
Bossier	See MSA - Shreveport		
Caddo	See MSA - Shreveport		
Calcasieu	See MSA - Lake Charles		
Caldwell	19,600	15,700	9,800
Cameron	29,700	23,750	13,900
Catahoula	19,100	15,300	9,550
Claiborne	22,500	18,000	11,250
Concordia	22,700	18,150	11,350
DeSoto	23,100	18,500	11,550
East Baton Rouge	See MSA - Baton Rouge		
East Carroll	16,100	12,950	8,100
East Feliciana	28,200	22,550	12,500
Evangeline	18,900	15,100	9,450
Franklin	18,500	14,800	9,250
Grant	20,600	16,800	10,500
Iberia	29,000	23,200	14,500
Iberville	30,200	24,150	12,500
Jackson	21,600	17,300	10,800
Jefferson	See MSA - New Orleans		
Jefferson Davis	25,500	20,400	11,950
Lafayette	See MSA - Lafayette		
Lafourche	See MSA - Houma-Thibodaux		
LaSalle	22,800	18,250	11,400
Lincoln	25,800	20,650	12,900
Livingston	See MSA - Baton Rouge		
Madison	16,600	13,300	8,300
Morehouse	20,100	16,100	10,050
Natchitoches	20,700	16,550	10,350
Orleans	See MSA - New Orleans		
Ouachita	See MSA - Monroe		
Plaquemines	30,900	24,700	15,450
Pointe Coupee	26,000	20,800	12,150
Rapides	See MSA - Alexandria		
Red River	19,300	15,450	9,650
Richland	18,800	15,050	9,400
Sabine	21,000	16,800	10,500
St. Bernard	See MSA - New Orleans		
St. Charles	See MSA - New Orleans		
St. Helena	19,800	15,850	9,900
St. James	33,900	27,100	15,600
St. John the Baptist	See MSA - New Orleans		
St. Landry	20,900	16,700	10,450
St. Martin	See MSA - Lafayette		
St. Mary	31,200	24,950	15,600
St. Tammany	See MSA - New Orleans		
Tangipahoa	22,600	18,100	11,300
Tensas	16,200	12,950	8,100
Terrebonne	MSA -Houma-Thibodaux		
Union	21,700	17,350	10,850
Vermilion	23,700	18,950	11,850
Vernon	18,400	14,700	9,200
Washington	21,500	17,200	10,750
Webster	23,300	19,500	12,200
West Baton Rouge	MSA-Baton Rouge		
West Carroll	16,700	13,350	8,350
West Feliciana	24,900	19,900	12,150
Winn	18,600	14,900	9,300
MSA - Metropolitan Statistical Areas			
MSA Alexandria, LA[1]	25,900	20,700	12,950
MSA Baton Rouge, LA[2]	31,200	24,950	15,600
MSA Houma-Thibodaux, LA[3]	29,400	23,500	14,700
MSA Lafayette, LA[4]	33,800	27,050	16,900
MSA Lake Charles, LA[5]	32,700	26,150	16,350
MSA Monroe, LA[6]	25,500	20,400	12,750
MSA New Orleans, LA[7]	31,900	25,500	15,950
MSA Shreveport, LA[8]	30,400	24,300	15,200

Footnotes:

[1]Includes Rapides Parish only.
[2]Includes East Baton Rouge, West Baton Rouge, Livingston, and Ascension Parishes.
[3]Includes Terrebonne and Lafourche Parishes.
[4]Includes St. Martin and Lafayette Parishes.
[5]Includes Calcasieu Parish only.
[6]Includes Ouachita Parish only.
[7]Includes Jefferson, Orleans, St. Tammany, St. Bernard, St. John the Baptist, and St. Charles Parishes.
[8]Includes Caddo and Bossier Parishes.

Source: Income data provided by U.S. Department of Housing and Urban Development, January 15, 1988.

APPENDIX 4

1980 Median Family Income
By Parish and MSA

Parish	1980 Median Family Income	LOW MOD INCOME UNIT Families	LOW MOD INCOME UNIT Unrelated Individuals	LOW INCOME UNIT Families	LOW INCOME UNIT Unrelated Individuals
Acadia	$15,792	$12,634	$8,844	$7,896	$5,527
Allen	15,685	12,548	8,784	7,842	5,489
Ascension	21,572	17,258	12,080	10,786	7,550
Assumption	17,334	13,867	9,707	8,667	6,067
Avoyelles	11,987	9,590	6,713	5,994	4,196
Beauregard	17,417	13,934	9,754	8,709	6,096
Bienville	13,850	11,080	7,756	6,925	4,848
Bossier	See MSA-Shreveport				
Caddo	See MSA-Shreveport				
Calcasieu	See MSA-Lake Charles				
Caldwell	12,624	10,099	7,069	6,312	4,418
Cameron	20,562	16,450	11,515	10,281	7,197
Catahoula	12,770	10,216	7,151	6,385	4,470
Claiborne	14,538	11,630	8,141	7,269	5,088
Concordia	15,208	12,166	8,516	7,604	5,323
DeSoto	14,887	11,910	8,337	7,444	5,211
E. Baton Rouge	See MSA-Baton Rouge				
East Carroll	10,388	8,310	5,817	5,194	3,636
East Feliciana	16,184	12,947	9,063	8,092	5,664
Evangeline	12,540	10,032	7,022	6,270	4,389
Franklin	11,937	9,550	6,685	5,969	4,178
Grant	See MSA-Alexandria				
Iberia	19,268	15,414	10,790	9,634	6,744
Iberville	17,340	13,872	9,710	8,670	6,069
Jackson	13,919	11,135	7,795	6,960	4,872
Jefferson	See MSA-New Orleans				
Jefferson Davis	17,657	14,126	9,888	8,829	6,180
Lafayette	See MSA-Lafayette				
Lafourche	19,947	15,958	11,170	9,974	6,982
LaSalle	15,250	12,200	8,540	7,625	5,338
Lincoln	16,660	13,328	9,330	8,330	5,831
Livingston	See MSA-Baton Rouge				
Madison	10,679	8,543	5,980	5,340	3,738
Morehouse	12,949	10,359	7,251	6,475	4,533
Natchitoches	13,343	10,674	7,472	6,672	4,670
Orleans	See MSA-New Orleans				
Ouachita	See MSA-Monroe				
Plaquemines	19,884	15,907	11,135	9,942	6,959
Pointe Coupee	14,913	11,930	8,351	7,457	5,220
Rapides	See MSA-Alexandria				
Red River	12,482	9,986	6,990	6,241	4,369
Richland	12,112	9,690	6,783	6,056	4,239
Sabine	13,519	10,815	7,571	6,760	4,732
St. Bernard	See MSA-New Orleans				
St. Charles	23,223	18,578	13,005	11,612	8,128
St. Helena	11,370	9,096	6,367	5,685	3,980
St. James	21,044	16,835	11,785	10,522	7,365
St. John the Baptist	21,818	17,454	12,218	10,909	7,636
St. Landry	13,893	11,114	7,780	6,947	4,863
St. Martin	16,612	13,290	9,303	8,306	5,814
St. Mary	20,688	16,550	11,585	10,344	7,241
St. Tammany	See MSA-New Orleans				
Tangipahoa	14,315	11,452	8,016	7,158	5,011
Tensas	10,447	8,358	5,850	5,224	3,657
Terrebonne	20,918	16,734	11,714	10,459	7,321
Union	14,027	11,222	7,855	7,014	4,910
Vermilion	16,951	13,561	9,493	8,476	5,933
Vernon	12,951	10,361	7,253	6,476	4,533
Washington	13,641	10,913	7,639	6,821	4,775
Webster	See MSA- Shreveport				
West Baton Rouge	See MSA-Baton Rouge				
West Carroll	10,807	8,646	6,052	5,404	3,783
West Feliciana	14,289	11,431	8,002	7,145	5,002
Winn	12,445	9,956	6,969	6,223	4,356
MSA - Metropolitan Statistical Areas					
Alexandria, LA[1]	$15,741	$12,593	$8,815	$7,871	$5,510
Baton Rouge, LA[2]	21,301	17,041	11,929	10,651	7,456
Lafayette, LA[3]	21,472	17,178	12,024	10,736	7,515
Lake Charles, LA[4]	21,316	17,053	11,937	10,658	7,461
Monroe, LA[5]	17,140	13,712	9,598	8,570	5,999
New Orleans, LA[6]	19,196	15,357	10,750	9,598	6,719
Shreveport, LA[7]	18,158	14,526	10,168	9,079	6,355

[1]Includes Rapides and Grant Parishes.
[2]Includes East Baton Rouge, West Baton Rouge, Livingston, and Ascension Parishes.
[3]Includes Lafayette Parish only.
[4]Includes Calcasieu Parish only.
[5]Includes Ouachita Parish only.
[6]Includes Jefferson, Orleans, St. Bernard, and St. Tammany Parishes.
[7]Includes Bossier, Caddo, and Webster Parishes.

1980 Census and Formula provided by U. S. Department of Housing and Urban Development.

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LCDBG Program - FY 1989
Final Statement

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

Approximately $560,000 in federal funds will be provided to administer the LCDBG Program; a state match of $460,000 is required and will be allocated in the division's budget over a six year period. As in the past, the state will maximize the use of in-kind services to match the federal funds. To ensure that the local units of government do not have to expend local funds to administer these grants, administrative funds are provided in the grant to cover the cost of program implementation.

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

The state anticipates receiving approximately $23,000,000 of which $22,440,000 will be used to benefit local governing units in the areas of housing, public facilities, and economic development. The distribution of these funds will increase the amount previously available for economic development and decrease the amount previously available for housing and public facilities.

This amount for FY 89 represents an increase of approximately $143,000 in federal funds from FY 88.

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

The LCBDG Program basically benefits persons of low/moderate income throughout the state. Although fewer persons will receive housing assistance and the benefits of new/improved water, sewer, and gas systems, more jobs will be made available through the funding of economic development projects.

This will be caused by a shift in spending priorities from FY 88 of approximately $3 million from housing and public facilities to economic development projects.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

All construction projects are subject to state and federal bid laws. All professional contracts must be awarded in accordance with OMB Circular A-102.

The allocation of these funds to housing and public facilities projects will result in fewer construction contracts, therefore less short-term jobs. It is anticipated that the allocation of more funds to economic development will result in the creation/retention of more long-term jobs.

Dennis Stine
Commissioner of Administration

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Hospitals
Board of Examiners for Nursing Home Administrators

The Louisiana State Board of Examiners for Nursing Home Administrators advertises its intent to adopt Chapter 16 in LAC Title XLIX to establish policy and procedures for the Nurses Assistant Register.

The entire text of this proposed Rule can be viewed in its entirety in the Emergency Rule Section published in this issue of the *Louisiana Register.*

Interested persons may submit written comments on the proposed regulations until 3:30 p.m., February 15, 1989 at the following address: Winborn E. Davis, Executive Director, Louisiana State Board of Examiners for Nursing Home Administrators, Suite 100, 4550 North Boulevard, Baton Rouge, LA 70806.

Winborn E. Davis
Executive Director

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Certified Nurse Assistants

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

It is estimated the board will incur an implementation cost during fiscal 1988-89 of $40,339.

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

It is estimated the board will collect revenues amounting to $41,339 during fiscal 1988-89. This will be fees paid by people certified. In addition, the federal government will reimburse an as yet undetermined percent of the costs.

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

There will be a cost of $3 per certified nurse assistant paid either by the assistant or the nursing home.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition will be affected. It is intended that certification of nurse assistants will weed out people who are guilty of patient abuse or misappropriation of patient property. January 1, 1990 requirement will be to hire only nurse assistants certified by DHH Bureau of Health Standard.

Winborn E. Davis
Executive Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Hospitals
Board of Examiners for Nursing Home Administrators

The Louisiana State Board of Examiners for Nursing Home Administrators intends to repeal Chapter 11, §1102 of Title 46 LAC as follows:

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLIX. Nursing Home Administrators
Chapter 11. Licenses
§1102. Emergency License

A. The board may issue a provisional license on an emergency basis when the state agency responsible for licensing nursing homes certifies to the need. Applicants for a provisional license need not be fully qualified for a regular license but they must be knowledgeable of the operations of a nursing home as determined by an oral review conducted by a board member or the executive director of the board.

1. Applicants shall complete application forms provided by the board and shall pay a fee of $100.

B. The emergency license shall not exceed a period of three months. At the end of each month the state agency licensing nursing homes shall certify to the board the need to continue the license at the end of the first month and of the second month when indicated.

C. An applicant issued a provisional license under provisions of this Chapter shall represent himself as an "emergency administrator" in all actions and on all documents he is required to sign in his role as head of the nursing home.

Interested persons may submit written comments on the proposed regulation until 3:30 p.m., February 4, 1989, at the following address: Winborn E. Davis, Executive Director, Louisiana State Board of Examiners for Nursing Home Administrators, Suite 100, 4550 North Boulevard, Baton Rouge, LA 70806.

Winborn E. Davis
Executive Director

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

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

Estimated savings to the board $400 per year. There will be no costs or savings to any other state or local governmental units.

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

The repeal of this rule will decrease revenue collections of the board by an estimated $2,500 per year based on 25 people needing an emergency license.

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

There will no cost to any person as the board proposes to repeal this rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will no effect on competition and employment caused by this proposed rule.

Winborn E. Davis
Executive Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Hospitals
Board of Examiners for Nursing Home Administrators

The Louisiana State Board of Examiners for Nursing Home Administrators intends to adopt a change in Chapter 11, §1105.A.11 of Title 46:XLIX as follows to amend an existing rule.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLIX. Nursing Home Administrators

Chapter 11. Licenses
§1105. Refusal, Suspension and Revocation of License

A. ...

11. has paid, given, has caused to be paid or given or offered to pay or to give a commission or other valuable consideration for solicitation or procurement, either directly or indirectly, of nursing home residents to any referral source which shall include, but not be limited to hospitals, other nursing homes, physicians, clinics, dentists, nurses and social workers.

Interested persons may submit written comments on the proposed regulation until 3:30 p.m., February 15, 1989 at the following address: Winborn E. Davis, Executive Director, Louisiana State Board of Examiners for Nursing Home Administrators, Suite 100, 4550 North Boulevard, Baton Rouge, LA 70806.

Winborn E. Davis
Executive Director

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: License Refusal, Suspension and Revocation

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

There will be no additional costs or savings to state or local government units.

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

There will be no effect on revenue collections of state or local government.

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

There will be no mandatory costs or economic benefits to affected persons or non-governmental units.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Winborn E. Davis
Executive Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Hospitals
Board of Examiners for Nursing Home Administrators

The Louisiana State Board of Examiners for Nursing Home Administrators intends to adopt a change in Chapter 11, §1107.A.1 of Title 46:XLIX as follows to amend an existing rule.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
PArt XLIX. Nursing Home Administrators

Chapter 11. Licenses
§1107. Reciprocity

A. ...

"1. that such other state maintains a system and standard of qualification and examination for nursing home administrator licenses, which are substantially equivalent to those required in this state; or that the applicant is an administrator certified by the American College of Health Care Administrators, and"

Interested persons may submit written comments on the proposed regulation until 3:30 p.m., February 15, 1989 at the following address: Winborn E. Davis, Executive Director, Louisiana State Board of Examiners for Nursing Home Administrators, Suite 100, 4550 North Boulevard, Baton Rouge, LA 70806.

Winborn E. Davis
Executive Director

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Reciprocity

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

There will be no additional costs or savings to state or local government units.

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

There will be no effect on revenue collections of state or local government.

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

There will be no mandatory costs or economic benefits to affected persons or non governmental units.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Winborn E. Davis
Executive Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Hospitals
Board of Medical Examiners

Notice is hereby given, in accordance with R.S. 49:950, et seq., that the Louisiana State Board of Medical Examiners (board), pursuant to the authority vested in the board by R.S. 37:1270(B)(1) and (6), and R.S. 37:1278(B) intends to adopt rules governing board requests and subpoenas, pursuant to R.S. 37:1278(B), for information and medical records relating to physician impairment. The proposed rules are set forth hereinafter. Inquiries concerning the proposed rules may be directed in writing to: Delmar Rorison, Executive Director, Louisiana State Board of Medical Examiners, at the address set forth below.

Interested persons may submit data, views, arguments, information or comments on the proposed rule, in writing, to the Louisiana State Board of Medical Examiners, at Suite 100, 830 Union Street, New Orleans, LA 70112-1499. Written comments must be submitted and received by February 17, 1989. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing on or before February 3, 1989.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLV. Medical Profession
Subpart 4. Administrative Provisions
Chapter 83. Investigation of Information and Records Relating to Physician Impairment

§8301. Scope of Chapter

The rules of this Chapter prescribe the policy and procedures governing the board's exercise of its authority under R.S. 37:1278(B) to obtain, either by informal request or through the mandate of investigative or adjudicatory proceeding subpoena, disclosure of medical information and records relative to the physical and mental condition of physicians licensed by the board.

§8303. Definitions

A. As used in this Chapter, the following terms shall have the meanings specified:

Health Care Provider — The term "health care provider" means an individual or institutional state-licensed provider of health care services.

Medical Records — The term "medical records" means any and all notes, records, charts, memoranda, test results, reports, radiographic films, or other written, graphic or recorded items and materials, on whatsoever media recorded or stored and howsoever maintained relating to professional services in the nature of examination, history, evaluation, diagnosis, therapy or treatment by a health care provider.

Physician — The term "physician" means a person possessing a doctor of medicine or equivalent degree who has applied to the board for a license or permit to practice medicine in the state of Louisiana or who holds a medical license or permit issued by the board.

B. Masculine terms wheresoever used in this Chapter shall be deemed to include the feminine.

§8305. Statement of Policy and Intent

A. The privilege of confidentiality with respect to communications between a patient and a physician, recognized equally as a matter of Louisiana law and professional medical ethics, serves an important public policy interest in encouraging and permitting a patient's forthright, full and unfettered communication of medically relevant information to a physician, communication vital to the integrity and effectiveness of the physician-patient relationship. The board recognizes that the principle of confidentiality is no less important with respect to a physician who is himself a patient of another physician. Contraposed with its solicitude for such principles and interests, however, is the board's statutory responsibility to safeguard the public against physicians whose capacity to practice medicine with reasonable skill and safety is compromised by physical or mental condition, disease or infirmity. In appropriate instances in which the board has reasonable cause to believe that a physician's ability to practice medicine safely is impaired, as in other instances recognized by law, it is necessary and appropriate that the individual physician's interest in the confidentiality of his medical records and information yield to the overriding public interest.

B. The board interprets R.S. 37:1278(B) to authorize the board to obtain disclosure of medical information and records in the possession of physicians and other health care practitioners and institutions which relate to the diagnosis or treatment of a physician when the board, on the basis of a written complaint, has reasonable cause to believe that the physician to whom such information or records relate is or may be incapable of practicing medicine with reasonable skill and safety to patents by virtue of mental illness or deficiency or physical illness, including but not limited to deterioration through the aging process or the loss of motor skills, and/or the excessive use or abuse of drugs, including alcohol. The board specifically interprets R.S. 37:1278(B), in intent and effect, to confine the scope of the board's authority to obtain disclosure of medical information and records to obtaining, by request or subpoena, only such information and records as are relevant to the patient-physician's capacity to practice medicine with reasonable skill and safety.

C. In the implementation of this authority, it is and shall be the policy of the board to exercise due regard for the important interests served by confidentiality of medical information and records and, accordingly, to exercise such authority only in circumstances in which the information or records sought are not otherwise reasonably available to the board and the board's exercise of the authority conferred by R.S. 37:1278(B) is necessary to discharge its responsibilities under the Medical Practice Act.

8307. Basis for Obtaining Medical Information and Records

A. Pursuant to the authority vested in the board by R.S. 37:1278(B), the board may request, subpoena or otherwise seek to obtain otherwise privileged or confidential medical information and records from a health care provider relating to such health care provider's diagnosis or treatment of a physician licensed by the board, without such physician's express authorization or consent, when:

1. the board has grounds for an objectively reasonable belief that the subject physician's capacity to practice medicine with reasonable skill and safety to patients is impaired by mental illness or deficiency, or physical illness, including but not limited to deterioration through the aging process or the loss of motor skills, and/or the excessive use or abuse of drugs; and

2. the board has a reasonable basis for believing that the health care provider is in possession of information or records relevant to a determination as to whether the subject physician is incapable of practicing medicine with reasonable skill and safety to patients.

B. The reasonable belief required by Subsection A.1 of this Section must be based, in whole or in part, upon information provided to the board in writing which is apparently reliable and is subscribed by an identifiable individual or institution or

upon information developed by investigation of the board initiated upon a complaint of or against the subject physician submitted in written form to the board and signed by the complainant.

§8309. Procedure for Obtaining Medical Information and Records

A. When the board has a basis, pursuant to R.S. 37:1278(B) and as specified by §8307, for seeking and obtaining disclosure from a health care provider of otherwise privileged or confidential medical information and records relating to the diagnosis or treatment of a physician, and such information is required in connection with an official investigation or pending adjudication of the board, prior to a request or service of an investigative subpoena by the board for such information or records, the board shall first serve an initial inquiry in writing on the health care provider. Such initial inquiry shall:

1. clearly identify the physician who is the subject of the board's inquiry;

2. indicate the nature of the condition, disease or infirmity which the board believes affects the subject physician's capacity to practice medicine with reasonable skill and safety;

3. request the health care provider's response as to whether such health care provider: (a) does have in his or its possession information and/or records relevant to a determination as to whether the subject physician is incapable of practicing medicine with reasonable skill and safety to patients; (b) does not have in his or its possession information or records relevant to such determination; or (c) is unable to determine whether information or records in his or its possession are relevant to such determination;

4. request that the health care provider:

a. if an institution, submit to the board a true and complete copy of all relevant medical records in the possession of the health care provider; or

b. if an individual, submit to the board, at the election of the health care provider, either:

i. a written report and evaluation summarizing the nature and course of the health care provider's services to the subject physician, the condition for which the subject physician was seen, the health care provider's diagnosis, the course of treatment, if any, the results of such treatment, and the health care provider's prognosis for the subject physician, to the extent that such information may be relevant to a determination of the physician's capacity to practice medicine with reasonable skill and safety, together with the health care provider's opinion, if any, as to whether, as of the date of such report, or as of the date that the subject physician was last seen, examined or evaluated by the health care provider, the subject physician was capable of practicing medicine with reasonable skill and safety; or

ii. a true and complete copy of all medical records in the possession of the health care provider relevant to the physician's capability of practicing medicine with reasonable skill and safety;

5. provide a summary of the provisions of R.S. 37:1278(B); and

6. prescribe a reasonable deadline for the health care provider to submit its response to the board.

B. If the board has reason to believe that a health care provider's response to its initial inquiry is inaccurate, incomplete or insufficient in any respect, notwithstanding a timely response or the submission of a written report or medical records, the board may appoint an independent consultant to consult with the health care provider concerning his or its response. The independent consultant shall be a physician licensed by the board who shall, to the extent possible and practicable, be designated by the board from among physicians engaged in the same specialty practice as the responding health care provider. In the selection of such consultant the board may consult with the Impaired Physicians Committee of the Louisiana State Medical Society or with appropriate specialty medical organizations. Such independent consultant shall be authorized to consult with the health care provider concerning the information and records in the possession of the health care provider relative to the subject physician, to examine the records of the health care provider relative to the subject physician, and to advise the board as to whether, in the opinion of the independent consultant, the health care provider is in possession of relevant medical information and records not previously reported or provided to the board. The independent consultant's consultation with the health care provider and his examination of the health care provider's records shall otherwise be maintained in confidence, and the independent consultant shall not disclose to the board the contents of any information or records in the possession of the health care provider.

C. the board may issue and serve a subpoena for the appearance and testimony and/or the production of relevant medical information and records of a health care provider relative to a subject physician:

1. with respect to information or records, previously provided to the board in response to an initial inquiry under Subsection A of this Section, which are sought to be introduced, offered into evidence or otherwise used in connection with an adjudicatory proceeding before the board pursuant to R.S. 37:1285; or

2. when a health care provider fails to timely respond to an initial inquiry under Subsection A of this Section; or

3. when an independent consultant appointed by the board pursuant to Subsection B of this Section determines that the health care provider is in possession of relevant medical information and records not previously reported or provided to the board; or

4. when a health care provider fails or refuses to consult with or permit examination of records by an independent consultant appointed by the board pursuant to Subsection B of this Section; or

5. when the board has reasonable grounds to believe immediate disclosure or production of relevant medical information and records is imperatively required to prevent imminent danger to the public health and safety.

D. With respect to relevant medical information and records in the possession of a health care provider not subject to the board's subpoena authority or not located within the state of Louisiana who or which fails or refuses to respond to an initial inquiry by the board pursuant to Subsection A of this Section, or who fails or refuses to provide relevant medical information or records in his or its possession, the subject physician, upon reasonable prior notice and request by the board, shall be obligated to execute and subscribe a written instrument, directed to such health care provider, authorizing such health care provider to disclose and provide relevant medical information and records to the board. A physician's failure to provide such written authorization and consent, when so requested by the board pursuant to this Section, shall be deemed a violation of the rules and regulations of the board, constituting sufficient grounds under R.S. 37:1285(A)(30) for the denial of an application by the physician for licensure or for the suspension or revocation of the physician's medical license.

§8311. Confidentiality of Medical Information and Records

Medical information and records obtained by the board

pursuant to R.S. 37:1278(B) and the rules of this Chapter, and as to which the privilege of confidentiality has not otherwise been waived or abandoned, shall be maintained in confidence by the board, its officers, members, employees and agents, shall not be deemed or treated as public records, and shall be privileged against disclosure or production pursuant to administrative or judicial subpoena; provided, however, that any such information or records which are admitted into evidence and made part of the administrative record in an adjudicatory proceeding before the board pursuant to R.S. 37:1285 shall remain confidential but shall not be privileged from disclosure and production pursuant to administrative or judicial subpoena and provided further that any such information or records made a part of an administrative adjudicatory record shall become public records upon the filing of a petition for judicial review of the board's final decision therein.

Delmar Rorison
Executive Director

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Investigation of Information and Records Relating to Physician Impairment

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

Implementation of the proposed rules will not result in any additional costs to the Board of Medical Examiners.

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

Implementation of the proposed rules will have no effect on the revenue collections of the board or any other state or local governmental unit.

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

It is not anticipated that the proposed rules will result in any material cost or economic benefit to any persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that the proposed rule will have any impact on competition or employment in either the public or private sector.

Delmar Rorison
Executive Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Hospitals
Board of Medical Examiners

Notice is hereby given, in accordance with R.S. 49:950, et seq., that the Louisiana State Board of Medical Examiners (board), pursuant to the authority vested in the board by R.S. 37:1270B(1) and (6) and R.S. 37:3351-61, intends to amend and supplement its rules governing the qualifications for licensure and temporary licenses for respiratory therapists and respiratory therapy technicians. The proposed amendments are set forth hereinafter. Inquiries concerning the proposed rules may be directed in writing to: Delmar Rorison, Executive Director, Louisiana State Board of Medical Examiners, at the address set forth below.

Interested persons may submit data, views, arguments, information or comments on the proposed rule, in writing, to the Louisiana State Board of Medical Examiners, at Suite 100, 830 Union Street, New Orleans, LA 70112-1499. Written comments must be submitted and received by February 17, 1989. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing on or before February 3, 1989.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLV. Medical Profession
Subpart 2. Licensing and Certification
Chapter 25. Licensure Qualification, Temporary License

§2507. Requirements for Licensure of Respiratory Therapist (amended)

A. To be eligible and qualified to obtain a respiratory therapist license, an applicant shall:

1. be at least 18 years of age;

2. be of good moral character;

3. be a high school graduate or have the equivalent of a high school diploma;

4. possess current credentials as a registered respiratory therapist granted by the National Board for Respiratory Care, or its successor organization or equivalent approved by the board, on the basis of written examination; provided, however, that an applicant who has failed such written examination four times shall not thereafter be eligible for licensure in Louisiana;

5. be a citizen of the United States or possess valid and current legal authority to reside and work in the United States duly issued by the commissioner of the Immigration and Naturalization Service of the United States under and pursuant to the Immigration and Nationality Act (66 Stat. 163) and the commissioner's regulations thereunder (8 C.F.R.);

6. satisfy the applicable fees as prescribed by Chapter 1 of these rules;

7. satisfy the procedures and requirements for application provided by §2513 to §2517 of this Chapter; and

8. not be otherwise disqualified for licensure by virtue of the existence of any grounds for denial of licensure as provided by the law or in these rules.

§2509. Requirements for Licensure of Respiratory Therapy Technician (amended)

A. To be eligible and qualified to obtain a respiratory therapy technician license, an applicant shall:

1. be at least 18 years of age;

2. be of good moral character;

3. be a high school graduate or have the equivalent of a high school diploma;

4. possess at least one of the following credentials:

a. current credentials as a certified respiratory therapy technician granted by the National Board for Respiratory Care, or its successor organization or equivalent approved by the board, on the basis of written examination; provided, however, that an applicant who has failed such written examination four times shall not thereafter be eligible for licensure in Louisiana; or

b. be a graduate of a respiratory therapy technician program approved by the American Medical Association or its suc-

cessor and have taken and successfully passed the examination administered by the board as further detailed in §§2519 to 2537 of this Chapter; provided, however, that an applicant who has failed such examination four times shall not thereafter be eligible for licensure in Louisiana; or

c. a temporary license issued in accordance with the provisions of §2547B of these rules and who has taken and passed the licensing examination administered by the board; provided, however, that an applicant who has failed such examination four times shall not thereafter be eligible for licensure in Louisiana.

5. be a citizen of the United States or possess valid and current legal authority to reside and work in the United States duly issued by the commissioner of the Immigration and Naturalization Service of the United States under and pursuant to the Immigration and Nationality Act (66 Stat. 163) and the commissioner's regulations thereunder (8 C.F.R.);

6. satisfy the applicable fees as prescribed by Chapter 1 of these rules;

7. satisfy the procedures and requirements for application provided by §2513 to §2517 of this Chapter; and if applicable, the procedures and requirements for examination provided by §§2519-2537 of this Chapter; and

8. not be otherwise disqualified for licensure by virtue of the existence of any grounds for denial of licensure as provided by the law or in these rules.

§2547. Temporary License (Amended)

A. An applicant may obtain an eighteen-month temporary license as a respiratory therapy technician if he has completed the appropriate American Medical Association approved program and has applied for and is awaiting examination. The temporary license shall be valid until the date on which the results of the qualifying examination has been known and acted on by the board. The temporary license shall be renewable only once if the applicant fails the examination or if the applicant fails to take the qualifying examination. Exceptions may be made at the discretion of the board based upon an appeal identifying extenuating circumstances.

B. Repealed.

Delmar Rorison
Executive Director

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Respiratory Therapy Licensure
Qualifications, Temporary Licenses

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

Implementation of the proposed rules will not result in any additional costs to the Board of Medical Examiners.

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

Implementation of the proposed rules will have no effect on the revenue collections of the board or any other state or local governmental unit.

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

It is not anticipated that the proposed rules will result in any material cost or economic benefit to any persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that the proposed rule will have any impact on competition or employment in either the public or private sector.

Delmar Rorison
Executive Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Hospitals
Board of Medical Examiners

Notice is hereby given, in accordance with R.S. 49:950, et seq., that the Louisiana State Board of Medical Examiners (board), pursuant to the authority vested in the board by R.S. 37:1270(B)(1) and (6), R.S. 37:1275 and R.S. 37:1272, as amended by Acts 1988, No. 887, intends to adopt a transitional rule governing the criteria and procedure for the licensure of physicians having, for a period of not less than 48 consecutive months, been actively engaged in the practice of medicine in the state of Louisiana under authority of an Institutional Temporary Permit previously issued by the board pursuant to R.S. 37:1275. The proposed rule is set forth hereinafter. Inquiries concerning the proposed rule may be directed in writing to: Delmar Rorison, Executive Director, Louisiana State Board of Medical Examiners, at the address set forth below.

Interested persons may submit data, views, arguments, information or comments on the proposed rule, in writing, to the Louisiana State Board of Medical Examiners, at Suite 100, 830 Union Street, New Orleans, LA 70112-1499. Written comments must be submitted and received by February 17, 1989. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing on or before February 3, 1989.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLV. Medical Profession
Chapter 3. Licensing and Certification of Physicians and Surgeons
Subchapter A. General Provisions
§326. Alternative Qualification (Transitional Rule)

A. A foreign medical graduate who possesses and meets all of the qualifications and requirements specified by §§323 to 325 of this Chapter, save for having successfully completed post-graduate clinical training of the duration and type otherwise required by §323.A.4, shall nonetheless be eligible for licensing, upon application, if, for a period of not less than 48 consecutive months, he has been actively engaged in the practice of medicine in the state of Louisiana under authority of an Institutional Temporary Permit previously issued by the board pursuant to R.S. 37:1275, and his professional performance in exercising privileges under such permit is determined by the board to have been satisfactory relative to the physician's cognitive and clinical competence.

B. In considering an application made pursuant to this Section, the board may make such inquiry and require the applicant to submit, or cause to be submitted, such documentation as the board deems necessary or appropriate to provide a reason-

able basis for determining whether the applicant's professional performance while holding an Institutional Temporary Permit has been satisfactory and whether, at the time of the application, the applicant is capable of practicing medicine with reasonable competence, skill and safety to patients. Without limitation on such authority, as a condition to consideration of an application made pursuant to this Section, the board may require an applicant to authorize and cause to be submitted to the board, in writing, an evaluation of the applicant's medical competence and professional performance while holding an Institutional Temporary Permit by: (i) the physician serving as chief of staff (or equivalent position) at the time application for licensure is made hereunder, and (ii) the physician(s) serving as the applicant's immediate medical supervisor(s), responsible for his professional performance, at the time application for licensure is made hereunder and for the preceding two years. Each such written evaluation shall include a description of the nature and scope of the applicant's clinical practice at the subject institution, the author's general evaluation of the applicant's professional performance at such institution, advice as to whether the applicant has been the subject of employment or professional complaint or disciplinary action while at such institution (including the nature and result of any such complaint or action), and the author's opinion as to whether the applicant is currently capable of practicing medicine with reasonable skill and safety to patients pursuant to unrestricted medical licensure.

Delmar Rorison
Executive Director

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Alternative Qualification (Transitional Rule)
Physicians and Surgeons

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

It is not anticipated that implementation of the proposed rule will result in any additional costs to the Board of Medical Examiners.

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

It is not anticipated that implementation of the proposed rule will have a material effect on the board's revenue collections.

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

Approximately 35 physicians currently hold Institutional Temporary Permits previously issued by the board. Provided that they are able to satisfy other conditions to licensure, all of such physicians may ultimately, following the satisfactory completion of four years under such permits, be eligible for unrestricted licensure, entitling them to practice medicine in the state of Louisiana in any lawful capacity, with the potential for additional income in alternative institutional or private practice. Institutions currently employing such physicians who, upon full licensure, choose to relocate, may have to increase compensation to recruit and maintain necessary complements of physician staffing. The board is unable to estimate either the number of physicians who may make such an election or the actual economic impact on affected institutions. Given the small number of physicians affected, it is not anticipated that the effects of the licensure provided for by the rule will be significant.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that the proposed rule will have a material impact on competition or employment in either the public or private sector, though the rule may make unrestricted medical licensure available to approximately 15-25 physicians otherwise ineligible, thereby enhancing competition in the provision of medical services in the state.

Delmar Rorison
Executive Director

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Hospitals
Office of Public Health

In accordance with the laws of R.S. 40:4, 40:5, and the provisions of Chapter XIII of the State Sanitary Code, the state health officer is proposing that the following amendment to the listing entitled "Mechanical Wastewater Treatment Plants for Individual Homes--Acceptable Units" be made:

1. Amend the listing to include one additional series model for a currently listed manufacturer/plant, specified as follows:

MANUFACTURER	PLANT DESIGNATION	RATED CAPACITY
Clearstream Wastewater Systems, Inc. Box 705 Silsbee, Texas 77656 (409) 385-1395	Model 750 H	750 GPD

The specified change is in compliance with the requirements set forth in Section 6.6 of Appendix A of Chapter XIII of the State Sanitary Code.

Comments regarding the proposed rule should be addressed to Joseph D. Kimbrell, Deputy Assistant Secretary-Programs, Office of Public Health, Department of Health and Hospitals, Box 60630, New Orleans, LA 70160. A public review hearing will be held on February 6, 1989 at 10 a.m. at 325 Loyola Avenue, Room 511, New Orleans, to hear comments on the rule.

David L. Ramsey
Secretary

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: "Mechanical Wastewater Treatment Plants for Individual Homes--Acceptable Units;" Amended Listing

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

There are no implementation costs.

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

There is no effect on revenue collections.

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

The consumer will be afforded a wider selection of products -- thus enhancing competition and possibly resulting in reduced costs for the related products and services to the consumer.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition will be stimulated by the presence of the new product. Effect on employment cannot be estimated.

Joseph D. Kimbrell	John R. Rombach
Deputy Assistant Secretary	Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Hospitals
Office of Public Health

(Editor's Note: This Notice of Intent is being republished in its entirety to correct an error in the December *Louisiana Register.* The final rule will be published in February.)

The Department of Health and Hospitals, Office of Public Health intends to change Chapter XXIIIA of the State Sanitary Code to conform with Act 644 of the 1988 Regular Session of the Louisiana Legislature. This rulemaking rescinds the rule promulgated in the February 20, 1988 issue of the *Louisiana Register* on Page 92.

The current Chapter XXIIIA will be changed to read as follows:

CHAPTER XXIIIA
TEMPORARY FOOD SERVICE

23A:001. DEFINITIONS: Unless otherwise specifically provided herein, the following words and terms used in this Chapter of the Sanitary Code, and all other Chapters which are adopted or may be adopted, are defined for the purposes thereof as follows:

Festivals or *fairs* shall mean a gathering of persons for an event such as a bazaar, carnival, circus, public exhibition or other similar gathering for the purpose of celebration, competition, entertainment, distribution or sale of foods or goods, exhibition, religious activity, or other such purposes, which will operate for only a temporary period in any one location.

Recognized Louisiana Festival or fair - For purposes of this regulation, the words "Recognized Louisiana Festival or Fair" shall mean those that are officially acknowledged, in writing, as recognized by a state, parish, or municipal governmental body or by the Louisiana Association of Fairs and Festivals.

Multi-service articles shall mean reusable articles for the service of foods made of smooth, impervious material and approved by the state health officer.

Single-service articles shall mean cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and small articles intended for one-time, one-person use and then discarded.

Temporary Food Service shall mean a food service that operates for a period of time of not more than 21 consecutive days in conjunction with a single event in a single location such as, but not limited to a festival or fair.

Potentially Hazardous Food means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxicogenic microorganisms.

Organizer/Promoter/Chairman means that person responsible for managing the festival or fair. In the event of his/her unavailability, the assistant shall be deemed the responsible person.

Individual Food Operator/Responsible Person means the person responsible for operating the individual food service concession.

Food Vendor/Food Concessionaire shall mean any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed at any time in a room in which food or drink is prepared or served.

Interpretation: This chapter shall be interpreted and applied to promote its underlying purpose of protecting the public health.

PART 1. TEMPORARY FOOD SERVICE REGULATIONS:

23A:002. GENERAL: The state health officer or his/her duly authorized representative may impose requirements in addition to those set forth below to protect against health hazards related to the operation of the temporary food service, may prohibit the sale of some or all potentially hazardous foods, and when no health hazard will result, may waive or modify requirements of the Code, in accordance with Administrative Procedures. Nothing in this Chapter shall be construed to abridge the constitutional right of the people to peaceably assemble.

23A:003 PERMITS:

A. A temporary food service permit is not required for those fairs or festivals expressly exempted from regulation by this Code by R.S. 40:4.1 thru R.S. 40:4.6 inclusive.

B. When an organizer, promoter, or chairman of an exempted fair or festival makes written request for Office of Public Health inspections and permits and pays applicable fees, he or she shall comply with 23A:003-1 of this Code.

C. All fairs or festivals not exempted by 23A:003A, shall not be allowed to operate until applying for, paying applicable fees, and receiving a valid permit to operate from the state health officer or his/her duly authorized representative.

23A:003-1 Written application for permit (LHS-31A), signed agreement, and supplemental application (obtainable from parish health unit) should be received by the state health officer or his/her duly authorized representative at least 30 days in advance of the proposed gathering.

A permit to operate shall be required of the festival, fair or other special event organizer or promoter and must be obtained from the local parish health unit. The following shall be included with the application for permit:

(A) name of special event;
(B) location of special event;
(C) permanent mailing address;
(D) telephone number;
(E) name of property owner;
(F) opening date;
(G) closing date;
(H) daily hours of operation;

(I) size of site (square feet);

(J) anticipated maximum attendance at any one time;

(K) name of event organizer or promoter;

(L) home address of organizer or promoter;

(M) home phone number of organizer or promoter;

(N) business address and phone number of organizer or promoter;

(O) list of each Individual Food Operator/Responsible Person, including their home address, home phone number, business phone, and food items to be sold.

(P) outline map showing the locations of all proposed and existing:

(1) toilets;

(2) lavatory facilities;

(3) water supply sources (including storage tanks) and distribution system;

(4) food service areas (including diagram and description of the types of booths, tents, etc. to be used for the preparation of or dispensing of any food or beverage products);

(5) garbage and refuse storage and disposal areas;

(6) special event command post;

(7) location of sewage disposal;

(Q) the following optional information is recommended to be included with the application for permit (on the outline map):

(1) areas of assemblage;

(2) camping areas (if any);

(3) entrance and exits to public roadways;

(4) emergency ingress and egress roads;

(5) emergency medical command post;

(6) local enforcement command post;

(7) parking facilities;

(8) written plan for dust control;

(9) written plan for emergency situations (e.g. inclement weather, etc.).

A permit to operate shall also be required of each Individual Food Operator/Responsible Person operating a temporary food service unit and must be obtained from the local parish health unit. Permits are not transferrable, shall be issued for each food and/or beverage stand and shall be posted in the temporary food service unit/booth.

23A:004 ICE/WET STORAGE: Ice that is consumed or that contacts food shall be made under conditions meeting the requirements of this Code. The ice shall be drained and held in a way that protects it from contamination. ICE SCOOPS MUST BE USED. (i.e. ice used for food storage shall not be used for human consumption). The use of dry ice and/or frozen gel packs are recommended for cold storage. Storage of packaged food in contact with water or undrained ice is prohibited. Sandwiches shall not be stored in direct contact with ice.

23A:004-1 EQUIPMENT: Equipment and food contact surfaces must be of good construction, in good repair, clean, and located and installed in a way that prevents food contamination.

23A:005 FOOD PROTECTION:

23A:005-1 SOURCE: Food shall be in sound condition, free from spoilage, filth or other contamination and shall be safe for human consumption. Food shall be obtained from sources that comply with all laws and regulations related to food and food labeling.

The use of canned food not prepared in a food processing establishment is prohibited.

The sale of potentially hazardous home prepared food is prohibited. Food prepared away from the site must be prepared in an approved facility, handled, transported, stored, and served in accordance with applicable provisions of the Sanitary Code as described in Chapter XXIII.

23A:005-2 TEMPERATURE CONTROL: All potentially hazardous (and readily perishable) foods shall be maintained at a temperature of 45°F or below, or at a temperature of 140°F or above at all times, including during transportation if prepared off site and during storage. A thermometer should be provided in all perishable food storage facilities.

23A:005-3 CROSS CONTAMINATION: Cooked food shall be protected from contamination by raw foods or items coming in contact with raw foods. The re-use of containers made of paper, wood, wax or plastic coated cardboard is prohibited. Containers made of glass, metal, or hard plastic may be reused only after they are properly washed, rinsed, and sanitized.

23A:006 FOOD AND FOOD SERVICE SUPPLIES:

23A:006-1 STORAGE: Food offered for human consumption shall not be openly displayed, and must be adequately protected from dust, flies, and other vermin at all times. Additionally, food and food service supplies must be stored off the ground/floor.

23A:006-2 DISPLAY AND SERVICE: Food and food service supplies shall be protected from contamination by consumers and other contaminating agents during display and service.

Sugar, salt, pepper and other condiments must be served in approved containers (i.e. shakers, squeeze bottles, or self-dispensing pumps) or individual packages. The use of bulk or open containers is prohibited.

Eating utensils and items such as straws and toothpicks, must be dispensed by the food vendor or individually wrapped or dispensed from self-dispensing containers.

All beverages must be dispensed/served from a closed container, with a spigot, or from the original container.

All milk dispensed must be served in individual containers or from approved bulk dispensers. Only pasteurized milk or cream, from approved sources, shall be used or served.

23A:007 PERSONAL HYGIENE: Each person working in a food booth must be in good health, free of any communicable disease, have no open sores, in clean clothing, and have their hair restrained (i.e. caps, sunvisors, etc.). Food handlers shall thoroughly wash their hands with soap and warm water before starting work, during work as often as is necessary to keep them clean, and after smoking, eating, drinking or using the toilet. Smoking in food booths and food preparation areas is prohibited.

23A:008 FOOD STAND/BOOTH CONSTRUCTION:

23A:008-1 INDOOR BOOTHS must be constructed with tables, counters, and/or walls on all sides to control patron access. Food service must be from the rear area of the booth or otherwise dispensed to prevent contamination by customers' coughing and sneezing.

23A:008-2 OUTDOOR BOOTHS must be constructed to include a roof made of wood, canvas, or other material that protects the interior of the booth from the weather and be enclosed by counters/walls to control patrons' access.

It is recommended that the booth be enclosed on three sides with the fourth, front side encompassing the service area, so constructed as to minimize the entrance of dust, flies and vermin; the use of screen, mosquito netting, or polyurethane for this purpose is acceptable; counter-service openings shall be minimal.

Additional protective covering must be provided to completely enclose outer openings in the event of rain, dust storms

or other inclement weather.

23A:008-3 FLOORS shall be kept clean, in good repair and level, so as not to allow the pooling of water. It is recommended that floors be constructed of concrete, asphalt, or similar material. Dirt or gravel, when graded to drain, may be used, however, clean removable pallets, duckboards, plywood, or other similar material is recommended.

23A:008-4 BARBECUE PLACES: Places where barbecue is cooked must be provided with a cover impenetrable by rain or barbecue pits must be provided with covers. All food storage and handling must be as per Section 23A:006.

23A:008-5 SEAFOOD BOILS: Seafood boils are permissible as long as the boiling areas are provided with a cover impenetrable to rain or a covered boiling apparatus. Care must be given to avoid cross contamination and maintain proper temperature control.

23A:008-6 EXCEPTION: Pre-packaged, pre-wrapped and properly labeled (according to the provisions of Louisiana's Food, Drug and Cosmetic Law) foods may be offered for sale in open type food stands, providing such food is properly stored and handled as described in Chapter XXIII.

23A:009 SANITIZING OF UTENSILS AND EQUIPMENT: All utensils and equipment must be washed, rinsed, and sanitized at least daily, or when needed, in order to prevent contamination as described in Chapter XXIII.

Soft service frozen dessert machines are permissible as long as facilities are provided on site for cleaning and sanitizing. Such machines must be broken down, cleaned, and sanitized daily.

All glasses, cups, spoons and other utensils which come in contact with the mouth or lips must be properly cleaned and sanitized after each use; single service utensils can be used only once.

23A:010 WATER: Enough potable water shall be available for food preparation, for cleaning and sanitizing utensils and equipment, and for hand washing. A heating facility capable of producing enough hot water for these purposes shall be required.

Water supply lines and appurtenances shall be of good construction, in good repair and properly maintained. Adequate protection, including vacuum breakers, shall be provided in order to protect the public water supply. Water faucets or drinking fountains shall be of approved type, conveniently accessible and well identified.

Potable (drinking) water requirements are contained in Chapter XII of this Code.

23A:011 SEWAGE (TOILETS AND WASTE): Approved facilities shall be provided and properly maintained for the disposal or collection, treatment, and disposal of all sewage and liquid waste, as provided in Chapter XIII of this Code.

No person shall discharge, or allow to be discharged, the contents or effluent from any water closet, sink, lavatory, bath tub, shower drain, kitchen fixture, laundry fixture, vault, privy, leaching pit, chemical toilet, or septic tank, directly or indirectly, into any street, gutter, ditch, water course, body of water, or onto the surface of the ground. Toilets shall be provided at the rate of one per 200 persons or fractional part thereof.

23A:012 HAND WASHING: When water under pressure is available, a convenient hand washing facility with hot and cold water, through a mixer faucet shall be provided for employee hand washing in the food preparation, food service, and equipment washing area. Soap and sanitary towels must be provided at the lavatory. Reusable towels for common use are prohibited. When water under pressure is not available at the serving or food dispensing booth, two buckets of water shall be provided for each concessionaire. One bucket containing potable water must be provided to remove extraneous materials or excess food particles; a second bucket containing a sanitizing solution (100 ppm chlorine, or 25 ppm iodine, or 200 ppm quaternary ammonia) must be provided as a hand dip well.

23A:013 REFUSE (GARBAGE AND TRASH): Refuse means all combustible or non-combustible, putrescible or non-putrescible solid or liquid wastes. The storage, collection, transportation, and disposal of refuse shall be so conducted as to prevent odor, insect, rodent, and other nuisance conditions.

One 50-gallon refuse container shall be provided for each 100 persons at peak anticipated attendance. Additionally, each food vendor must have a covered container for booth use. All refuse shall be collected at least once each day of the assembly (or more often, if necessary), and handled, transported and disposed of in an approved manner, in order to insure that no nuisance is created.

Grease containers will be provided and ALL used grease must be deposited in these containers. IT MUST NOT BE POURED DOWN ANY DRAIN.

The grounds and immediate surrounding properties shall be cleaned of refuse as soon as possible following the assembly, within and not exceeding 24 hours.

23A:014 MISCELLANEOUS:

23A:014-1 GROUNDS: Each fair, festival and/or temporary food service site shall be well drained and so arranged to provide sufficient space for people assembled, vehicles, sanitary facilities, and equipment.

All tents, cars, trailers, food stands and other appurtenances connected with said activity shall at all times be kept in a clean and sanitary condition; and the grounds on which located shall be kept and, when vacated, left in a clean and sanitary condition.

The grounds shall be maintained free from dust wherever possible, accumulations of refuse, and other health and safety hazards.

23A:014-2 VECTOR CONTROL: Insects, rodents and other vermin shall be controlled by proper sanitary practices, extermination, or other safe and effective control methods.

23A:015 INSPECTIONS/VIOLATIONS/CLOSURE: All food operations are subject to at least daily inspections by representatives of the Department of Health and Hospitals.

Critical violations (i.e. temperature control, food handling, food protection, sewage and water, etc.) noted at the time of inspection are expected to be corrected immediately. Non-critical violations must be corrected as soon as possible. Failure to make the necessary corrections or repeated violations will result in suspension of permit or seizure of food stuffs and/or further legal action.

Interested persons may submit comments on the proposed changes to Joseph D. Kimbrell, Deputy Assistant Secretary, Department of Health and Hospitals, Office of Public Health, Box 60630, New Orleans, LA 70160.

David L. Ramsey
Secretary

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Chapter XXIIIA State Sanitary Code

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

There are no estimated implementation costs.

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

We anticipate no more than 10 fairs or festivals making application, therefore, the $250 generated is insignificant.

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

Any recognized Louisiana fair or festival official or organizer who requests an inspection and subsequent issuance of a permit will be charged a fee of $25. This would allow food service operators at fairs and festivals to meet the requirements of the Sanitary Code while providing a margin of protection to the consuming public.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Joseph D. Kimbrell
Deputy Assistant Secretary/Programs

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Hospitals
Office of the Secretary

In accordance with Act 104 of the 1988 Regular Session of the Louisiana Legislature, the Department of Health and Hospitals, Office of the Secretary, proposes to amend LAC 48: Chapter 43, Section 4301 and 4302 (A), as follows:

Title 48
PUBLIC HEALTH—GENERAL
Part XI. Hospitals
Subpart XVII. Hospital Notification

Chapter 43. Infectious Disease Notifications

§4301. Introduction

A. If, while treating or transporting an ill or injured patient to a hospital, an emergency medical technician, paramedic, firefighter, or other person who is employed by or voluntarily working with a firm, agency, or organization which provides emergency treatment or transportation comes into direct contact with a patient who is subsequently diagnosed as having an infectious disease as listed below, the hospital receiving the patient shall notify the appropriate firm, agency, or organization which shall notify its emergency medical technician, paramedic, firefighter, emergency medical transportation service employer, or other person treating or transporting the patient of the individual's exposure to the infectious disease.

B. In accordance with the above, DHH defines hospital to mean any public or private health care facility which is primarily operated for the purposes of diagnosis, treatment or care of persons admitted for health care services. This definition expressly includes emergency rooms and outpatient clinics operated in connection with said health care facilities. In addition, R.S. 40:1099 B requires notification to and by nursing homes.

C. The following infectious diseases are subject to notification and consultation procedures of this rule:

1. untreated pulmonary tuberculosis;
2. acute meningococcal meningitis;
3. acute hepatitis virus B infection (or diagnosed carriers of chronic hepatitis B);
4. human immunodeficiency virus (HIV) infection or acquired immune deficiency syndrome (AIDS).

§4302. Requirements

A. The following notification and consultation procedures shall be carried out in each hospital:

1. Each hospital shall maintain a registry or sign-in log which shall include the name, address and telephone number of the agency, firm, organization, and person(s) who provided emergency treatment and/or transportation of the patient, when the provider is someone other than an ambulance transportation service provider (transporting ambulance providers shall continue to use the existing ambulance transportation log). The log shall later be referred to in the event that it becomes necessary to identify and notify such providers of the exposure to a patient who is subsequently diagnosed and confirmed as having one of the above listed infectious diseases.

2. Each hospital shall post a visible sign to advise the public that Louisiana law requires the hospital to notify, within 48 hours after diagnosis confirmation, any person who has provided emergency treatment or transportation of a patient who is later diagnosed to have infectious diseases as listed in §4301. In order to comply with this law, anyone transporting a patient into the hospital must register in the hospital log book with the name of the agency, firm, or organization with which he/she is affiliated. Transporting ambulance service providers, however, will continue to sign the existing ambulance log which is currently completed whenever a patient is transported by ambulance to the hospital.

3. The hospital's Infection Control Officer (ICO) or other administratively designated staff person shall be promptly notified of all cases involving confirmed diagnoses of the above listed infectious diseases. The ICO shall confidentially contact the listed firms, agencies, and organizations (which will in turn notify the individual) to advise of the exposure to a confirmed case of an infectious disease. The notification, which shall be done within 48 hours of confirmation of patient diagnosis, must include a statement that the transporting agency, firm, or organization contact a designated hospital staff person for necessary consultation. The hospital must document that the required notification and consultation, if held, has taken place.

Interested persons may comment on the proposed changes, in writing, until 4:30 p.m., February 20, 1989 at the following address: Bureau of Policy Planning, 655 North Fifth Street, Room 305, Baton Rouge, LA 70802.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1099.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 13: (January 1987), amended by the Department of Health and Hospitals, Office of the Secretary, LR 15: (January 1989).

David L. Ramsey
Secretary

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Infectious Disease Notification

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

There are no estimated implementaiton costs or savings as a result of implementation of this proposed rule change.

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

This proposed rule change should have no estimated effect on revenue collections of state or local governmental units.

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

The proposed rule change deals with a small change in a hospital reporting process and will have no economic costs or benefits on the directly affected persons or on non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment.

David L. Ramsey
Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Transportation and Development
Office of the Secretary

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Department of Transportation and Development intends to adopt the attached schedule of tolls that will apply to vehicles and pedestrians using ferry crossings owned, operated and maintained by the Department of Transportation and Development, all in accordance with the provisions of R.S. 48:25.

PROPOSED RULE

Revises Rule published in November 20, 1988 issue of the *Louisiana Register* at Page 805.

Department of Transportation
and Development Ferries
TOLL SCHEDULE

The following toll schedule applies to:

1)	Edgard/Reserve Ferry	Mississippi River District 02
2)	Plaquemine/Sunshine Ferry	Mississippi River District 61
3)	New Roads/St. Francisville Ferry	Mississippi River District 61
4)	Cameron/Ship Channel Ferry	Calcasieu River and Intracoastal District 07
5)	Cameron/Monkey Island Ferry	Calcasieu River District 07
6)	White Castle/Carville	Mississippi River District 61
7)	Duty/Enterprise	Ouachita River District 58
8)	Melville	Atchafalaya River District 03
9)	Angola	Mississippi River District 61

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

The funds thus generated will be applied to the construction, improvements, repairs, maintenance, and operations of those ferry facilities and properties.

FERRY TOLL CLASSIFICATION
RATE SCHEDULE

		TOLL
A.	Per Crossing Per Pedestrian Each Way	$0.50
B.	Per Crossing Per Every Vehicle Each Way	$1.00

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this notice of intent to: Joseph L. Wax, Deputy Undersecretary, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245.

Joseph L. Wax
Deputy Undersecretary

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Toll Schedule DOTD Ferries

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

All of the ferries at the nine different locations now meet Coast Guard Standards. The expenditures related to upgrading these ferries occurred in FY 1987-88. DOTD will have some expenses related to training and some expenses related to depositing the receipts daily at the different locations. These expenses will total $55,000/year and sufficient funding is available within DOTD's current operating budget to provide for this expense.

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

The net revenues for these nine locations are estimated at $206,000 per month. These estimates were based on the calendar year 1987 actual ridership statistics, less 10 percent decrease for the economy and the anticipated decrease in ridership due to the tolls.

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

The economic costs to individual riders will be as reflected on the attached fee schedule. Regular users of ferries could pay as much as $40 per month but these costs are optional as riders can elect to ride the ferries or use alternate routes. It is estimated that annual fee collections will total approximately $1.4 million. The benefits to riders are that the ferry will save time and expenses incurred by using alternate routes for river crossings.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule will have no effect on competition or employment.

Dale J. Richard
Management
and Budget Administrator

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Transportation and Development
Office of the Secretary

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Department of Transportation and Development intends to adopt the following schedule of tolls that will apply to vehicles and pedestrians using ferry crossings owned, operated and maintained by the Department of Transportation and Development, all in accordance with the provisions of R.S. 48:25.

PROPOSED RULE
Department of Transportation and Development Ferries
TOLL SCHEDULE

1) $ .50 for pedestrian, per crossing each way
2) $1.00 per vehicle, per crossing each way

Locations:

1) Chalmette - Lower Algiers
2) Canal Street - Algiers
3) Jackson Avenue - Gretna

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

Exceptions: Elderly and Handicapped access to the ferries will be free at all times. Evidence of Elderly and/or Handicapped status will be demonstrated by an identification card issued by any one of the following: regional transit authority, St. Bernard Parish, or Jefferson Parish or any of its transit operators.

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this notice of intent to: Joseph L. Wax, Deputy Undersecretary, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804-9245.

Joseph L. Wax
Deputy Undersecretary

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Ferry Tolls - MRBA

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

All ferries at the three locations now meet Coast Guard Standards. Routine maintenance is budgeted on a regular fiscal year basis to keep these boats up to Coast Guard Standards. Additional police and toll collector expenses will be necessary with the imposition of tolls. These expenses will total $170,000 per year.

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

The net monthly revenues from these three locations are estimated at $258,000. These estimates were based on the actual ridership statistics, less 10 percent. The 10 percent decrease is based on bridges drawing some of the old ferry riders.

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

Regular users of ferries could pay as much as $40 per month.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Approximately 15 additional personnel will be necessary to police the ferries and collect the tolls. However, there should be no effect on competition and employment other than the direct employment of these personnel.

Dale J. Richard
Management
and Budget Administrator

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of the Treasury
Bond Commission

In accordance with the application provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana State Bond Commission intends to amend the commission's rules as originally adopted on November 20, 1976.

The commission proposes to amend Rule No. 2 as follows:

2. Applications must be filed with the commission at least 20 working days in advance of a commission meeting, except in cases of absolute emergencies or in cases where permission for later filing of routine matters is granted.

The proposed rule amendment will be made available for public inspection between the hours of 8 a.m. and 4:30 p.m. on any working day after January 20, 1989, at the Office of the State Bond Commission, Third Floor, State Capitol Building, Baton Rouge, LA.

Interested persons may submit their views and opinions through January 30, 1989, to Sherri A. Dazet, Secretary and Director of the State Bond Commission, Third Floor, State Capitol Building, Box 44154, Baton Rouge, LA 70804.

The State Bond Commission shall, prior to the adoption of the rule, afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. Opportunity for oral presentation or argument shall be granted if requested, by 25 persons, by a governmental subdivision or agency, by an association having not less than 25 persons, or by a committee of either house of the Legislature to which the proposed rule change has been referred, as required under the provisions of Section 968 of Title 49. Such hearing shall be held as provided by law.

At least eight working days prior to the meeting of the State Bond Commission at which a rule or rules are proposed to be adopted, amended or repealed, notice of any intention to make an oral or written presentation shall be given to the director of the State Bond Commission. If the presentation is to be oral, such notice shall contain the name or names, telephone numbers, and mailing addresses of the person or persons who will make such oral presentation, who they are representing, the estimated time needed for the presentation, and a brief summary of the presentation. Notice of such oral presentation may be sent to all State Bond Commission members prior to the meeting. If the presentation is to be written, such notice shall contain the name or names of the person or persons submitting such written statement, who they are representing, and a copy of the statement itself. Such written statement will be sent to all State Bond Commission members prior to the meeting.

The commission shall consider all written and oral submissions concerning the proposed rules. Upon adoption of a rule, the commission if requested to do so by an interested person either prior to the adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for or against its adoption.

Mary L. Landrieu
State Treasurer and Chairman

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Deadline for filing applications

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

There will be no implementation costs to state or local governmental units.

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

There will be no effect on revenue collections of state or local governmental units.

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

There will be no 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 effect on competition and employment.

Sherri Dazet
Director and Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission hereby gives notice to the public that pursuant to Act 169 of the 1988 regular session of the Legislature, the commission intends to begin consideration of guidelines to be adopted for determining the value of illegally taken, possessed, injured, or destroyed fish, wild birds, wild quadrupeds, and other wildlife and aquatic life.

Guidelines for Determining Wildlife Values

The following guidelines are established pursuant to Act 169 of the 1988 Regular Session of the Louisiana Legislature and shall be used by the Louisiana Department of Wildlife and Fisheries in preparing recommendations to the Louisiana Wildlife and Fisheries Commission concerning values to be established for certain wildlife species in accordance with that act.

With respect to fish and shell fish species, published hatchery values reflecting estimated costs involved in rearing various fishes to particular size classes are available for many groups of freshwater fishes and are contained in the American Fisheries Society's publication entitled "Monetary Values of Freshwater Fish and Fish-kill Counting Guidelines." These figures, adjusted by the most recent Consumer Price Index; current data relating to expenditures of both sport and commercial fishermen relating to the animal or species which, directly or indirectly, result in revenues being generated for the state; ex-vessel commercial prices, as presented in the annual National Marine Fisheries Survey of Louisiana Landings; estimated costs involved in the capture, purchase, transportation and release of species of fish; the current commercial retail selling price of living replacement animals; and, the current commercial selling price of meat and/or other products which are derived from the animal and traded in commerce, may be considered by the department in formulating its recommendations concerning valuation.

With respect to avian species, existing information and estimated costs involved in the capture, purchase, transportation and release of species of birds; cost to purchase replacement animals from other states or jurisdictions; the costs to zoos and other zoological institutions to raise and maintain like animals; the current commercial retail selling price of meat and/or other products which are derived from the animal and traded in commerce; and, the expenditures of sportsmen and others relating to the animal or species which, directly or indirectly, result in revenue being generated for the state, may be considered by the department in formulating its recommendations concerning valuation.

With respect to mammal species, estimated costs involved in the capture, purchase, transportation, and release of species of mammals; pelt values; costs to zoos and other zoological institutions to raise and maintain like animals; the current commercial retail selling price of meat and/or other products which are derived from the animal and traded in commerce; and the expenditures of sportsmen and others relating to the animal or species which, directly or indirectly, result in revenue being generated for the state, may be considered by the department in formulating its recommendations concerning valuation.

With respect to reptiles and amphibian species, the estimated costs involved in the capture, purchase, transportation and release of species of reptiles and amphibians; pelt or hide values; costs to zoos and other zoological institutions to raise and maintain the animal; the current commercial retail selling price of meat and/or other products which are derived from the animal and traded in commerce; and the expenditures of hunters, trappers, and recreational sportsmen with respect to the animal or species which, directly or indirectly, result in revenues being generated for the state may be considered by the department in formulating its recommendations concerning valuation.

Certain species are highly prized because of their rarity or

may have a high intangible perceived value placed on the animal or species by the public. Other species have an intrinsically high value because they are threatened or endangered. In addition to the guidelines set forth above, the department may, with respect to these rare and/or threatened and/or endangered species which might have limited commercial value but which possess a high intangible, intrinsic, aesthetic, ecological, or biological value, consider those factors when determining its recommendations with respect to valuation.

Not all the criteria set forth in the guidelines above will be applicable to each particular species and each criterion or factor may be considered by the department only insofar as it is applicable to each particular species.

Interested persons may submit comments on these proposed rules to M. B. Watson, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898. Telephone: 765-2369.

Virginia Van Sickle
Secretary

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Guidelines for determining Wildlife Values

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

There will be no cost or savings to the state or to local governmental units as a result of the implementation of this rule.

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

There will be no effect on revenue collection as a result of this rule.

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

There will be no cost or economic benefits to any group or agency as a result of the implementation of this rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment as a result of the adoption of this rule.

Virginia Van Sickle
Secretary

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission hereby expresses intent to adopt rules and regulations establishing a marking system for all gill nets and trammel nets used in the saltwater areas of the state delineated by R.S. 56:322. Authority for adoption of this rule is included in R.S. 56:320.

Title 76
WILDLIFE AND FISHERIES
Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing
§325. Marking System for Saltwater Gill Nets and Trammel Nets

A. Each gill net or trammel net shall be marked with a waterproof tag attached to the corkline at each end of the net, no more than three feet from the edge of the webbing. Said tags shall be supplied by the commercial fisherman and to be completely waterproof. Each tag shall have the fisherman's full name (no initials) and commercial fisherman's license number (not the net license number) printed thereon in the English language, so as to be clearly legible.

B. Each gill net or trammel net shall be marked with buoys which shall be visible above the surface of the water. Said buoys shall be supplied by the commercial fisherman, have a minimum diameter of six inches and be international orange in color. The buoys shall be attached to each end of the net.

Interested persons may submit written comments on the proposed rule at the following address: John E. Roussel, Saltwater Finfish Section, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Virginia Van Sickle
Secretary

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Saltwater Gill Net and Trammel Net Marking Requirements

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

There will be no state or local governmental implementation costs.

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

There will be no effect on revenue collections of state or local governmental units.

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

There will be an additional cost to the commercial saltwater finfish industry of approximately $15,000.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Philip Bowman
Acting Administrator

John R. Rombach
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission
Closing 1988 Shrimp Seasons

In accordance with R.S. 49:967 (D) and R.S. 49:953 (B) of the Administrative Procedure Act and Act 1988 Number 893,

the Louisiana Wildlife and Fisheries Commission hereby declares:

1. the shrimp season in Shrimp Management Zone 1, Zone 2 and Zone 3 in Louisiana's inshore waters as defined in R.S. 56:495 will close at 12:01 a.m. December 21, 1988 and

2. the shrimp season in Shrimp Management Zone 1, Zone 2 and Zone 3 in Louisiana's offshore territorial waters will close at 12:01 a.m. January 31, 1989 except in the area from Bayou Fontanelle (Empire Ship Channel) to Caminada Pass where the closure will be for that portion of Louisiana's offshore territorial waters in Shrimp Management Zone 2 from the inside-outside "shrimp" line seaward for a distance of three miles.

Interested persons may submit written comments or inquiries to Philip Bowman, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

Dr. Don Hines
Chairman

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Shrimp Season, Title 56
and Act 1988 No. 893

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

There will be no cost to implement this season as it will be handled along with other duties.

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

This rule change will have no effect on revenue collections of state or local governmental units.

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

The cost or benefits of this rule (season closure) on the shrimp fishermen cannot precisely be determined. However, cyclical closure of shrimp season is consistent with proper biological management and thus should result in long-term, industry-wide benefits.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Approximately 60,000 individuals are influenced by the shrimp season. The effect of this rule cannot precisely be determined, however this rule would prohibit shrimping in the affected state waters until reopened by the Commission or the Department Secretary. Long-term employment in this industry in enhanced by proper biological management (e.g. cyclical closure of season).

Philip Bowman
Acting Administrator
Marine Fisheries Division

John R. Rombach
Legislative Fiscal Officer

Administrative Code Update

ADMINISTRATIVE CODE UPDATE
October, 1988 through December, 1988

Vol.	Title:Part.Section	Effect	Location
			October, 1988
1	LAC 10:		
	I.110	amended	LR 14:699
	LAC 35:		
	I.317	adopted	LR 14:701
	I.319	adopted	LR 14:701
	I.1513	amended	LR 14:701
	III.5765-5769	adopted	LR 14:700
	IV.Chapter 63	amended	LR 14:702
	V.7509	adopted	LR 14:702
	XI.9947	adopted	LR 14:702
			November, 1988
	LAC 35:		
	III.2105	amended	LR 14:788
			December, 1988
	LAC 10:		
	I.1971-1983	adopted	LR 14:858
	I.1991-1997	adopted	LR 14:859
	III.5101	adopted	LR 14:858
			October, 1988
2	LAC 7:		
	XIII.8783	amended	LR 14:694
	XXI.Chapter 117	amended	LR 14:695
			October, 1988
3	LAC 46:		
	XLVII.703	amended	LR 14:708
	LIII.Chapters 1-35	amended	LR 14:708
	LXXV.Chapter 1	adopted	LR 14:705
			November, 1988
	III.Chapters 1-21	amended	LR 14:781
	XXXIII.Chapter 4		LR 14:791
	XXXIII.705	adopted	LR 14:791
			December, 1988
	XXV.Chapters 1,3	amended	LR 14:862
	XLVII.3307	amended	LR 14:868
			November, 1988
4	LAC 4:		
	VII.1111	amended	LR 14:791
			October, 1988
5	LAC 76:		
	VII.509-511	adopted	LR 14:716
			November, 1988
6	LAC 22:		
	VII.Chapter 1	amended	LR 14:793
			November, 1988
7	LAC 25:		
	IX.Chapters 3-7	amended	LR 14:772
			December, 1988
	LAC 25:		
	I.Chapter 3	amended	LR 14:845
			October, 1988
9	LAC 48:		
	V.Chapter 73	adopted	LR 14:709
			December, 1988
10	LAC 61:		
	V.Chapters 5-27	amended	LR 14:872
			October, 1988
11	LAC 33:		
	III.2108	adopted	LR 14:704
			November, 1988

Vol. Title:Part.Section	Effect	Location
13 LAC 33:		
Subpart 2		
V.Chapter 101	adopted	LR 14:801
14 LAC 33:		November, 1988
V.Chapters 1 et seq.	amended	LR 14:790
V.Chapters 1,35,37,49	amended	LR 14:791
		December, 1988
IX.Chapter 21	adopted	LR 14:862
16 LAC 73:		October, 1988
I.521	amended	LR 14:716
LAC 70:		November, 1988
I.501	amended	LR 14:805

Committee Reports

COMMITTEE REPORT

House of Representatives
Committee on Transportation, Highways and Public Works
Oversight Review

This is to certify that the following rules establishing fees proposed by the Department of Transportation and Development have been found unacceptable and disapproved by the Subcommittee on Oversight, House Committee on Transportation, Highways, and Public Works:

1. Driveway Permit
2. Evaluation of New Products
3. Project Related Inspections
4. Qualified Products List Qualification

The proposed rules were published in the October 20, 1988 issue of the *Louisiana Register*.

The House members of the Subcommittee on Oversight, acting as a separate committee on behalf of its respective house of the legislature, has disapproved the proposed rules as provided in LRS 49:968(D and E).

With respect to the proposed rule establishing a fee for driveway permits, the subcommittee determined the following:

1. no statewide, standardized procedure exists for the issuance of a permit;
2. no documentation or calculations exist for man hours of work per permit to justify the proposed fee; and
3. assessment of this fee could encourage an increase in the construction of unpermitted driveways.

House members voting to disapprove the rule were Representatives Deano, Jetson, Guzzardo, Heitmeier, Hopkins, Kennard, McCleary, and Triche.

Recommendation: The subcommittee recommends that the interest of the public can best be served by the enactment of legislation assessing penalties and attorneys' fees against those who illegally construct driveways within highway rights-of-way rather than charging a fee to law-abiding citizens.

With respect to the proposed rule establishing a fee schedule for evaluation of new products, the subcommittee determined the following:

1. materials manufacturers and suppliers would be at a disadvantage as they will be required to pay a fee before the department decides whether or not it will use the product;
2. fair competition may be impaired since some materials manufacturers and suppliers may elect not to submit materials for evaluation due to the cost;
3. government should provide an environment conducive to free enterprise; and
4. testing costs have always been absorbed by the state to promote fair competition among suppliers and to provide the department with the latest technology. Department would lose more in new technology information than the $10,000 generated by this fee.

House members voting to disapprove the rule were Representatives Deano, Jetson, Guzzardo, Heitmeier, Hopkins, Kennard, McCleary, and Triche.

With respect to the proposed rule establishing a fee for project-related inspections, the subcommittee determined the following:

1. Revenue of $240,000 to be generated by the fee cannot be justified as the cost of performing the service;
2. Revenue generated from the fee would be charged back to the department through the bid process by contractors bidding on state projects. In charging the fee, the state might be receiving cash payments from state bond money.

House members voting to disapprove the rule were Representatives Deano, Jetson, Guzzardo, Heitmeier, Hopkins, Kennard, and McCleary.

With respect to the proposed rule establishing a fee for qualified products list qualifications, the subcommittee determined the following:

Costs incurred by the affected companies will be passed on to the department through increased bid prices.

House members voting to disapprove the rule were Representatives Deano, Jetson, Guzzardo, Heitmeier, Hopkins, Kennard, and McCleary.

Under the provisions of LRS 49:968(G), please be advised that you have 10 calendar days to consider this report and, if it is your desire, to disapprove the action taken by the subcommittee. Please indicate your approval or disapproval of the subcommittee's action and return this document to Mona Henderson, Research Analyst, House Committee on Transportation, Highways, and Public Works, Box 44486, Baton Rouge, LA 70804.

Raymond Jetson
Chairman

COMMITTEE REPORT

House of Representatives
Natural Resources Subcommittee
Oversight Review

Pursuant to the provisions of R.S. 49:968, the House of Representatives Natural Resources Subcommittee on Oversight met on December 30, 1988 and reviewed certain proposed rules by the Louisiana Department of Wildlife and Fisheries to increase the rental rate on state waterbottoms leased for the purpose of cultivating and harvesting oysters with the following results:

Based on testimony by the chairman of the Oyster Task Force, the secretary of the department, and representatives of the oyster fishermen to the effect that the Oyster Task Force recommended the rejection of the rule because there were alternative ways to raise the funds needed by the department that were more equitable than an increase in the lease rental rate; and that the task force would be recommending possible legislation to address this matter for the upcoming legislative session; the proposed rule was found unacceptable by a vote of 10-0.

In accordance with R.S. 49:968(F) and 971, copies of this report are being forwarded this date to the governor, the Department of Wildlife and Fisheries, the Louisiana Senate, and the State Register.

Sam Theriot
Chairman

Potpourri

POTPOURRI

Department of Agriculture and Forestry
Agricultural and Environmental Sciences

The Louisiana Department of Agriculture and Forestry will consider a proposal to import a *Varroa* mite resistant stock of honeybees, *Apis mellifera carnica*, into a coastal barrier island in Louisiana under quarantine. The bees will be imported from Yugoslavia by USDA-ARS-Honeybee Breeding, Genetics and Physiology Research Lab. The offspring from this stock would then be sent to *Varroa* mite infested states to study their resistance.

A copy of the proposal may be obtained from Craig Roussel, Director, Quarantine and Horticultural Programs, Box 44517, Capitol Station, Baton Rouge, LA 70804, phone (504) 925-7772.

Comments on the proposal may be made in writing to the above address before January 31, 1989. There will also be a public hearing to receive comments on January 31, 1989 at 7 p.m. in the Louisiana Department of Agriculture and Forestry Building Auditorium, 5825 Florida Boulevard, Baton Rouge, LA (between K-Mart and Commercial College).

Bob Odom
Commissioner

POTPOURRI

Department of Health and Hospitals
Office of the Secretary

The Bureau of Medical Services Financing is correcting the final rule on enrollment of Podiatrists under Title XIX reimbursement which was published in the *Louisiana Register* Vol. 14, No. 12, dated December 20, 1988. Reimbursement is limited to podiatrists who are licensed by the state and who engage in the practice of their profession in accordance with all rules and regulations set forth by the Louisiana State Board of Podiatrists. To be reimbursed for services, a provider must have on file with the Bureau of Health Services Financing (Medicaid Program), a valid provider enrollment form.

David L. Ramsey
Secretary

POTPOURRI

Department of Natural Resources
Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56:700.1, notice is given that 40 claims amounting to $72,667.04 were received during the month of November, 1988. During the same month, 26 claims in the amount of $43,991.22 were paid, and two claims were denied. During the month of December, 1988, 35 claims amounting to $66,946.13 were received, 2 claims in the amount of $5370.15 were paid, and 6 claims were denied.

Pursuant to the provisions of Act 33 of 1988, the following claims with the Fishermen's Gear Compensation Fund have been validated by the Fund's hearing examiner and the secretary of DNR will approve payment, effective February 1, 1989.

Written comments from interested parties may be addressed to: Department of Natural Resources, Fishermen's Gear Compensation Fund, Box 94396, Baton Rouge, LA 70804, and must be received on or before January 31, 1989.

No objections were filed to claims proposed for payment in the November, 1988 *Louisiana Register.* However, in Claim No. 87-88-379, noted in the September 1988 *Louisiana Register,* Michael J. Russell of Rt. 6 Box 233 DE, New Orleans, LA 70129 Social Security No. 439-23-4626, the amount should have been $840.00, instead of $40.00.

Claim No. 87-88-646

Lester Evans, of 306 St. Bernard St. Bernard, LA 70085 Social Security No. 438-49-9140 St. Bernard (Parish), Chandeleur Sound Point Chicot (Body of Water) Amount $4237.30

Claim No. 88-89-18

George Miller, of 2120 Farmsite Rd. Violet, LA 70092 Social Security No. 439-44-3944 St. Bernard, Bayou Terre Bouef Amount $579.62

Claim No. 88-89-21

Donald J. Normand, of Box 160 Montegut, LA 70377 Social Security No. 436-74-9028 St. Mary, Loran 46966.2 27619.1 Amount $471.22

Claim No. 88-89-51

Ricardo J. Kraemer, of Box 459 D Barataria, LA 70036 Social Security No. 435-98-1489 Jefferson, Grand Isle Pass Amount $953.15

Claim No. 88-87-62

Alexie A. Hebert, of 105 Farman Street Westwego, LA 70094 Social Security No. 436-50-9979 Plaquemines, Grand Bayou Pass Amount $1121.70

Claim No. 87-88-643

Randy P. Dufrene Sr., of Box 165 Lafitte, LA 70067 Social Security No. 435-21-5782 Jefferson, Bayou St. Denis Amount $2154.32

Claim No. 88-89-26

Houston Trahan, of Star Rte Box 513 Chauvin, LA 70344 Social Security No. 433-42-8814 Terrebonne, Terrebonne Bay Amount $2000

Claim No. 88-89-14

Eunice Johnfroe, of Box 271 Galliano, LA 70354 Social Security No. 437-38-3173 Lafourche, Loran 28263.3 46854.9 Amount $4129.70

Claim No. 88-89-7

Hebert Schultz, of Rt. 1 Box 512 H Lafitte, LA 70067 Social Security No. 437-56-2983 Plaquemines, Breton Sound Amount $1105.95

Claim No. 88-89-47

Barry Zar, of 4000 Briant Marrero, LA 70072 Social Security No. 434-76-7543 Plaquemines, Gulf of Mexico Amount $959.50

Claim No. 87-88-625

Brian K. Plaisance, of 1055 Ory St. Westwego, LA 70094 Social Security No. 438-74-9329 Jefferson, Loran 28568.2 46890.7 Amount $411.40

Claim No. 88-89-46

Warren J. Thibodeaux, of 8922 Dinkins St. New Orleans, LA 70127 Social Security No. 439-50-1569 Plaquemines, Gulf of Mexico Amount $2254.62

Claim No.87-88-590

Peter Loverde Sr. of Rt. 6 Box 244 E H New Orleans, LA 70129 Social Security No. 434-14-3875 St. Bernard, Loran 28905.6 47012.4 Amount $656.50

Claim No. 87-88-584

Emery J. LeBoeuf, of Rt. 2 Box 390 Bourg, LA 70343 Social Security No. 433-56-6743 St. Mary, Loran 27589.4 46945.3 Amount $1078.18

Claim No. 87-88-585

Emery J. LeBoeuf, of Rt. 2 Box 390 Bourg, LA 70343 Social Security No. 433-56-6743 St. Mary, Loran 27585.8 46946.0 Amount $823.78

Claim No. 88-89-24

Chris A. Ledet, of 723 Hwy. 665 Montegut, LA 70377 Social Security No. 439-39-6682 St. Mary, West Cote Blanche Amount $802.03

Claim No. 88-89-20

Nicholas J. Mones, Sr. of 2709 Volpe Dr. Chalmette, LA 70043 Social Security No. 436-78-6134 St. Bernard, Black Bay Amount $4041.59

Claim No. 88-89-65

Henry Joseph Rodriguez, III of 1816 Aycock St. Arabi, LA 70032 Social Security No. 438-96-6767 St. Bernard, St. Helena Pass Amount $1072.46

Claim No. 88-89-1

Gary J. Treuil of 215 Papworth Ave Metairie, LA 70005 Social Security No. 433-66-5597 Orleans, Loran 28710.4 47033.5 Amount $1659.81

Claim No. 87-88-569

Leroy J. Matherne of Box 145 Allemande, LA 70030 Social Security No. 439-44-0709 Terrebonne, Hackberry Lake Amount $4200

Claim No. 88-89-39

Roger D. Cornwall of Rt. 1 Box 757 St. Bernard, LA 70085 Social Security No. 434-60-7302 Plaquemines, Jackass Bay Amount $919.82

Claim No. 87-88-638

James J. George Jr. of Rt. 1 Box 357 Lockport, LA 70374 Social Security No. 434-31-5337 St. Mary, Nickel Point Amount $496.18

Claim No. 88-89-5

Herbert O. Treitler, Jr., of 3100 Chalona Dr. Chalmette, LA 70043 Social Security No. 436-66-3367 St. Bernard, Lake Eloi Amount $681.25

Claim No. 88-89-38

Richard W. Ryan, of 2617 Elizabeth St. Metairie, LA 70003 Social Security No. 436-96-1847 Orleans, Lake Pontchartrain Amount $2120

Claim No.87-88-624

Emelien Gisclair, of 110 B-R Lane Golden Meadow, LA 70357 Social Security No. 439-18-7071 Lafourche, Bayou Andre Amount $844.54

Claim No. 87-88-517

Tee Frank, Inc., of Box 69 Galliano, LA 70354 Federal ID # 72-0044413 Lafourche, Loran 46830 28350 Amount $5000

Claim No. 88-89-36

William L. Guerra, Sr., of 3118 Gina Dr., St. Bernard, LA 70085 Social Security No. 433-68-0520 St. Bernard, Lake Eloi Amount $2650.35

Claim No. 87-88-600

Alex J. Sandras, of 614 3rd Ave., Harvey, LA 70085 Social Security No. 438-42-7512 Jefferson, Barataria Waterway Amount $1055.86

Claim No. 88-89-53

Raymond Melerine, of 1944 Russell Dr., St. Bernard, LA 70085 Social Security No. 434-78-2429 St. Bernard, Santa Lana Pass Amount $1725.14

Claim No. 88-89-57

David Estaves, Sr., of Rt. 1 Box 849 C, St Bernard, LA 70085 Social Security No. 438-76-5340 Plaquemines, West Black Bay Amount $1569.52

Claim No. 88-89-87

Kenneth J. LeFebvre, Rt. 1 Box 532-A St. Bernard, LA 70085, SSN 433-74-6165 Lafourche, Intracoastal Canal Amount $2038.25

Claim No. 88-89-10

J.C. Darda, Box 178 Larose, LA 70373, SSN 435-92-8846 Lafourche, Loran 28303.8 46859.2 Amount $2650.56

Claim No. 87-88-641
Raymond C. Gilham, 359 Carrollton Ave. Metairie, LA 70005, SSN 437-74-8056 Orleans, Lake Pontchartrain Amount $1745
Claim No. 88-89-30
Michael A Boudreaux, Rt. 1 Box 781-A La Place, LA 70068, SSN 438-98-1067 Plaquemines, East Bay Amount $1172.45
Claim No. 87-88-631
Hilda Cheramie (Mrs. Hebert), Rt. 1 Box 268 Galliano, LA 70354, SSN 437-54-4172 Orleans, Loran 28926.0 47029.8 Amount $4661.66
Claim No. 88-89-74
Gary A Perrin, 307 Lafitte Lafitte, LA 70067, SSN 439-68-6337 Plaquemines, Bayou Pass Amount $490
Claim No. 88-89-43
Martin J. Nunez, 2001 Deogracias St. Braithwaite, LA 70040, SSN 436-19-0637 St. Bernard, St. Joseph Channel Amount $1680.59
Claim No. 88-89-117
Kelly Schaffer, Box 448-F Barataria, LA 70036, SSN 438-25-0066 Jefferson, Little Lake Amount $722
Claim No. 88-89-104
Gregory G. Gottschalk, Rt.6 Box 359G Mandeville, LA 70448, SSN 437-90-5807 Jefferson, Lake Pontchartrain Amount $1907.26
Claim No. 88-89-82
Gary Bauer, 202 Brian Dr. Slidell, LA 70458, SSN 434-96-2713 Orleans Lake Pontchartrain Amount $677
Claim No. 87-88-614
Chris S. Winter, Box 743 Lafitte, LA 70067, SSN 266-83-9043 Jefferson, Barataria Waterway Amount $2063.14
Claim No. 88-89-71
Ray Comardelle, 135 Farman St. Westwego, LA 70094, SSN 439-72-4644 Plaquemines, Sandy Point Amount $1790
Claim No. 87-88-608
Doyle Jones, 3817 Lime St. Metairie, LA 70002, SSN 438-02-9982 Orleans, The Rigolets Amount $1648.65
Claim No. 88-89-94
Wallace Perez Sr., Rt. 1 Box 653 St. Bernard, LA 70085, SSN 434-50-3645 St. Bernard, Lake Borgne Amount $1046.68
Claim No. 88-89-113
Sterling Authement, Rt. 2 Box 414 Bourg, LA 70343, SSN 434-52-6071 Vermilion, Loran 27357.7 46940.6 Amount $1275.48
Claim No. 88-89-102
Eness Paul Guidry, Box 576 Grand Isle, LA 70358, SSN 439-82-7491 Plaquemines, Gulf of Mexico Amount $2242.16
Claim No. 88-89-98
Kenneth Duet, Box 486 Grand Isle, LA 70358, SSN 436-74-8291 Terrebonne, Loran 28200.2 46866.8 Amount $1475
Claim No. 88-89-84
A.J. Dupree, Jr., Box 855 Gibson, LA 70356, SSN 437-82-8264 Terrebonne, Caillou Lake Amount $706.56
Claim No. 88-89-128
Wayne Boudwin, 4354 Hwy. 56 Houma, LA 70363, SSN 438-25-3159 Terrebonne, Loran 28178.9 46827.6 Amount $808.58
Claim No. 88-89-67
Eray J. LeBoeuf, Sr., 145 Aragon Rd. Montegut, LA 70377, SSN 434-76-4960 Iberia, Loran 27449.3 46918.5 Amount $3173.04
Claim No. 87-88-565
Paul Latapie, 2417 River Bend Dr. Violet, LA 70092, SSN 438-62-0879 Plaquemines, Big Mar Amount $1887.27
Claim No. 88-89-68
Robert Graf, 2201 Bayou Rd. St. Bernard, LA 70085, SSN 436-76-4299 St. Bernard, Mississippi Gulf Outlet Amount $1937.08
Claim No. 88-89-50
Clifton Molero, Rt. 1 Box 818 St. Bernard, LA 70085, SSN 436-76-1020 Plaquemines, Lake Lery Amount $4733.25
Claim No. 88-89-112
Harold Clemons, Box 8 Delcambre, LA 70528, SSN 262-48-9586 Vermilion, Intracoastal Amount $4915
Claim No. 88-89-114
Thomas J. Crosby, 103 East 143rd St. Galliano, LA 70354, SSN 439-29-2935 Lafourche, Loran 28233.5 46842.7 Amount $373
Claim No. 88-89-122
Clarence P. Matherne, 237 Matherne St. Lafitte, LA 70067, SSN 433-33-6215 Jefferson, Little Lake Amount $475
Claim No. 88-89-35
Benjamin S. Johnson, Rt. 1 Box 541-A St. Bernard, LA 70085, SSN 417-50-7821 St. Bernard, Loran 28889.2 46989.3 Amount $612.40
Claim No. 87-88-482
Sebastian Gonzales, Jr., Box 142 Chauvin, LA 70344, SSN 436-60-7518 Terrebonne, Loran 28151.3 46854.1 Amount $918.54
Claim No. 87-88-556
Kenneth R. Marrero, Box 1006 St. Bernard, LA 70085, SSN 438-64-3182 Plaquemines, Black Bay Amount $486.94
Claim No. 88-89-52
Jessie Dubois, Inc., 700 W. Main St. Delcambre, LA 70528, Fed ID# 72-0728627 Vermilion, Loran 27532.9 46987.1 Amount $1083.99
Claim No. 88-89-126
Rickey Lafont, Rt. 1 Box 379Q Cut Off, LA 70345, SSN 436-90-3933 Jefferson, Loran 28560.6 46877.0 Amount $734.93
Claim No. 88-89-127
Rickey Lafont, Rt. 1 Box 379Q Cut Off, LA 70345, SSN 436-90-3933 Jefferson, Loran 28564.0 46882.8 Amount $965.75
Claim No. 88-89-60
Peter Gerica, Rt. 6 Box 285K New Orleans, LA 70129, SSN 434-96-7979 Orleans, Loran 28825 47045 Amount $789.94
Claim No. 88-89-31
Willtom, Inc., Box 226 Chauvin, LA 70344, Fed ID #72-0868909 Terrebonne, Bay St. Elaine Amount $194.42
Claim No. 88-89-28
Wilfred Nunez, Rt. 1 Box 722 B St. Bernard, LA 70085, SSN 434-76-5153 St. Bernard, Lake Machias Amount $3502.61
Claim No. 87-88-573
Foster Desselles, Jr., Box 187 Lafitte, LA 70067, SSN 435-64-3416 Jefferson, Barataria Bay Grand Lake Amount $5000
Claim No. 88-89-110
Emery Eymard, Rt. 1 Box 225-C Galliano, LA 70354, SSN 436-84-4763 Lafourche, Loran 28315.5 46823.0 Amount $1708.16

Claim No. 88-89-137

Hugh A. Johnson, 2128 Pecan St. Bernard, SSN 421-74-0871 St. Bernard, Loran 28926.6 46980.0 Amount $ 1100.88

Claim No. 88-89-120

Majesta Luke, Rt. 1, Box 403 Chauvin, LA 70344, SSN 438-78-8362 Terrebonne, Loran 27894.5 46861.3 Amount $1405.69

Claim No. 88-89-141

Joseph T. Guidry, Jr., Rt. 1 Box 555A Lafitte, LA 70067, SSN 436-96-4698 Plaquemines, Loran 28689.7 46862.3 Amount $2155.59

Claim No. 88-89-143

Jerome M. Boudwin, 4356 Hwy 56 Houma, LA 70363, SSN 435-98-7335 Cameron, Loran 26620.0 46976.0 Amount $3488.92

Claim No. 88-89-56

Louis J. Parria, Jr., Box 229 Willie Mae St. Lafitte, LA 70067, SSN 435-23-2593 Plaquemines, Loran 28625.0 46863.5 Amount $2242.22

Claim No. 88-89-66

Dwayne Boudwin, 3428 East Park Ave. Houma, LA 70363, SSN 937-19-0626 Terrebonne, Gulf of Mexico Amount $2882.15

Claim No. 88-89-91

Cathy Cheramie, Inc., Rt. 2 Box 485A, East 100th St. Cut Off, LA 70345, SSN 72-0947725 Vermilion, Loran 27538.0 46928.8 Amount $738

Claim No. 87-88-640

Henry Marquar, III, 4642 Sandalwood St. New Orleans, LA 70127, SSN 427-84-3198 St. Bernard, Mississippi River Gulf Outlet Amount $5000

Claim No. 87-88-317

Louis Pitre, 317 Jefferson St. Golden Meadow, LA 70357, SSN 435-48-4087 Lafourche, Gulf of Mexico Amount $2089.50.

Raymond W. Stephens, Jr.
Secretary

POTPOURRI

Department of Social Services
Office of the Secretary

The Department of Social Services (DSS) will hold a public hearing on January 30, 1989 at 10 a.m. in Baton Rouge, LA at the Louisiana State Library Auditorium (first floor), 760 Riverside North.

The purpose of the public hearing is to receive comments on the proposed State Weatherization Plan for low income persons, particularly the elderly and handicapped, in the State of Louisiana.

Copies of the plan can be obtained prior to the hearing by contacting the Department of Social Services, Office of Community Services at (504) 342-2272 or Box 44367, Baton Rouge, LA 70804-4367.

May Nelson
Secretary

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