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Executive Orders

Louisiana, at the Capitol, in the City of Baton Rouge, on this 11th day of July, 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 86-21

WHEREAS, the Community Development Block Grant (CDBG) program (Public Law 93-383) has been amended to authorize the states to assume the administration of the "Small Cities" grant so that each state may most effectively design its community development program to meet its specific needs; and

WHEREAS, the 1981 Omnibus Reconciliation Act (Title III, Sub-title A) requires the states to establish their community development goals and plans for using their CDBG monies to implement their goals; and

WHEREAS, the states have the opportunity to formulate a set of guidelines for the CDBG program which reflects the priorities of their people; and

WHEREAS, the Division of Administration is the fiscal and administrative arm of the governor;

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

SECTION 1: The office of the governor is hereby designated as the recipient of said CDBG Grant funds and the operations of the Governor's Community Development Advisory Committee are hereby continued.

SECTION 2: The committee's duties shall be to identify the community development problems in Louisiana and the causes thereof and to recommend guidelines to govern the distribution of the CDBG funds that the state will receive so that these monies will be used most effectively in mitigating community development problems in Louisiana.

SECTION 3: The committee shall be composed of seven members, five of whom shall be appointed by the governor to serve at his pleasure. These members shall represent parish and municipal governments, the legislature and the public at large. The commissioner of administration and the secretary of the Department of Urban and Community Affairs, or their designees, shall serve as non-voting members of the committee.

SECTION 4: The commissioner of administration, or a designee, shall serve as the committee's executive secretary. The secretary of the Department of Urban and Community Affairs shall designate a program liaison to serve as an ex-officio, non-voting member of the committee. The executive secretary shall secure adequate staff assistance for the committee and shall be responsible for transmitting a report containing the committee's recommendations to the governor.

SECTION 5: The recommendations of the committee and the program design as published in the State Register (Vol. 11, No. 4, April 20, 1985) shall be reviewed for the governor by an interagency review panel selected by the governor from his staff and from departmental officials with responsibilities related to the objectives of the CDBG program.

SECTION 6: Upon approval by the governor of program design and allocations to local communities, the program shall be administered by the Division of Administration.

SECTION 7: This order shall remain in effect until amended or rescinded by order of the governor.

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

EXECUTIVE ORDER EWE 86-22

WHEREAS, the United States Department of Housing and Urban Development ("HUD") is authorized under Section 17 of the United States Housing Act of 1937 (the "Housing Act") to make housing development grants ("HDG's") to states under specified criteria and conditions for new construction or substantial rehabilitation of real property to be used primarily for residential rental purposes;

WHEREAS, the Louisiana Housing Finance Agency ("Agency"), a corporate body politic and political subdivision of the State of Louisiana ("State") created under the Louisiana Housing Finance Act contained in Chapter 3-A of Title 40 of the Louisiana Revised Statutes of 1950, as amended, (the "ACT") has the power to submit on behalf of the State of Louisiana (the "State"), when properly designated to do so, applications for HDG's with the concurrence of and with the approval of eligible local governmental units located within the State; and

WHEREAS, the State has been delegated the authority by various such local governmental units to act on their behalf in applying for, receiving and administering a HDG; and

WHEREAS, the Agency's application for and administration of HDG's on behalf of the State is conditioned on an appropriate delegation agreement between the State and the Agency so that the Agency may assume all administrative responsibilities under the Housing Act and regulations promulgated pursuant thereto and under certain grant agreements and letters of credit with respect to the projects which may be awarded an HDG; and

WHEREAS, the Act authorizes the Agency to execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions with any federal or state governmental agency, public or private corporation, lending institution or other entity or person; and

WHEREAS, the Act authorizes the Agency to accept federal, state, or private financial or technical assistance and to comply with any conditions for such assistance;

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

SECTION 1: The Louisiana Housing Finance Agency is hereby authorized and designated to act on behalf of the State of Louisiana under the provisions of Section 17 of the United States Housing Act of 1937, as amended, for the purpose of applying for and administering housing development grants awarded to the state pursuant to applications submitted to the U.S. Department of Housing and Urban Development by the Agency on behalf of the State in calendar year 1986.

SECTION 2: The Louisiana Housing Finance Agency shall evidence its acceptance of this authorization and designation by an appropriate resolution adopted by its Board of Commissioners and upon evidence of the adoption of such a resolution, the same and this executive order shall jointly constitute a delegation agreement as may be required by HUD with respect to any and all projects receiving a HDG through applications submitted by the State in calendar year 1986.

SECTION 3: This Executive Order shall be effective as of July 16, 1986.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 16th day of July, 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 86-23

WHEREAS, Section 622 of the Tax Reform Act of 1984 (the "Tax Reform Act") restricts the total principal amount of private activity bonds the interest on which is exempt from federal income taxation under Section 104 of the Internal Revenue Code of 1954, as amended (the "bonds"), which may be issued by any state of the United States during each calendar year; and

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

WHEREAS, Executive Order Number EWE 85-93 dated December 23, 1985, provides that the governor of the State of Louisiana is responsible for granting allocations from the ceiling for certain issues of bonds; and

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

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

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

AMOUNT OF ALLOCATIONS	NAME OF ISSUER	NAME OF PROJECT
\$600,000	La. Public Facilities Authority	Daniel W. Sartor

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

SECTION 3: The bonds granted an allocation hereunder must be delivered to the initial purchaser thereof on or before 60 days from the date hereof, unless an application for a 30-day extension under Section 5.8 of Executive Order Number EWE 85-93 is timely received by the State Bond Commission staff.

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

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

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

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

Louisiana, at the Capitol, in the City of Baton Rouge on this 17th day of July, 1986.

Edwin Edwards
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Jim Brown
Secretary of State

EXECUTIVE ORDER EWE 86-24

WHEREAS, crime in urban America is a blow which is often struck by and against black citizens creating the descriptive phrase "black on black crime"; and

WHEREAS, black on black crime means that black citizens of this country are two and one-half times as likely to be victims of violent crime as are white citizens; and

WHEREAS, it is necessary to determine the nature and scope of this problem in Louisiana in order to implement effective remedies; and

WHEREAS, the Louisiana Legislature approved House Concurrent Resolution 41 of the 1986 Regular Session urging the Governor to create a commission to study this type of crime,

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

SECTION 1: The Governor's Commission on Black on Black Crime is hereby created in the division of minority affairs of the office of the governor.

SECTION 2: The commission shall be composed of eighteen members, appointed by the Governor as follows:

- a. two members from each congressional district
- b. one member from the state at large
- c. the governor's executive assistant for minority affairs shall serve as an ex-officio member

SECTION 3: Each member shall serve at the pleasure of the governor.

SECTION 4: The duties of the commission are to:

- a. procure and examine data showing what kinds of black on black crime are being committed, against whom such crime is primarily directed, the economic and human cost of such crime, and any reasons therefore, all in order to assess accurately the nature and scope of such crime in Louisiana;
- b. to report to the Governor the commissions findings as well as any recommendations for effective legislative and non-legislative remedies.

SECTION 5: No member of the commission, shall receive a per diem, reimbursement for expenses, or other compensation for services pursuant to this order.

SECTION 6: The committee is authorized to accept grants, donation, appropriations, or other contributions of money or services from public or private sources and to expend the same to carry out its duties pursuant to this order.

SECTION 7: The division of minority affairs of the office of the Governor is directed to provide the commission with available staff or other assistance as necessary.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana at the Capitol, in the City of Baton Rouge, on this the 4th day of August, A.D., 1986.

Edwin Edwards
Governor

Attest by
the Governor
Jim Brown
Secretary of State

Emergency Rules

DECLARATION OF EMERGENCY

Department of Commerce Office of Commerce and Industry

Louisiana Capital Companies Tax Credit Program

The Department of Commerce, Office of Commerce and Industry, Finance Division is exercising the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, to revise and implement rules for the Louisiana Capital Companies Tax Credit Program, to be effective September 1, 1986.

The rules will implement R.S. 36:104(B)(7) and R.S. 51:936.1 authorizing the secretary of the Department of Commerce to establish fees for financial incentives granted by the department as established by Act 684 of the 1986 Legislative Session.

The rules are also amended to reflect changes to R.S. 51:1924(B) and 1926 (C) to provide for a change in the amount of capitalization required for certification; and, to increase the percentage of equity investment which may be made by certified capital companies as provided by Act 695 of the 1986 Legislative Session.

These emergency rules will be in effect for a period of 120 days or until new rules are adopted in accordance with the Administrative Procedure Act, whichever occurs first.

Rule 4. The Tax Credit For An Eligible Individual

The credit shall be calculated by the department as 35 percent of the person's paid-in cash at the time of certification. The value of property or services contributed shall not be included for purposes of determining the credit. Said certified company's initial capitalization shall be \$200,000 or more, up to a total of \$20 million. Credits granted under this rule shall not be transferable.

Rule 6. Notice of Intent

An "Advance Notification" of intent to seek certification shall be filed by a capital company at least 90 days prior to filing an application. An advance notification fee of \$100 shall be submitted with the advance notification form.

Rule 7. Application Process

(1) A company organized and existing under the laws of Louisiana, created for the purpose of making venture or risk capital available for qualified investments as required in R.S. 51:1921 shall make written application for certification to the secretary of the Department of Commerce on application forms provided by the Office of Commerce and Industry.

(2) An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Proc-

essing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

(3) Said application shall be signed by a duly authorized officer, or partner, and contain the following information and evidence:

(a) The full legal name of the company.

(b) The address of the applicant's principal office in Louisiana.

(c) The names and respective addresses of the applicant's directors and officers or general and managing partners including street number in any city or town, state and zip code.

(d) A certified copy of the certificate of incorporation, and articles of incorporation, or a certified copy of the certificate of formation of a limited partnership, or trust documents, or other evidence that the company is organized and existing under the laws of Louisiana, as required by the Secretary of State.

(e) Information and evidence that the applicant's purpose is to encourage and assist in the creation, development, and expansion of Louisiana businesses and to provide maximum opportunities for the employment of Louisiana residents, by making venture or risk capital available to Louisiana businesses.

(f) Information and evidence that the applicant has filed with the Louisiana Securities Commission a disclosure document and a consent to service of process as required by R.S. 51:701-720 or information and evidence that the applicant has registered the securities offering pursuant to the Louisiana Securities Act or information and evidence that the securities offering is exempt from registration under the Securities Act et. seq. of Louisiana.

(g) Information and evidence that the applicant has disclosed or will disclose to all investors that a tax credit is not available for an investment in a company until the company has been designated a "certified" Louisiana capital company and the investor has received a certificate approving the credit from the secretary of the Louisiana Department of Commerce.

(h) Information and evidence that the applicant has disclosed or will disclose to all investors that a tax credit will not be made available until the company raises at least \$200,000 in equity capital and all statutory limits on tax credits are disclosed.

(i) Information and evidence that the applicant has disclosed or will disclose to all investors that the State of Louisiana is not liable for damages to an investor in a "certified" Louisiana capital company that fails to become designated as a "certified" Louisiana capital company.

(j) A statement that if the investors in the company or partnership receive a tax credit under Title 51, Chapter 26, then the company will use the capital base included by such tax credit to make qualified investments as required in R.S. 51:1926.

(k) A statement that the company will comply with all requirements of Title 51, Chapter 26, including the filing of quarterly reports of new investors and qualified investments that include the name of each investor in a "certified" Louisiana capital company who has applied for a tax credit, the amount of each investor's investment, the amount of tax credit allowed to the investor and the date on which the investment was made.

(4) Information stating the total capital account of the applicant and how the value has been determined and how the equity portion has been determined for both the period before July 1, 1984 and after.

(5) The form for applying to become a "certified" Louisiana capital company may be obtained from the Office of Commerce and Industry, Finance Division, Box 94185, Baton Rouge, LA 70804-9185 and shall be filed at the same address.

(6) The time and date of filings shall be recorded at the time of filing in the office of the Finance Division and shall not be construed to be the date of mailing.

(7) The secretary of Commerce shall cause all applications to be reviewed by the department and designate those he determines to be complete. In the event that an application is deemed to be incomplete in any respect, the applicants will be notified within 15 days of receipt. An incomplete application shall be resubmitted, either in a partial manner or totally, as deemed necessary by the department.

(8) The submission of any false or misleading information in the application documents will be grounds for rejection of the application and denial of further consideration.

Rule 8. Requirements For Continuance Of Certification

The secretary shall conduct an annual review of each "certified" Louisiana capital company to determine the company's compliance with the requirements for continuance of certification.

The company will receive notice of the annual review 45 days in advance. A review fee of \$100 must be returned and received 15 days prior to the appointment date of the annual review.

C. No investment in equity may be made at a cost to a "certified" capital company of greater than 25 percent of the total assets under management of the "certified" capital company at the time of investment.

Rule 9. Decertification

(Delete the last sentence of paragraph (A) "The cost of the annual review. . .")

Robert Paul Adams
Director

DECLARATION OF EMERGENCY

Department of Commerce Office of Commerce and Industry

Enterprise Zone Program

The Department of Commerce, Office of Commerce and Industry, Finance Division is exercising the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, to revise and implement rules for the Enterprise Zone program to be effective September 1, 1986.

The rules will implement R.S. 36:104(B)(7) and R.S. 51:936.1 authorizing the secretary of the Department of Commerce to establish fees for financial incentives granted by the department as established by Act 684 of the 1986 Legislative Session.

These emergency rules will be in effect for a period of 120 days or until new rules are adopted in accordance with the Administrative Procedure Act, whichever occurs first.

Rule 9. Filing of Applications

(a) A notification of intent shall be filed at least 90 days prior to the beginning of construction. An advance notification fee of \$100 shall be submitted with the prescribed advance notification form.

(b) Application for tax exemption must be filed with the Office of Commerce and Industry, Box 94185, Baton Rouge, LA 70804-9185 on the form prescribed within a minimum of six months after the beginning of construction and/or not later than three months before completion of construction or the beginning of operations, whichever occurs first.

The phrase "beginning of construction" shall mean the first day on which foundations are started, or, where foundations

are unnecessary, the first day on which installation of the facility begins.

(c) An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

(d) Within six months after construction has been completed, the owner of the establishment shall file on the prescribed form an affidavit of final cost showing complete cost of the project, together with a fee of \$100 for the plant inspection which will be conducted by the Office of Commerce and Industry.

Upon request by the Office of Commerce and Industry, a map showing the location of all facilities exempted in the project will be submitted in order that the exempted property may be clearly identifiable.

(e) The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

(f) Applications must be submitted to the Office of Commerce and Industry at least 60 days prior to the Board of Commerce and Industry meeting where it will be heard.

(g) The business applicant proposing a project with a construction period greater than two years must file a separate application for each construction phase. The business applicant must comply with Rule 18 requiring the creation of new permanent jobs on each application he files on the project. An application fee shall be submitted with each application filed based on the fee schedule in "C." above.

(h) The Office of Commerce and Industry is authorized to grant a six month extension for filing of the tax exemption application. The Board of Commerce and Industry must approve further extensions. The request for extension must be in writing and must state why the extension is required.

Robert Paul Adams
Director

DECLARATION OF EMERGENCY

Department of Commerce Office of Commerce and Industry

Industrial Tax Equalization Program

The Department of Commerce, Office of Commerce and Industry, Finance Division is exercising the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, to establish the fee schedule for the Industrial Tax Equalization Program to be in effect for a period of 120 days beginning September 1, 1986 or until rules are adopted in accordance with the Administrative Procedure Act, whichever occurs first.

This declaration will implement R.S. 36:104(B)(7) and

R.S 51:936.1 authorizing the secretary of the Department of Commerce to establish fees for financial incentives granted by the department as established by Act 684 of the 1986 Legislative Session.

Application Procedure:

Not later than 90 days prior to the formal plant announcement, an "Advance Notification" of intent to file for Industrial Tax Equalization must be filed with the Department of Commerce, Office of Commerce and Industry. An advance notification fee of \$100 shall be submitted with the prescribed advance notification form.

Within 31 days after the formal plant announcement, the Office of Commerce and Industry will review the advance notification. If it appears the applicant qualifies for industrial tax equalization, the Office of Commerce and Industry will furnish application forms to the applicant. The applicant must file the application with the Office of Commerce and Industry, Box 94185, Baton Rouge, LA 70804-9185 within 90 days after receipt of the forms.

An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

The Board of Commerce and Industry shall review any recommendations for exemptions made by the Office of Commerce and Industry. The board shall take the number of jobs to be created into consideration in making its recommendation to the Board of Tax Appeals. All Commerce and Industry Board action on applications will be made at regularly scheduled meetings. If the Board of Commerce and Industry concurs in the recommendation it shall forward the recommendation together with all supporting documents to the Board of Tax Appeals.

Upon receipt of any such recommendation the Board of Tax Appeals shall notify the Department of Revenue of said recommendation and shall make available to the Department of Revenue the application and all supporting documents.

The Department of Revenue and Taxation shall within ten days after receipt of the notice file in writing with the Board of Tax Appeals any objections it has to granting the exemption.

The Board of Commerce and Industry, after review by the Board of Tax Appeals and with the approval of the governor, may enter into a contract with the new manufacturing establishment.

Public comments on the proposed rules will be heard at the Board of Commerce and Industry meeting on August 26, 1986 in the Mineral Board Hearing Room, Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. The board meeting begins at 1:30 p.m. and the hearing on the rules will commence after the Board of Commerce and Industry completes its regularly scheduled business. Written comments may be submitted until September 1, 1986 to Robert Paul Adams, Box 94185, Baton Rouge, LA 70804-9185.

Robert Paul Adams
Director

DECLARATION OF EMERGENCY

**Department of Commerce
Office of Commerce and Industry**

Industrial Tax Exemption Program
Article VII, Part II Section 21F of the
Louisiana Constitution of 1974

The Department of Commerce, Office of Commerce and Industry, Finance Division is exercising the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, to revise and implement rules for the Industrial Tax Exemption Program, to be effective September 1, 1986.

The rules will implement R.S. 36:104(B)(7) and R.S. 51:936.1 authorizing the secretary of The Department of Commerce to establish fees for financial incentives granted by the department as established by Act 684 of the 1986 Legislative Session.

These emergency rules will be in effect for a period of 120 days or until new rules are adopted in accordance with the Administrative Procedure Act, whichever occurs first.

Note: Rule 2 applies to all applications other than those covered in Rule 3.

Rule 2. Time Limits for Filing Applications

(a) An advance notification of intent to apply for tax exemption must be filed with the Office of Commerce and Industry on the prescribed form at least 90 days prior to the beginning of construction or installation of facilities. An advance notification fee of \$100 shall be submitted with the form.

(b) Application for tax exemption must be filed with the Office of Commerce and Industry on the form prescribed within a minimum of six months after the beginning of construction and/or not later than three months before completion of construction or the beginning of operations, whichever occurs first. An application fee shall be submitted with the application based on the following range of taxes to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

(c) The phrase "beginning of construction" shall mean the first day on which foundations are started, or, where foundations are unnecessary, the first day on which installation of the facility begins.

A cutoff date for processing applications to be considered for tax exemptions is four weeks prior to board meetings. The assistant secretary of Commerce and Industry is authorized, at his discretion, to accept certain applications beyond this date.

Rule 3. Miscellaneous Capital Additions

Tax exemption applications on miscellaneous capital additions totaling less than \$3 million may be filed in the following manner:

(a) Capital additions totaling less than \$3 million in one calendar year.

Not later than March 31 of each year, applications for tax exemption shall be filed on the prescribed form with the Office of Commerce and Industry, listing the nature, the date and the amount of miscellaneous capital additions completed during the

preceding calendar year, and deduction therefrom such replacements made, if any, at their original cost. Such amounts shall be clearly identifiable on the records of the manufacturer. An application fee shall be submitted with the application based on the following range of taxes to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

Since the assessment date for Orleans Parish is August 1, applications for tax exemption on miscellaneous capital additions in Orleans Parish should be filed not later than October 31 and should cover items completed since August 1 of the preceding year.

(b) Capital additions reaching an accumulated total of \$3 million during the calendar year.

Application for tax exemption on the prescribed forms must be filed with the Office of Commerce and Industry whenever miscellaneous capital additions on which exemption is to be requested reach an accumulated amount of \$3 million. An application fee shall be submitted with the application based on the following range of taxes to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

Rule 14. Affidavit of Final Cost

Within six months after construction has been completed, the owner of a manufacturing establishment shall file on the prescribed form an Affidavit of Final Cost showing complete cost of the exempted project. A fee of \$100 shall be filed with the Affidavit of Final Cost for an on-site inspection that will be conducted by a representative of the Office of Commerce and Industry. Upon request by the Office of Commerce and Industry, a map showing the location of all facilities exempted in the project will be submitted in order that the exempted property may be clearly identifiable.

Robert Paul Adams
Director

DECLARATION OF EMERGENCY

**Department of Commerce
Office of Commerce and Industry
Industry Assistance Program**

The Department of Commerce, Office of Commerce and Industry, Finance Division is exercising the emergency provisions

of the Administrative Procedure Act, R.S. 49:953B, to revise and implement rules for the Industry Assistance Program, to be effective September 1, 1986.

The rules will implement R.S. 36:104(B)(7) and R.S. 51:936.1 authorizing the secretary of The Department of Commerce to establish fees for financial incentives granted by the department as established by Act 684 of the 1986 Legislative Session.

These emergency rules will be in effect for a period of 120 days or until new rules are adopted in accordance with the Administrative Procedure Act, whichever occurs first.

Rule 3. How to Apply

(a) An "Advance Notification" of intent to file for Industry Assistance shall be filed by the company at least 90 days prior to filing an application. An advance notification fee of \$100 shall be submitted with the prescribed advance notification form.

(b) Application to the Board of Commerce and Industry for the Industry Assistance Program must be filed with the Office of Commerce and Industry, Box 94185, Baton Rouge, LA 70804-9185 on the form prescribed, along with the required "additional information."

(c) An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

FEE AMOUNT	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

(d) Application must be accompanied by five years of comprehensive financial statements, prepared in accordance with generally accepted accounting principles; and, which contain relevant information that will support the application justification. The justification should refer to qualitative as well as quantitative information contained in the financial statements which can materially demonstrate the need for the program benefits, and the resulting cost/impact benefits to the state.

Qualitative information should provide explanation about: economic resources, the sources of prospective cash inflows; obligations to transfer economic resources to others, the causes of prospective cash outflows; and earnings, the financial results of operations and other events and conditions that affect the enterprise.

Rule 10. Contract Subject to Annual Audit and Review

The contractee will be subject to an annual audit by the Finance Division of the Office of Commerce and Industry. The company will receive notice of the annual review 45 days in advance. A review fee of \$100 must be returned and received 15 days prior to the appointment date of the annual review.

The contract will be reviewed annually by both the Board of Commerce and Industry and the Joint Legislative Committee of the Budget. Should the audit or review uncover a violation of the contract, the Board of Commerce and Industry, with the approval of the governor and the Joint Legislative Committee of the Budget, shall give notice, thereof, in writing, and unless the violation is corrected within 90 days, any remaining portion of the exemption from taxation granted under any contract entered

into under this statute may be cancelled. The contract may also be cancelled if the contractee can no longer demonstrate a need for the exemption.

Robert Paul Adams
Director

DECLARATION OF EMERGENCY
Department of Commerce
Office of Commerce and Industry

The Department of Commerce, Office of Commerce and Industry is exercising the emergency provision of the Administrative Procedure Act, R.S. 49:953B, to implement a rule effective September 1, 1986. This rule will implement procedures for administering the Local Economic Development Support Fund authorized by Act 634 of the 1984 Legislature.

RULE

Local Economic Development Support Fund

"Urban" is defined as an organization whose service area includes a parish with a population of 50,000 or over. "Rural" is defined as an organization whose service area includes no parish with a population of 50,000 or over.

URBAN

1. Applicant: Applicant organization may not be a tax levying body.

2. Staff: Must employ professional full time executive director. Must submit resume and evidence of employment by applicant organization.

3. Service Area: If organization has been active for the past three years and has had no change in service area during that time, a list of parishes and/or cities served must be submitted.

If applicant has been organized during the past three years, evidence of acceptability to parish/local government must be presented. This may take the form of a resolution, a letter of approbation from the chief elected official, evidence that elected officials sit (by virtue of their position) on the board of the applicant and/or evidence that dues are paid or contributions made by local governing bodies to the applicant organization.

4. Budget: A budget, developed according to state guidelines, covering use of the grant for the negotiated scope of work must be submitted and will be made part of the contract. Monies received through the LEDS program may constitute no more than 50 percent of the current budget of the organization. Satisfactory evidence of this ratio must be submitted at the time of application and at the time of the fourth quarter financial report.

No monies received under this program shall be used for acquisitions.

At the discretion of the Department of Commerce, up to 75 percent of the monies may be used for one major project.

5. Authorization to Enter into Contract: A resolution from the board of the applicant organization must be submitted authorizing entering into contract and naming signator.

6. Scope of Work: Performance standards for all tasks shall be made part of the contract.

RURAL

1. Applicant: Applicant may not be a tax levying body.

2. Staff: May employ professional full time executive director or may contract for work. Must submit resume and evidence of employment by applicant organization. If full time employee or contract employee not applicable, must submit evidence of capability of completing contracted scope of work.

3. Service Area: If organization has been active for the past three years and has had no change in service area during that time, a list of parishes and/or cities served must be submitted.

If applicant has been organized during past the three years, evidence of acceptability to parish/local government must be presented. This may take the form of a resolution, a letter of approbation from the chief elected official, evidence that elected officials sit (by virtue of their position) on the board of the applicant and/or evidence that dues are paid or contributions made by local governing bodies to the applicant organization.

4. Budget: A budget, developed according to state guidelines, covering use of the grant for the negotiated scope of work must be submitted and will be made part of the contract. If the organization is one year old or less, monies received through the LEDS program may constitute no more than 75 percent of the current 1987 budget of the organization. If the organization is between one and two years old, the monies may constitute no more than 65 percent of the budget. If the organization is three years old or older, the monies may constitute no more than 50 percent of the budget. Satisfactory evidence of this ratio must be submitted at the time of application and at the time of the fourth quarter financial report.

No monies received under this program shall be used for acquisitions.

At the discretion of the department, up to 75 percent of the monies may be used for one major project.

5. Authorization to Enter Into Contract: A resolution from the Board of the applicant organization must be submitted authorizing entering into contract and naming signator.

6. Scope of Work: Performance standards for all tasks shall be made part of the contract.

The following application shall be submitted to: Assistant Secretary, Department of Commerce, Office of Commerce and Industry, Box 94185, Baton Rouge, LA 70804-9185.

Applications for funding for FY 1986-1987 shall be submitted by 12 noon on September 2, 1986.

Comments should be addressed to William T. Hackett, Assistant Secretary, at the above address or by calling 504/342-5361.

William T. Hackett
Assistant Secretary

DECLARATION OF EMERGENCY
Department of Commerce
Office of Commerce and Industry

New Corporate Headquarters Tax Equalization Program

The Department of Commerce, Office of Commerce and Industry, Finance Division is exercising the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, to establish the fee schedule for the New Corporate Headquarters Tax Equalization Program, to be in effect for a period of 120 days beginning September 1, 1986 or until rules are adopted in accordance with the Administrative Procedure Act, whichever occurs first.

This declaration will implement R.S. 36:104(B)(7) and R.S. 51:936.1 authorizing the secretary of the Department of Commerce to establish fees for financial incentives granted by the department as established by Act 684 of the 1986 Legislative Session.

Application Procedures:

Not later than 90 days prior to the formal move announcement, an "Advance Notification" of intent to file for the New Corporate Headquarters Tax Equalization must be filed with the Department of Commerce, Office of Commerce and Industry. An advance notification fee of \$100 shall be submitted with the prescribed advance notification form.

Within 31 days after the formal move announcement, the Office of Commerce and Industry will review the advance notification. If it appears the applicant qualifies for corporate headquarters tax equalization, the Office of Commerce and Industry will furnish application forms to the applicant. The applicant must file the application with the Office of Commerce and Industry, Box 94185, Baton Rouge, LA 70804-9185 within 90 days after receipt of the forms.

An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

The Board of Commerce and Industry shall review any recommendations for exemptions made by the Office of Commerce and Industry. The board shall take the number of jobs to be created into consideration in making its recommendation to the Board of Tax Appeals. All Commerce and Industry Board action on applications will be made at regularly scheduled meetings. If the Board of Commerce and Industry concurs in the recommendation it shall forward the recommendation together with all supporting documents to the Board of Tax Appeals.

Upon receipt of any such recommendation the Board of Tax Appeals shall notify the Department of Revenue of said recommendation and shall make available to the Department of Revenue the application and all supporting documents.

The Department of Revenue and Taxation shall within 10 days after receipt of the notice file in writing with the Board of Tax Appeals any objections it has to granting the exemption.

The Board of Commerce and Industry, after review by the Board of Tax Appeals and with the approval of the governor, may enter into a contract with the new corporate headquarters establishment.

Robert Paul Adams
Director

DECLARATION OF EMERGENCY

Department of Commerce Office of Commerce and Industry

Restoration Tax Abatement Program

The Department of Commerce, Office of Commerce and Industry, Finance Division is exercising the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, to revise and implement rules for the Restoration Tax Abatement Program, to be effective September 1, 1986.

The rules will implement R.S. 36:104(B)(7) and R.S. 51:936.1 authorizing the secretary of The Department of Commerce to establish fees for financial incentives granted by the department as established by Act 684 of the 1986 Legislative Session.

These emergency rules will be in effect for a period of 120 days or until new rules are adopted in accordance with the Administrative Procedure Act, whichever occurs first.

Rule 1. Time Limits for Filing Application

(a) The applicant shall submit an "Advance Notification" on the prescribed form 90 days prior to the beginning of construction. An advance notification fee of \$100 shall be submitted with the advance notification form.

(b) Application for tax exemption must be filed with the Office of Commerce and Industry, Box 94185, Baton Rouge, LA 70804-9185 on the form prescribed within a minimum of six months after the beginning of construction and/or not later than three months before completion of construction or the beginning of operations, whichever occurs first.

The phrase "beginning of construction" shall mean the first day on which foundations are started, or, where foundations are unnecessary, the first day on which installation of the facility begins.

(c) An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

Rule 10. Affidavit of Final Cost

Within six months after construction has been completed, an "affidavit of final cost" showing complete cost of the exempted project shall be filed on the prescribed form together with a fee of \$100 for the inspection which will be conducted by the Office of Commerce and Industry.

Robert Paul Adams
Director

DECLARATION OF EMERGENCY

Department of Commerce Office of Commerce and Industry

Sales and Use Tax Exemption on Energy Conservation Property

The Department of Commerce, Office of Commerce and Industry, Finance Division is exercising the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, to revise and implement rules for the Sales and Use Tax Exemption on Energy Conservation Property Program, to be effective September 1, 1986.

The rules will implement R.S. 36:104(B)(7) and R.S. 51:936.1 authorizing the secretary of The Department of Commerce to establish fees for financial incentives granted by the

department as established by Act 684 of the 1986 Legislative Session.

These emergency rules will be in effect for a period of 120 days or until new rules are adopted in accordance with the Administrative Procedure Act, whichever occurs first.

Rule 8. Time Limits for Filing Application

(a) The applicant shall submit an "advance notification" on the prescribed form 90 days prior to the beginning of construction and the purchase of materials, machinery or equipment for qualifying projects. An advance notification fee of \$100 shall be submitted with the advance notification form.

(b) Application for tax exemption (refund) must be filed with the Office of Commerce and Industry, Box 94185, Baton Rouge, LA 70804-9185 on the form prescribed within 30 days after the beginning of construction or installation.

The phrase "beginning of construction" shall mean the first day on which foundations are started, or, where foundations are unnecessary, the first day on which installation of the facility begins.

(c) An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001-\$50,000
\$400	\$15,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of energy saved to the applicant if the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of energy saved which have been accepted, will not be refundable.

(d) After approval by the Board of Commerce and Industry, the effective date of the exemption (refund) shall be the date the advance notification form was received in the Office of Commerce and Industry.

(e) A cutoff date for processing applications to be considered for a particular Board meeting is four weeks prior to that board meeting.

Rule 11. Affidavit of Energy Saved

Not later than 12 months after completion of a modification or replacement described in Rule 3(a), the applicant shall submit an Affidavit of Energy Saved on the prescribed form together with a fee of \$100 and such evidence as the board, in consultation with the Department of Natural Resources, shall require to establish to the satisfaction of the board that property on which sales and use tax has been exempt (refunded) is energy conservation property.

Robert Paul Adams
Director

**DECLARATION OF EMERGENCY
Board of Elementary and Secondary Education
Extend Policy 3.01.70.v(37) through July 1, 1987**

The State Board of Elementary and Secondary Education, at its meeting of July 24, 1986, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and extended through July 1, 1987, Policy 3.01.70.v(37) for hiring full-time/part-time noncertified

school personnel with the exception of speech, language and hearing specialist.

This emergency adoption is necessary in order to have the policy in place for the coming school year.

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

**DECLARATION OF EMERGENCY
Board of Elementary and Secondary Education
Extend Policy 3.01.70.v(22) for 1986-87 School Year**

The State Board of Elementary and Secondary Education, at its meeting of July 24, 1986, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R. S. 49:953B and extended for the 1986-87 school year, Policy 3.01.70.v(22) for issuance of the Temporary Employment Permit.

This emergency adoption is necessary in order for the policy extension to be in place for the coming school year.

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

**DECLARATION OF EMERGENCY
Board of Elementary and Secondary Education
Bus Transportation to Vocational-Technical Schools**

The State Board of Elementary and Secondary Education, at its meeting of July 24, 1986, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and established the following as policy:

"If vocational-technical schools are going to supply bus transportation to all students, the students will be charged an appropriate amount to cover all costs of operating a bus. The effective date for charging for bus service to the vocational technical schools is July 15, 1986".

This emergency adoption is necessary due to budget cuts already imposed on the vocational technical schools.

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

**DECLARATION OF EMERGENCY
Department of Health and Human Resources
Board of Medical Examiners**

The Louisiana State Board of Medical Examiners ("Board") pursuant to its rulemaking authority under the Louisiana Medical Practice Act, R.S. 37:1270B(6) and R.S. 37:1281, and the emergency provisions of the Louisiana Administrative Procedure Act, R.S. 49:953B, has adopted amendments to its existing rules and regulations governing the licensing of physicians and surgeons. The amendments affect the fees to be charged for the various components of the FLEX examination. The board has been informed by the Federation of State Medical Boards of the United States of certain fee increases for the 1987, 1988 and 1989 administrations of the FLEX examination. The board will begin accepting applications for the June

1987 FLEX examination on September 3, 1986. In order to have the fee increase effective and applicable to applications received on or after September 3, 1986, the Board has determined that it is necessary, appropriate and consistent with the provisions of the Administrative Procedure Act to promulgate such amendments as emergency rules. The board intends to notice the amended rules in the succeeding publication of the *Louisiana Register*.

§30.09. Licenses, Permits and Examination

(C) For registration for and taking of the FLEX, the following fees shall be payable to and recoverable by the board:

- | | |
|---|-------|
| (1) Complete FLEX (Components I and II) | \$365 |
| (2) Component I | \$190 |
| (3) Component II | \$240 |

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

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

Summary

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

It is necessary to adopt this as an emergency rule to avoid sanctions as federal regulations mandate an August 1, 1986 implementation date.

RULE

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

1. Definition of Elderly and Disabled

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

A member of a household who: (1) is 60 years of age or older; (2) receives Supplemental Security Income benefits under Title XVI of the Social Security Act or disability or blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act; (3) receives federally or state-administered supplemental benefits under Section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under Title XVI of the Social Security Act; (4) receives federally or state-administered supplemental benefits under Section 212(a) of Pub. L. 93-66; (5) receives disability retirement benefits from a governmental agency because of a disability considered permanent under Section 221(i) of the Social Security Act; (6) a veteran with a service-connected or non-service connected disability rated by the Veteran's Administration (VA) as total or paid as total by the VA under Title 38 of the United States Code; (7) is a veteran considered by the VA to be in need of regular aid and attendance or permanently housebound under Title 38 of the United States Code; (8) is a surviving spouse of a veteran and considered by the VA to be in need of regular aid and attendance or permanently housebound or a surviving child of a veteran and considered by the VA to be permanently incapable of self-support under Title 38 of the United States Code; or (9) is a surviving spouse or surviving child of a veteran and considered by the VA to be entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death under Title

38 of the United States Code and has a disability considered permanent under Section 221(i) of the Social Security Act. "Entitled" as used in this definition refers to those veterans' surviving spouses and surviving children who are receiving the compensation or pension benefits stated or have been approved for such payments, but are not yet receiving them; (10) receives an annuity payment under Section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 and is determined to be eligible to receive Medicare by the Railroad Retirement Board; or Section 2(a)(i)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon the criteria used under Title XVI of the Social Security Act.

2. Standard utility allowance (SUA)

The standard utility allowance shall also be made available to those households receiving indirect energy assistance payments but who continue to incur out-of-pocket heating or cooling expenses during any month covered by the certification period.

Household can switch between the SUA and actual utility costs at each recertification and one additional time during each twelve-month period following the initial certification.

3. Certification of Information

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

4. Liability for Overissuance of Coupon

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

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

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections Board of Private Security Examiners

The Board of Private Security examiners, at its meeting of July 10, 1986, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and under the authority of R.S. 37:3274(3), the board has adopted the following emergency rules as set forth below.

This emergency adoption is necessary to require qualifying criteria in a field that was previously unregulated in which unqualified individuals may injure the public. In particular it is necessary that the board specify the qualification that a licensee of a security company must possess.

The minimum requirements of a licensee of a security company are:

1) good moral character;

2) legal age;

3) citizen of the United States;

4) has not been convicted in any jurisdiction of any felony, or any crime involving moral turpitude, or illegal use or possession of a dangerous weapon, for any of which a full pardon or similar relief has not been granted;

5) has not been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease which has not been restored;

6) does not suffer from habitual drunkenness or from narcotics addiction or dependence;

7) a corporation seeking a license shall be incorporated under the laws of this state, or shall 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;

8) if, in the opinion of the board, the applicant provides inadequate information to allow the board to determine whether the applicant meets the qualifications for licensing, the applicant shall be required to provide additional information to the board or may be required to be interviewed by the board;

9) if the applicant possesses an extensive arrest and/or conviction sheet as issued by the Louisiana State Police, Bureau of Identification, without the disposition thereof, it shall be incumbent upon the applicant to provide full details of his arrest and disposition, if requested by the board.

F. Stephen Aucoin
Executive Secretary

DECLARATION OF EMERGENCY
Department of Public Safety and Corrections
Board of Private Security Examiners

The Board of Private Security Examiners, at its meeting of July 10, 1986, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and under the authority of R.S. 37:3274(3), the board has adopted the following emergency rule as set forth below.

This emergency adoption is necessary to require qualifying criteria in a field that was previously unregulated in which unqualified individuals may injure the public. In particular it is necessary that a standard handgun and shotgun qualification course be devised by the board to ensure that armed guards meet minimum qualifications before handling a weapon in the course of their duties.

To be licensed as an armed guard a person must pass the security firearms qualification course outlined below:

Handgun, 50 Shots, Double-Action.		
60 percent required to qualify, 150 points out of 250		
4 Yards	12 shots, unsupported, point-shooting, without sights	45 seconds
	6 shots, strong hand only	
	6 shots, weak hand only	
7 yards	2 shots, unsupported	
	Two handed - with sights (indexing these rounds)	5 seconds
	12 shots, unsupported	
	Two-handed point shooting	60 seconds
	12 shots, unsupported	
	Two-handed with sights	60 seconds
15 yards	12 shots, barricade-strong hand	
	Two-handed, using sights	60 seconds
	6 shots, standing right barricade	
	6 shots, standing left barricade	

Note: NRA B-27 or TQ 10 target is required.

SECURITY FIREARMS
QUALIFICATION COURSE

Shotgun: 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.) 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.

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

Buckshot Stage:		
15 yards	2 rounds, standing from the shoulder.	10 seconds
25 yards	3 rounds total, from the shoulder; one round standing, two round kneeling. Time includes loading time with the shotgun starting from the "Cruiser-Safe" position. (Chamber empty, magazine loaded, safety on)	20 seconds
Slug Stage:		
25 yards	2 rounds total, from the shoulder; one round kneeling, one round standing.	15 seconds
25 yards	3 rounds total, from the shoulder; one round standing, two rounds kneeling. Starting from the "Cruiser-Safe" position.	

F. Stephen Aucoin
Executive Secretary

DECLARATION OF EMERGENCY
Department of Public Safety and Corrections
Board of Private Security Examiners

The Board of Private Security Examiners, at its meeting of July 10, 1986, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and under the authority of R.S. 37:3274(3), the board has adopted the following emergency rule as set forth below.

This emergency adoption is necessary to require qualifying criteria in a field that was previously unregulated in which unqualified individuals may injure the public. In particular it is necessary that the board define an armed guard to cover all possible working situations.

An armed security guard is an individual whose principal duty is that of an armed security guard, and who at anytime, wears, carries, possesses, or has access to a firearm in the performance of his duties. An armed security guard also includes:

- 1) a security guard who may carry a shotgun; or
- 2) may carry a P.R.C. 24 night stick; or
- 3) handcuffs; or
- 4) any other defensive tactic weapon the board may so

define

F. Stephen Aucoin
Executive Secretary

DECLARATION OF EMERGENCY
Department of Public Safety and Corrections
Board of Private Security Examiners

The Board of Private Security Examiners at its meeting of July 10, 1986, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and under authority of R.S. 37:3274(3), the board has adopted the following emergency rules as set forth below.

This emergency adoption is necessary to require qualifying criteria in a field that was previously unregulated in which unqualified individuals may injure the public. In particular it is necessary to have all security guards registered with the board immediately upon their employment so that the board can determine whether they meet the qualifications as set forth in the law.

Guard Registration:

1) Each person who performs the functions and duties of a security guard within this state on the effective date of this chapter shall have 180 days to apply to the board for a registration card.

2) Any person hired to perform the functions and duties of a security guard after March 31, 1986, shall have ten working days (excluding Saturday, Sunday and Holidays) after the effective date of employment to apply to the board for a registration card.

3) A temporary registration card may be issued by a certified trainer pending issuance of a permanent registration card by the board. A temporary registration card shall be valid for no more than 60 days.

4) Every applicant for a registration card shall make and deliver to the board a sworn application in writing upon a form prescribed by the board. The employer of the applicant shall certify the application that the employee will be given the minimum training required by the board.

F. Stephen Aucoin
Executive Secretary

DECLARATION OF EMERGENCY
Department of Public Safety and Corrections
Board of Private Security Examiners

The State Board of Private Security Examiners, at its meeting of July 10, 1986, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, and under the authority of R.S. 37:3274(3), the board has adopted the following emergency rules as set forth below.

This emergency adoption is necessary to require qualifying criteria in a field that was previously unregulated in which unqualified individuals may injure the public. In particular it is necessary that the board specify the qualifications that a trainer of security guards, armed and unarmed, must possess to be certified by the board as a qualified trainer.

To be certified as an instructor of Unarmed Guards a person must possess the following qualifications:

1) approval 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 or the equivalent thereof; or

5) P.O.S.T. certified instructor certificate; or

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

To be certified as an instructor of Armed Guards a person must possess the following qualifications:

1) approval 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 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) N.R.A. Firearm Instructor certificate, or the equivalent thereof; or

8) P.O.S.T. Firearm Instructor Certificate, or the equivalent thereof.

F. Stephen Aucoin
Executive Secretary

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections
Office of Motor Vehicles

Title 37

Insurance

Part VII. Motor Vehicles

§129. Compulsory Motor Vehicle Liability Security - Lapse of Coverage

A. When an insurance company notifies the Department of Public Safety and Corrections, Office of Motor Vehicles of the cancellation or termination of liability coverage as required by R.S. 32:863.2, the department will send notice of revocation of registration and suspension of driving privileges to the registered owner as required by R.S. 32:863. The department will take no action if the owner or operator of the vehicle furnishes evidence satisfactory to the department that:

1. The vehicle or operator was covered by a liability insurance policy, or other security as provided by R.S. 32:861 and following, within 30 days of the insurance cancellation or termination date.

2. The vehicle is currently covered by such a liability insurance policy or other security.

3. The vehicle was not involved in an accident during the period when it was not covered by such a liability insurance policy or other security required by law.

4. If coverage is found to have been lapsed in excess of 30 days, the department will enforce all of the provisions of the compulsory insurance law.

John J. Politz
Assistant Secretary

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections
Office of State Police

Division of Charitable Gaming

Adoption of rules to Implement the Charitable Raffles, Bingo and Keno Law, R.S. 33:4861.1 et. seq. and R.S. 40:1485.1 et. seq., and Act 752 of 1986.

1. Statement of Reasons for Emergency:

The Regular Session of 1986 Louisiana Legislature enacted Act Number 752 which created a Division of Charitable Gaming Control within the Office of State Police. This Act requires the Division of Charitable Gaming Control to license manufacturers and distributors of charitable gaming supplies and eligible organizations who conduct charitable gaming. This Act became effective upon signature of the governor, July 8, 1986.

Implementation of Act 752 requires the Department of Public Safety and Corrections, Office of State Police, to adopt rules and regulations governing licensing of manufacturers, distributors and charitable organizations.

The department has had insufficient time between the close of the legislative session and the effective date of the law to promulgate permanent rules. The provisions of the Louisiana Administrative Procedure Act for promulgating administrative rules prevents the adoption of permanent rules before certain hearings, publications and delays all as provided by the said Act.

The Department of Public Safety and Corrections finds that the lack of permanent rules between the effective date of the law and the adoption of permanent rules poses an imminent peril to public health, safety and welfare. The rules are as requested emergency rules in order to protect the health, safety and welfare of the public, to prevent economic hardships to potential manufacturers, operators, and local governments, and provide the charitable gaming industry with guidelines in this new area of law.

The permanent rules will be promulgated by the Department of Public Safety and Corrections at a later date with opportunity for public comment and participation in a public hearing.

RULE I

STATEMENT OF DEPARTMENT POLICY

The public health, safety and welfare, is the primary consideration in promulgating these rules and shall continue to be the primary consideration in their application and enforcement.

RULE II

DEFINITIONS

1. As used throughout this Chapter, the following definitions apply:

a. *Act* means the Charitable Bingo, Keno and Raffle Law enacted as Louisiana Revised Statutes 33:4861.1 et. seq. and R.S. 40:1485.1 et. seq. including all amendments thereto that may hereafter be enacted.

b. *Applicant* means any person who has applied for or is about to apply for a license to conduct charitable gaming or as a manufacturer or distributor of charitable gaming equipment or supplies.

c. *Department* means the Louisiana Department of Public Safety and Corrections and shall include the Division of Charitable Gaming Control of the Louisiana Department of Public Safety and Corrections, Office of State Police.

d. *Session* means the number of bingo games with a time limited to four consecutive hours within the same calendar day with a minimum of 24 hours between sessions.

e. *Reasonable Market Rental Rate* is that rate at which similar facilities or equipment available for similar purposes in the community may be leased or rented.

f. *Charitable gaming* is the conducting or assisting in the conducting of any game of chance authorized by R.S. 33:4861.1 et. seq.

g. *Charitable gaming supplies or equipment* means - any devices, goods or wares intended for the use in the conduct of any charitable gaming provided by law and includes, but is not limited to, the receptacle and numbered objects to be drawn from it, the master board upon which objects are placed is drawn, the cards or sheets bearing numbers or other designations to be covered, and the objects used to cover them, the

boards or signs, however operated used to announce or display the number or designation as they are drawn and all other articles essential to the operation, conduct and playing of bingo or keno; or pull tabs; and any computer system or software or cash register design for the primary purpose of accounting for and reporting the transactions involved in selling share or shares to participate in charitable gaming, but shall not include electronic video bingo machines as defined by law which are regulated by the Office of Attorney General.

h. *Certain related offenses as referred to in this Act* means any offense directly or indirectly related to the gambling or gaming laws of this state or the federal government.

i. *Ideal net proceeds* means the projected gross value to be collected upon sale of each pull tab in a set or deal minus the actual cost of the pull tabs to the organization and the total amount of prizes or winnings in the set or deal.

RULE III

MISCELLANEOUS

1. Bingo Sessions are limited to not more than one session per day per licensed organization.

2. No license shall be issued to any organization determined by the division to be renting or leasing facilities or equipment for more than the reasonable market rental rate.

RULE IV

APPLICATION FOR A LICENSE TO CONDUCT CHARITABLE GAMING

1. An application to conduct charitable gaming must be submitted to the Division of Charitable Gaming Control of the Office of State Police within the Department of Public Safety and Corrections upon the attached forms prescribed and provided by the department.

The application shall include the names, dates of births, and current home address of original incorporators, current officers, Louisiana agents for service of process, partners or principals of the organization, federal tax identification number, federal tax exemption certificate, latest federal income tax return, local ordinance authorizing charitable gaming, financial reports for previous year, current charitable gaming licenses, and copy of any rental or lease agreements where bingo is to be conducted, where applicable.

The application is not complete unless it is dated and signed by the proposed member in charge of charitable gaming and the head of the organization who shall be the president, chairman of the Board of Directors, or the chief executive officer or other duly elected head of the organization. It is the intent of this section that the legally responsible official of the applicant organization shall sign in his representative capacity and the application contain all information and statements required by the department.

2. A fee in the amount of \$50 to cover the cost of the processing of the application must accompany each application. Fee is not refundable if the application is denied.

3. All games conducted must comply with all the requirements of these rules and to the requirements of the Act and such other laws and rules as may be applicable.

RULE V

ELIGIBILITY FOR CHARITABLE GAMING LICENSE

A. The law requires organizations to be licensed by the state prior to being eligible for a local license. Any organization which possessed a valid local license as of midnight July 27, 1986 will be considered temporarily valid by the department. Any organization applying for a charitable gaming license after that date will be required to first obtain a license from the Charitable Gaming Division. All organizations will have to be licensed by the division by September 29, 1986.

B. License for charitable gaming shall only be issued to:

1. an organization meeting qualifications as required by R.S. 33:4861.1 et. seq. and R.S. 40:1485.1 et. seq;

2. organizations conducting games within a parish or municipality that has permitted charitable gaming under the provisions of R.S. 33:4861.1 et. seq.

RULE VI

LICENSE NOT TRANSFERABLE

1. A license for charitable gaming is only valid for the applicant and the premises identified on the license.

2. The license is further restricted to the particular game or games approved by the department and identified on the license.

3. A license issued pursuant to the Act and these rules is a privilege and not personal property.

RULE VII

EXPIRATION - RENEWAL OF LICENSE

1. All licenses issued pursuant to these rules expire at midnight June 30 of each year.

2. An application for a new license must be submitted to the Division of Charitable Gaming Control of the department on forms prescribed by the division, the fee paid, and new license issued, before games may be conducted.

3. The department will consider the same criteria for renewal of license as for the original issuance of license. Failure to satisfy license criteria contained in the Act and these rules may result in denial of renewal of a license.

RULE VIII

LICENSING OF MANUFACTURERS AND DISTRIBUTORS

1. Any person or business entity desiring to manufacture or distribute charitable gaming supplies for use in this state must:

- a. be issued and maintain all required federal and state licenses;
- b. apply to the department on forms prescribed by the department for licensing;
- c. meet the suitability and business relationship criteria of Rule XI.

2. No person shall be licensed who holds a permit to sell liquor of either high or low alcoholic content or who is directly or indirectly involved with the conduct of charitable gaming in leasing or renting any premises or equipment for charitable gaming or in the providing of any other incidental goods or services in connection with charitable gaming.

3. No person shall ship into or sell charitable gaming supplies in this state until his application for license is granted by the department.

4. A license may be suspended or revoked by the department upon the department's determination, after notice and opportunity for hearing, that the licensee has not complied with the conditions of the license.

5. No manufacturer shall sell or ship charitable gaming supplies to anyone in this state other than a licensed distributor.

6. No distributor shall purchase or secure any charitable gaming supplies except from a licensed manufacturer.

7. No manufacturer or distributor of gaming supplies or equipment shall directly or indirectly give gifts, trips, prizes, premiums, or other such gratuities to any charitable gaming organization, its employees, or commercial lessors other than nominal promotional items for which the retail value is less than \$5 and contains prominently printed advertising which includes the name and address of the manufacturer or distributor providing the item.

RULE IX

APPLICATION FOR MANUFACTURERS LICENSE

An application for a license to manufacture charitable gaming supplies and equipment must be submitted to the Division of Charitable Gaming Control upon forms prescribed by the

department.

The application shall include the names, dates of births, social security numbers, and current home address of original incorporators, current officers, Louisiana agents for service of process; partners or principals of the organization, federal tax identification number, or current licenses where applicable.

1. A fee in the amount of \$200 to cover the cost of the processing of the application must accompany each application. Fee is not refundable if the application is denied.

RULE X

APPLICATION FOR DISTRIBUTORS LICENSE

An application for a license to distribute or sell charitable gaming supplies and equipment must be submitted to the Division of Charitable Gaming Control upon forms prescribed by the department.

The application shall include the names, dates of births and current home address of original incorporators, current officers, Louisiana agents for service of process, partners or principals of the organization, federal tax identification number, or current licenses where applicable.

1. A fee in the amount of \$100 to cover the cost of the processing of the application must accompany each application. Fee is not refundable if the application is denied.

RULE XI

APPLICANT SUITABILITY AND BUSINESS RELATIONSHIPS

1. The department may deny an application or revoke, suspend, restrict, or limit a license when it finds that the applicant or a business relationship between an applicant and another person or business entity is unsuitable or endangers the health, safety, or welfare of the citizens of this state. In determining the suitability of an applicant or other persons or business entities in a business relationship, the department may consider the person or business entity's:

- a. general character, including honesty and integrity;
- b. financial security and stability, competency, and business experience in the capacity of the relationship;
- c. record, if any, of violations which may affect the legal and proper operation of charitable gaming including a violation affecting another licensee or applicant and any violation of the laws of this state, other states, and countries without limitations as to the nature of the violation;
- d. refusal to provide records, information, equipment, or premises to the department or peace officers when such access is reasonably necessary to ensure or protect public health, safety or welfare;
- e. association or relationship to a licensed manufacturer, distributor, charitable organization or commercial lessor.

RULE XII

MANUFACTURERS AND DISTRIBUTORS BACKGROUND INVESTIGATION

Manufacturers and Distributors shall reimburse the division for all reasonable cost incurred for background investigations. Reasonable cost shall include but not be limited to travel cost at the prevailing state per diem rate.

RULE XIII

DISTRIBUTOR'S STATE IDENTIFICATION STAMP

Each distributor shall purchase from the division a state identification stamp for a fee of \$100 per stamp. These stamps shall be permanently and conspicuously affixed to each separate package of all charitable gaming supplies and equipment at the point of sale to a licensed organization at which time the distributor will collect the following fees:

1. Three percent of the ideal net proceeds on all pull tab

or break-open tickets.

2. Five percent of the actual value of all other charitable gaming supplies.

Distributors shall remit these fees with their quarterly reports of sales to the division.

These fees are due and shall be postmarked no later than midnight on the fifteenth of each month or delivered during business hours prior to the fifteenth of each month following the quarters ending March 31, June 30, September 30 and December 31 in each calendar year. In addition to any other civil or criminal penalties, distributors who are late in submitting these fees shall be assessed late penalties of \$250 or 10 percent of amount due whichever is greater for fees not submitted timely after notice and opportunity for a hearing held in accordance with the Administrative Procedure Act.

RULE XIV

CASH OR SHORT TERM CREDIT SALES ONLY; TIMELY PAYMENT; PENALTY FOR VIOLATION

No distributor shall sell, offer to sell, or deliver any charitable gaming product to any licensed organization in this state, and no organization shall buy or accept delivery of any licensed charitable gaming supplies for any consideration other than cash or on terms requiring payment not later than the fifteenth day following that on which actual delivery is made. If any payment is not made when due, the vendor shall immediately notify the charitable gaming division thereof and the division shall notify all distributors licensed in the state of the default and thereafter no person shall sell any charitable gaming product to the organization in default on any other terms than cash delivery, until otherwise authorized by the division. Under penalty of suspension of his license, the organization who is in default shall pay his obligation in full within thirty days from the date it became due.

Whoever violates this Section may have his license suspended for not more than 30 days for the first offense and not more than 60 days for a subsequent offense. Each failure of an organization to make payment for any default before the expiration of the period of suspension constitutes a subsequent offense. In addition, the organization may be required to make payment in cash for all gaming products subsequently sold or delivered to him.

RULE XV

RECORD RETENTION REQUIREMENTS

All licensees must maintain and make available for inspection by division all necessary book records, documents and such other information the division may require to insure licensees are in compliance with the law.

Records must include but not limited to invoices, sales receipts, shipping documents, cancelled check, unsold pull tabs and cash receipts related to the sale or purchase of charitable gaming supplies and equipment. These records must be retained for three years.

RULE XVI

VALUE OF PRIZES

When merchandise is awarded as a prize in a game of Bingo, its value for the purpose of R.S. 33:4861.7 (A) and R.S. 33:4861.11 (B) shall be its cost to the Licensed Organization; or if donated, the fair market value. The fair market value of donated merchandise prizes may not be reported as an expenditure in any financial statement of Bingo operations.

RULE XVII

SEPARATE BINGO ACCOUNT

A Separate Checking Account shall be kept of receipts and expenditures of Charitable gaming, and money for all expenses except prizes under \$1,200 shall be paid only by checks having preprinted consecutive numbers and made payable to a specific person or corporation, and at no time shall a check be

made payable to cash. Proceeds from Charitable gaming shall be kept in a separate bank account and the organization shall file with the division an annual report for the year ending July 31 each year of the charitable religious or educational disbursements on such form as the division may prescribe. Such Annual Report shall be filed within 15 days of July 31 and shall be public record.

NOTE: All checks must be drawn on a Special Charitable Gaming Bank Account which must be established, and checks must have the words, "Charitable Gaming Account", imprinted on them and be prenumbered. The organization's state charitable gaming license number must also be printed on the face of the check.

RULE XVIII

TRANSFER SURPLUS SUPPLIES

Notwithstanding the provisions of this act, a licensed organization may transfer surplus supplies or equipment to another licensed charitable organization upon written application to and written permission of the division.

RULE XIX

QUARTERLY REPORTING REQUIREMENTS

1. Each licensee shall file with the department a quarterly report signed by the member in charge and head of the organization as described in Rule IV on forms prescribed and supplied by the department.

a. the report must be delivered to the department. Division of Charitable Gaming Control or shall be post-marked no later than midnight of the fifteenth of each month following the quarters ending March 31, June 30, September 30, and December 31 in each calendar year. In addition, to any other civil or criminal penalties, organizations who are late in filing these reports may be assessed a \$100 late penalty for each quarterly report or reports not submitted timely after notice and opportunity for a hearing held in accordance with the Administrative Procedure Act. Repeated violations shall be cause for denial, suspension, or revocation of said license.

b. Manufacturers and Distributors quarterly reports shall include but not be limited to the following information regarding the sale of each set or deal of pull tabs:

1. licensed organization sold to
2. date of sale
3. number of item (form number)
4. item description (form design)
5. serial number of set or game (deal)

RULE XX

INVESTIGATION OF LICENSEE

The department may, upon its own motion, and shall upon receipt of a written verified complaint of any person, investigate the actions of any licensee. The investigation shall be undertaken for the purpose of gathering evidence and determining whether a violation of the Act, rules or other statutes of the State of Louisiana has occurred.

RULE XXI

SUSPENSION AND REVOCATION OF LICENSE

1. The department may suspend any license held by an alleged violator after opportunity for hearing when:

- a. the department receives:
 - i. a certified copy (or other credible evidence) of any judgement or conviction of any permittee or his agent, servant or employee for any violation of any criminal law or ordinance of the United States, the State of Louisiana or any Louisiana parish, city or town relating to charitable gaming or gambling; or
 - ii. a certified copy of the record (or other credible evidence) of the forfeiture by any permittee or his agent or employee of bond to appear to answer charges of violating any law or ordinance relating to charitable gaming or gambling; or

b. the department, after investigation, has reasonable cause to believe that any permittee, his agent or employee has violated the provisions of the Act or these rules and has been issued a violation or citation.

2. The department may suspend a license prior to the opportunity for hearing when the department, after investigation, has reasonable cause to believe continued operation of the licensee endangers public health, safety and welfare. During the period of suspension, the permittee shall not conduct charitable gaming.

3. A permit may be revoked, subsequent to opportunity for a hearing, as penalty for violation of the Act or these rules.

RULE XXII

REVOCATION, SUSPENSION, RESTRICTION, DENIAL OR NONRENEWAL OF APPLICATION - FAIR HEARING - JUDICIAL REVIEW

1. When the department revokes, suspends, restricts or denies an application for registration or renewal, the applicant may request a hearing. The request for a hearing shall be made in writing to the department within 45 days of the revocation, suspension, restriction or denial by the department. Upon the department's receipt of written request, a hearing shall be conducted in accordance with the provisions of the Louisiana Administrative Procedure Act.

2. Administrative Procedures conducted by the department are subject to judicial review according to the provisions of the Louisiana Administrative Procedure Act.

RULE XXIII

GENERAL PENALTY PROVISION

Any violation of any provision of this act or any rule of the department not specified with a penalty may be cause for denial, suspension or revocation of a license and/or a fine of not more than \$5,000.

These emergency rules are enacted pursuant to Act 752 of the 1986 Legislative Session.

Interested persons may submit written comments on this matter to Sergeant Emile S. Bourgoyne, Department of Public Safety and Corrections, Office of State Police, Charitable Gaming Division, Box 66614, Baton Rouge, La. 70896.

Colonel Wiley D. McCormick
Deputy Secretary

DECLARATION OF EMERGENCY

**Department of State
Office of the Secretary**

In accordance with the provisions of the Administrative Procedure Act and House Bill No. 1487 amending R.S. 49:222, the Department of State is hereby adopting rules establishing the fees to be charged for various filings and services by the Department of State. Comments can be forwarded to James H. "Jim" Brown, Secretary of State, Box 94125, Capitol Station, Baton Rouge, La. 70804; phone (504) 342-5710. A public hearing has been scheduled for 10 a.m. on Monday, September 15, 1986, on the 20th floor of the State Capitol, Baton Rouge, La. All interested persons will be afforded an opportunity to submit views in writing or present arguments at the public hearing.

RULE

In accordance with the mandate contained in R.S. 49:222 as amended by House Bill No. 1487 of 1986, the following fee schedule is established by the Department of State:

ITEM	COST
Administrative Services:	
Xerox Copies, per page	\$.15

Certificate of Service of Process	6.00
Agent for Service of Process, business opportunity	10.00
Microfilm Copies of Service of Process, per page	1.00
Municipal Bonds, Certificates Issued	5.00
Proces Verbaux, Certificates	7.00
Proces Verbaux, per page	5.00
Miscellaneous Certificates	5.00
Service of Process	20.00
Corporations, Trademarks, Partnerships: Certificates	10.00
Certified copies, amended	20.00
Copies, amended	20.00
Powers of Attorney	20.00
Recordation of Trade Marks	50.00
Name Reservations	15.00
Trade Name Reservations	15.00
Resignation of Agent	20.00
Annual Reports, Domestic and Foreign	25.00
Domestic Corporation, filing fees	60.00
Domestic Non-Profit, filing fees	60.00
Foreign Corporation, filing fees	100.00
Commissions:	
Notaries, new	25.00
Notary Bond Renewals	10.00

James H. "Jim" Brown
Secretary

DECLARATION OF EMERGENCY

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

In accordance with the emergency provisions of R.S. 49:953 (B), the Administrative Procedure Act, and under the authority of R.S. 56:260 (B), the Wildlife and Fisheries Commission hereby establishes the 1986 alligator hunting season to begin on September 6, 1986 and continue through October 6, 1986.

The alligator population in Louisiana has been determined by biologists of the department to be capable of sustaining an annual harvest of surplus animals and the removal of the surplus animals is considered to be a wise use of this natural resource. This determination has been made by intensive data collection from wild populations through ground and aerial surveys combined with recently completed results of the 1985 harvest. Harvest rates are presently being calculated and will be determined by biologists of the Fur and Refuge Division. The department secretary is authorized to approve the harvest rates when available and is further authorized to close or extend the alligator season as biologically justifiable.

J. Burton Angelle
Secretary

DECLARATION OF EMERGENCY

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

In accordance with the emergency provisions of R.S. 49:953 (B), the Administrative Procedure Act, and under authority of R.S. 56:115 the Louisiana Wildlife and Fisheries Commission at its regular scheduled meeting on July 9, 1986 in

Baton Rouge, Louisiana adopted the following hunting season dates, bag limits and starting hours for migratory birds other than waterfowl:

Doves
September 6-14 9 days (statewide)
October 18 - November 30 44 days (statewide)
December 13 - December 29 17 days (statewide)
 70 days total

Framework: September 1, 1986 - January 15, 1987 (three-way split)

Bag Limit: 12 with 70 days

Rails
September 20 - 28 9 days
November 8 - January 7 61 days
 70 days total

Framework: September 1, 1986 - January 20, 1987 (two-way split)

Bag Limit: 15 Clapper and King in the aggregate
 25 Sora and Virginia in the aggregate

Gallinules
September 20 - 28 9 days
November 8 - January 7 61 days
 70 days total

Framework: September 1, 1986 - January 20, 1987 (two-way split)

Bag Limit: 15

Snipe
November 8 - February 22 107 days

Framework: September 1, 1986 - February 28, 1987 (two-way split)

Bag Limit: 8

Woodcock
December 6 - February 8 65 days

Framework: September 1, 1986 - February 28, 1987 (two-way split)

Bag Limit: 5

Teal
September 20 - 28 9 days

Framework: September 1 - 30, 1986 (no split)

Bag Limit: 4

Shooting Hours:

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

J. Burton Angelle
Secretary

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, and under the authority of R.S. 56:317, the Louisiana Wildlife and Fisheries Commission hereby prohibits the use of gill nets, trammel nets, seines and trawls in the waters immediately adjacent to the Cy-

premort Point State Park, St. Mary and Iberia Parishes, Louisiana. The boundaries of the closed area shall be: landward of a line from the point of land commonly known as Blue Point to the point of land commonly known as Cypremort Point, to the existing shoreline including all waters herein. Emergency action is required because of the interference of commercial net use to recreational fishermen fishing in this relatively small area, because of fish remains and trash being brought onto the shore by said nets and because this material presents a health hazard to children and other park users.

The emergency netting prohibition is to become effective on the date it is published in the *Louisiana Register*.

J. Burton Angelle
Secretary

Rules

RULE

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

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:1312, the Department of Agriculture and Forestry, Fertilizer Commission, has adopted the rules and regulations detailed below as amended.

Title 7

AGRICULTURE AND ANIMALS

Part XI. Fertilizer

Chapter 79. Fertilizers

§7901. Definitions

Additive means any substance added to fertilizer in small amounts.

Adulteration means any situation (1) where a commercial fertilizer contains any material which is not specifically declared to be a component of the fertilizer, (2) where materials which are likely to cause injury or damage to crop plants are present, (3) where materials containing nitrogen in a form which is but slightly available to plants is added to make up a part of the required nitrogen content, or (4) where the actual analysis is lower than the guaranteed analysis.

Analysis means the process of separating the components of fertilizers to determine the chemical composition.

Basic slag means a by-product from the manufacturing of steel by the Bessemer or open-hearth process.

Commissioner means the commissioner of the Department of Agriculture and Forestry or his duly authorized representatives acting at his discretion.

Composite sample means a collection of samples taken from a given lot or load of fertilizer; and these aggregated samples are treated as one representative sample of the total lot or load.

Custom-mixed fertilizer means a fertilizer product which has been produced to the customer's specifications and promotes plant growth or exerts beneficial action on the soil.

Deficiency means any condition where the required pri-

mary plant nutrients constitute less than the percent, by weight, guaranteed.

Fertilizer means all materials sold for the purpose of promoting the growth of plants or exerting beneficial action on the soil. "Fertilizer" does not include: lime, limestone, marl, gypsum, sulphur, unground bones when not mixed with any other substances, and manure or excrement from any domestic animals which has not been dried or otherwise treated.

Fertilizer blend means a mixture of two or more components containing different plant nutrients and mixed together to give a predetermined percentage of each of the nutrients in the final product.

Fertilizer grade means the specific percentage of nitrogen (N), available phosphoric acid (P_2O_5), and soluble potash (K_2O), or any two of these components.

Guarantor and/or *registrant* means any person who manufactures, sells or offers fertilizer for sale under his name or brand, and who is registered with the Fertilizer Commission of the Department of Agriculture and Forestry.

Micronutrients are those listed in LAC 7:XI.7907.E herein.

Mixed fertilizer means a fertilizer product that contains a minimum of 20 percent by weight of the primary nutrients which promotes plant growth or exerts beneficial action on the soil.

Package means any parcel, bag, or other container in which fertilizer is stored and/or offered for sale.

Pesticide means any substance or mixture of substances intended to be used for defoliating or desiccating plants, for destroying or repelling pests, or preventing or mitigating the effects of pests.

Premise means any place, warehouse, store, truck, railroad car, boat, etc., where fertilizer may be kept by a guarantor.

Primary plant nutrients means nitrogen (N), available phosphoric acid (P_2O_5), and soluble potash (K_2O).

Purchase invoice means delivery, scale or meter ticket to identify the fertilizer in the trade channel.

Sampling means the process of taking a portion or a specimen of fertilizer.

Small packages means 16 ounces or less of liquid fertilizer and 10 pounds or less of dry material.

Specialty fertilizer means any commercial fertilizer distributed in packages containing 16 fluid ounces or less and designed primarily for use on household plants grown for noncommercial purposes.

State chemist means the director of the Agricultural Experiment Station at Louisiana State University and Agricultural and Mechanical College.

Superphosphate means the product obtained when ground bones or phosphate rock is treated with sulfuric acid. The available (P_2O_5) will be 18 to 20 percent.

Value of deficiency means the dollar value attributable to a penalty calculated in accordance with these rules.

§7903. Registration Requirements

A. No fertilizer shall be sold within the state of Louisiana unless such product is registered as required herein.

B. Every guarantor who manufactures, sells, or offers fertilizer for sale under his brand or company name within the state of Louisiana must be registered with the Fertilizer Commission of the Department of Agriculture and Forestry. Fertilizer processed or manufactured in Louisiana and offered for sale or distributed solely outside the state of Louisiana is not required to be registered.

C. Applicants for registration may request application forms, verbally or in writing, from the Fertilizer Commission of the Department of Agriculture and Forestry.

D. Each registration shall be valid until December 31 of

each year. To remain valid, each registration must be renewed on or before January 1 of each year.

E. Applications for annual renewal of registration shall be mailed by the Fertilizer Commission of the Department of Agriculture and Forestry to all registrants, at the last address provided by the registrant, on or before November 15 of each year and must be returned on or before January 1 of each year.

F. The record of all registrations shall be maintained by the Fertilizer Commission and the director of Agricultural Chemistry Programs in the Harry D. Wilson Building, Louisiana State University in Baton Rouge.

§7905. Labeling Requirements

A. All fertilizers sold in Louisiana must be labeled by tag or printed label, if packaged or by invoice, if in bulk form.

B. The label, tag, or printed invoice must contain:

1. name and address of the registrant;

2. net weight of contents, if packaged or stamped weight tickets, if bulk;

3. the minimum percent by weight of nitrogen (N);

4. the minimum percent by weight of available phosphoric acid (P_2O_5); and

5. the minimum percent by weight of soluble potash (K_2O)

C. In the case of bone, rock phosphate, basic slag, and other materials of low available phosphorus, the label shall contain the total content of phosphoric acid.

D. When minor elements, pesticides, and/or seeds are added, the label, tag, or printed invoice must contain the following:

1. guarantee of the fertilizer (percent by weight) before the addition of minor elements, pesticides and/or seeds;

2. amount per ton of minor elements, pesticides and/or seeds added; and

3. percent by weight of the active ingredients added.

E. All additives must be clearly labeled as such.

F. The validity of claims on the label, tag or printed invoice will be verified by the director of Agricultural Chemistry Programs. No false or misleading statements indicating that additives possess fertilizer properties will be permitted.

G. When two or more fertilizer materials are mixed or blended together, the guarantor must indicate on the label, tag, or printed invoice, the percent by weight of nitrogen (N), available phosphoric acid (P_2O_5), and soluble potash (K_2O) in the final mixture.

§7907. Required Guarantees

A. Guarantees of the plant nutrients must be expressed as percent by weight.

B. Guarantees on the basis of weight per unit of area (i.e., units/acres) will not be permitted.

C. Every mixed fertilizer must contain a minimum of 20 percent by weight of the primary nutrients, nitrogen (N), available phosphoric acid (P_2O_5), and soluble potash (K_2O), except those products whose primary purpose is to supply minor nutrients.

D. All plant nutrients other than nitrogen (N), available phosphoric acid (P_2O_5), and soluble potash (K_2O), if listed on the label or invoice, must be guaranteed on an elemental basis.

E. Other plant nutrients when mentioned in any form or manner shall be registered and shall be guaranteed. Guarantees shall be made on the elemental basis. Sources of the elements guaranteed and proof of availability shall be provided the commissioner upon request. The minimum percentages which will be accepted for registration are as follows:

ELEMENT	PERCENTAGE
Calcium (Ca)	1.00
Magnesium (Mg)	0.50

ELEMENT	PERCENTAGE
Sulphur (S)	1.00
Boron (B)	0.02
Chlorine (Cl)	0.10
Cobalt (Co)	0.0005
Copper (Cu)	0.05
Iron (Fe)	0.10
Manganese (Mn)	0.05
Molybdenum (Mo)	0.0005
Sodium (Na)	0.10
Zinc (Zn)	0.05

F. Guarantees will be based on primary plant nutrients and will be calculated on the basis of primary plant nutrients before the addition, if any, of any minor elements, pesticides, and/or seeds.

G. In the case of bone, rock phosphate, basic slag, and other materials of low available phosphorus, the total content of phosphoric acid shall be guaranteed in lieu of available phosphoric acid.

§7909. Custom Mixed Fertilizers and Fertilizer Blends

A. The guarantor may add minor elements, pesticides, and/or seeds at the request of the purchaser. When such additions are made, the guarantor shall provide information to the Department of Agriculture and Forestry on the types and amounts of materials added. This information is to appear on the purchase invoice and the inspection report which accompanies the sample to the laboratory.

B. Whenever two or more fertilizer materials are blended, the composition of the final product shall be expressed as the percentage by weight of nitrogen (N), available phosphoric acid (P_2O_5), and soluble potash (K_2O), and micronutrients, when guaranteed. This information shall appear on the purchase invoice to identify the fertilizer, the guarantor, and the consumer.

C. When fertilizer blends contain pesticides, the final product shall be treated as two separate products. Fertilizer shall be registered in accordance with these regulations and pesticides shall be registered in accordance with the Louisiana Pesticide Law.

D. When fertilizer blends contain seeds, the final product shall be treated as two separate products. Fertilizer shall be registered in accordance with these regulations and seeds shall be subject to the regulations of the Louisiana Seed Law.

§7911. Sampling Procedures

A. Sampling of fertilizer is the responsibility of the director of Agricultural Chemistry Programs of the Department of Agriculture and Forestry.

B. All samples of fertilizer that are shipped or stored in bulk shall be composite samples.

C. When taking a composite sample, the inspector will follow the procedures accepted by the Association of Official Analytical Chemists (A.O.A.C.) and/or American Association of Plant Food Control Officials (A.A.P.F.C.O.). No less than 10 probe samples shall constitute a composite sample from any kiln, truck or pull type trailer. No less than 10 probe samples shall be taken to secure a composite sample in bulk warehouse storage area. When a composite sample is taken directly from a blender, prior to loading or storage, then the inspector shall cut the stream of flow according to A.O.A.C./A.A.P.F.C.O. standards and guidelines. If no sample splitter is provided by the guarantor, the inspector shall take a sample of approximately five pounds. This entire sample will be transported to the laboratory for analysis. A fertilizer blender may request a sample of not less than 20 pounds, nor more than 50 pounds provided the fertilizer company furnishes the inspector with a sample splitter and containers. The inspector will then split the sample to approximately five pounds. This portion will be properly labeled and transported to the laboratory for analysis. The remainder of the sam-

ple will be returned to the original lot from which the sample was taken.

D. When prepackaged fertilizer is sampled, the composite sample shall be taken in the following amounts:

1. lots containing 10 packages or less, every package shall be sampled;

2. lots containing less than 1,000 packages, five percent of the packages shall be sampled, but not less than 10 packages will be sampled from the lot; and

3. lots containing 1,000 or more packages, 50 different packages shall be sampled.

E. When the fertilizer is in liquid form, and stored in quantities other than small packages, one sample is to be taken from each storage container in accordance with the procedures accepted by the A.O.A.C. and/or A.A.P.F.C.O. When the fertilizer is in liquid form and prepackaged for sale in small containers, a single package may be taken.

F. Each official sample shall be placed in a suitable container and clearly marked for identification while the inspector taking the sample is still on the premises of the guarantor, and the guarantor or his agent shall be permitted to examine the marking. The identification so affixed to the sample shall contain all information called for on the official fertilizer inspection form of the Department of Agriculture and Forestry.

G. All samples shall be forwarded by the inspector to the state chemist within two working days, and the inspector shall record the date of mailing or delivering of said sample.

§7913. Chemical Analysis of Fertilizer

A. The state chemist is responsible for chemical analysis of all samples of fertilizer.

B. All samples received in the laboratory shall be reduced to approximately 0.5 pounds for chemical analysis by splitting the sample in accordance with A.O.A.C. procedures.

C. In analysis of fertilizers, the state chemist shall follow the procedures set forth in the current edition of Official Methods of Analysis of the Association of Official Analytical Chemists (A.O.A.C.) or the procedures recognized by the American Association of Plant Food Control Officials (A.A.P.F.C.O.).

D. In any situation which is not expressly covered by the authorities cited in LAC 7:XI.7913.B above, the state chemist shall select the method of analysis to be followed and shall document the rationale for his selection.

E. Results of the fertilizer analysis shall be mailed to the guarantor within 30 days after the sample is taken. If the test results are not mailed to the guarantor within 30 days after the sample was taken, the guarantor may request in writing, within 10 days for receipt of notice of deficiency, a hearing before the Fertilizer Commission for a determination of the validity of any penalties assessed.

F. When analysis indicates a deficiency, then an additional analysis shall be made from the unground portion of that sample held in the laboratory. If the results of the two analyses differ, then the official results shall be the analysis that indicates the higher percentage of plant nutrients.

§7915. Tonnage Reports; Inspection Fees

A. All registrants must file a report of the tonnage and grade of products sold, on forms to be provided by the Fertilizer Commission of the Department of Agriculture and Forestry, on the first day of July, the first day of October, the first day of January, and the first day of April of each year.

B. All registrants must grant the Fertilizer Commission of the Department of Agriculture and Forestry the right to examine their records for verification of the tonnage reports filed as required by LAC 7:XI.7915.A.

C. Every registrant shall pay to the Fertilizer Commission of the Department of Agriculture and Forestry an inspection fee

of 75 cents per ton on all fertilizers sold in the state, except for guarantors covered by LAC 7:XI.7915.D, on the same dates established for filing tonnage reports.

D. Every guarantor blending or selling fertilizer in small package lots totaling less than 100 tons per year shall pay to the Fertilizer Commission of the Department of Agriculture and Forestry an annual inspection fee of \$100.

§7917. Penalties; Deficiencies; Curing of Deficiencies

A. Whenever any registrant fails to file the required tonnage report and make the required payment of inspection fees within 20 days of the date on which the report and payment are due, a penalty of 10 percent of the amount due shall be assessed against the registrant.

B. The commissioner shall levy penalties as set forth in R.S. 3:1314, against the guarantor of any lot or package of fertilizer found by chemical analysis to be deficient in the primary plant nutrients, as follows:

ELEMENT	% BY WEIGHT		PENALTY
	GUARANTEED	DEFICIENCY	
Nitrogen	0.0% - 8.0%	.4%	4 × value of deficiency
	8.1% - 20.9%	.5%	Same
	21.0% and above	.8%	Same
Phosphorus	0.0 - 10.0%	4%	Same
	10.1% - 25.9%	.5%	Same
	26.0% and above	.8%	Same
Potassium	0.0% - 8.0%	.5%	Same
	8.1% - 20.9%	.6%	Same
	21.0% and above	1.0%	Same

C. The value of the deficiency shall be calculated as follows: (Guaranteed analysis - actual analysis) times value of element/unit times tons in shipment times four.

D. Notification of the percentage of deficiency and the dollar value of penalties to be assessed against the guarantor shall be given to the purchaser and guarantor in the report of the results of analysis.

E. If a fertilizer is deficient in one primary plant nutrient and there is an overage in either or both of the other two primary plant nutrients, the dollar value of such overage shall be applied to offset the deficiency, except as set forth in LAC 7:XI.7917.F and LAC 7:XI.7917.G hereof. When an overage in either or both primary plant nutrients is equal or greater in dollar value than the dollar value of the deficiency in the third primary plant nutrient, no penalty shall be assessed.

F. A deficiency may not be cured as provided in LAC 7:XI.7917.E, if the deficiency in any one primary plant nutrient is more than twice the tolerance allowed.

G. A deficiency in two of the three required primary plant nutrients may not be cured by overages in the third required primary plant nutrient.

§7919. Prohibitions Against Penalties

A. No penalty shall be assessed against a guarantor as a result of analysis of a sample drawn from less than five percent of the original packages, when the lot sampled contains less than 1,000 packages.

§7921. Payment of Penalties

A. Penalties shall be paid by the guarantor to the purchaser of the deficient fertilizer, if known, or to the commissioner, if the purchaser is not known.

B. Penalties must be paid by the guarantor, whether payment is made to the purchaser or to the commissioner, within 30 days of the date on which the notice of the penalty is mailed to the guarantor.

C. When the penalty is paid by the guarantor to the purchaser, the guarantor shall provide proof of such payment to the

commissioner within 30 days of the date on which the notice of the penalty is mailed to the guarantor. A copy of the check payable to the purchaser shall constitute proof.

D. The face and/or the stub of all checks for penalty payments shall contain the laboratory number which appears on the report of the analysis.

E. Penalties paid to the commissioner shall be deposited into a special fund in the state treasury which is designated as the Fertilizer Fund as provided for in R.S. 3:1317(1).

§7923. Recall of Deficient Fertilizer; Cancellation of Penalties Upon Proof of Recall

A. Fertilizers which are found to be deficient may be recalled from the stream of commerce by the guarantor subject to the following provisions:

1. Prior to action to retrieve the deficient product, the guarantor must notify the director of Agricultural Chemistry Programs and secure his approval for the recall.

2. Prior to action to retrieve the deficient product, the purchaser must agree to the recall.

3. An agricultural inspector must be present when the product is picked up from the purchaser.

4. The guarantor must reimburse the purchaser the full purchase price of the product.

5. The guarantor must furnish the director of Agricultural Chemistry Programs with a copy of the refund check and/or credit memo covering the full purchase price of the product. The purchaser and inspector must certify in writing to the commissioner that the deficient fertilizer was returned to the guarantor and that a refund check or credit memo was issued.

B. When some, but not all, of a product which is found to be deficient is recalled as provided in LAC 7:XI.7923.A, the guarantor must pay the required penalty on any portion which cannot be recalled. In this circumstance, the penalty shall be paid to the purchaser, if known, subject to the requirements of LAC 7:XI.7921, or to the commissioner, within 30 days of the date of the notice of the penalty.

C. Penalties levied for deficient products may be cancelled by the commissioner upon acceptable proof of the recall, as required by LAC 7:XI.7923. The commissioner is authorized, but not required, to waive the requirement for the physical presence of the agricultural inspector upon provision of proof satisfactory to the commissioner that the deficient product has in fact been taken out of the stream of commerce and the purchaser properly recompensed for the purchase of the deficient product.

§7925. Stop Sale Orders

A. The commissioner shall issue a stop sale order to prevent the sale of any fertilizer which is not registered as required herein.

B. In case of violation of these rules, the commissioner shall issue a stop sale order to prevent any further sale, movement or disturbance of the lot of fertilizer involved until settlement of all actions.

C. The commissioner shall issue a stop sale order to prevent any further sale or movement of any fertilizer manufactured or sold by a guarantor whose registration has been revoked, after an adjudicatory hearing, or whose application for renewal of registration has been denied.

D. Upon the termination of a stop sale order, the commissioner may exercise any of the following options:

1. release the fertilizer for sale;
2. require the guarantor to take up the fertilizer and reimburse the purchaser;
3. sell the fertilizer at public auction; and
4. destroy the fertilizer.

§7927. Probationary Status of Registrants

A. A registrant shall be placed on probation by the com-

missioner whenever 25 percent of the official samples taken from a single registrant during one year are found to be deficient; provided that a minimum of four samples and at least two percent of the total tonnage sold during that year is sampled.

B. A registrant located within the State of Louisiana who is placed on probation shall be subject to an increase of sampling up to 20 percent of the total product offered for sale until the probation is terminated by the commissioner.

C. A registrant located outside the State of Louisiana who is placed on probation shall not unload any shipment of fertilizer until the lot has been sampled by a department inspector.

D. Notification shall be given, in writing, to any registrant placed on probation within 30 days of the date on which the commissioner took action to place the registrant on probationary status. Notification shall not be required for any registrant already on probation at the effective date of these regulations.

E. After the first year of probationary status, the probation may be terminated by the commission when chemical analysis of samples representing up to 20 percent of the registrant's total sales reflects an overall deficiency rate of less than 20 percent.

F. If a registrant continues to introduce products of which the official samples' deficiency exceeds 25 percent into the stream of commerce for one year, the registrant shall be summoned before the Fertilizer Commission immediately after the end of the year of probationary status, to determine whether registration shall be cancelled or renewal of registration shall be denied for cause.

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

§7929. Cancellation of Registration and/or Denial of Application for Renewal of Registration

A. Subject to an adjudicatory hearing, the commission may cancel the registration of any guarantor who fails to reduce the overall deficiency of his product to less than 20 percent by the end of the year of probation.

B. Upon proper hearing, the commission may cancel the registration and/or deny the registrant's application for renewal of registration for repeated failure of a registrant to meet the guaranteed weight or analysis of a fertilizer, or failure to make payment of the inspection fee, or failure to pay penalties assessed.

C. No registration will be cancelled nor application for renewal of registration denied until the guarantor has been afforded the right of an adjudicatory hearing.

§7931. Appeals from Action of the Fertilizer Commission/Department of Agriculture and Forestry

A. Appeals Concerning Method of Taking Samples

1. If the guarantor, or his agent, objects to the manner in which an agricultural inspector takes a sample, the guarantor or his agent shall make his objections known immediately to the inspector.

2. If the guarantor, or his agent, and the agricultural inspector who is taking the sample cannot resolve their differences, the guarantor shall immediately telephone his complaint to the director of Agricultural Chemistry Programs. The guarantor or his agent shall confirm the telephone complaint in writing to the same official.

3. If the difference concerning the manner of taking the sample cannot thus be resolved, the guarantor may place his complaint on the agenda at the next meeting of the Fertilizer Commission. Routine procedures for submission and analysis of the sample shall be followed pending the resolution of the differences at such hearing.

B. Appeals Concerning Results of Chemical Analysis

1. Whenever a guarantor, or his agent, disagrees with a finding of deficiency or a calculation of a penalty resulting from a finding of deficiency, he shall register his complaint, in writing, with the director of Agricultural Chemistry Programs within 10 days of the date of the report of chemical analysis.

2. Whenever questions concerning the accuracy of the analysis made by the director of Agricultural Chemistry Programs cannot be amicably resolved, the guarantor may place his complaint on the agenda at the next meeting of the Fertilizer Commission for a final determination.

3. Whenever a disagreement on a fertilizer deficiency arises, the sample may be analyzed by an independent laboratory agreeable to the commissioner.

C. Appeals Concerning Probationary Status

1. Any guarantor who is placed on probationary status may appeal his probation at any time by submitting to the Fertilizer Commission a written statement on the basis of his appeal and a written request for a hearing on the matter. A request for a hearing on appeal from probationary status shall not be delayed but shall be placed on the agenda for the next meeting of the Fertilizer Commissioner following receipt of the request for a hearing.

D. Public Hearing on Cancellation of Registration/Denial of Application for Renewal of Registration

1. The commission shall not cancel a registrant nor deny a renewal of registration without an adjudicatory hearing.

2. Whenever the commission determines that just cause may exist to cancel or deny renewal of registration, the commission shall give written notice to the registrant of intent to conduct an adjudicatory hearing on the matter. The notice shall be given at least 15 days prior to the date on which the hearing shall be held and shall contain all of the facts required under R.S. 49:950, et seq. The notice shall be sent by certified mail, return receipt requested, to the registrant at the last address provided by the registrant.

3. An adjudicatory hearing on the cancellation of a registration and/or denial of renewal of a registration shall be conducted in accordance with the requirements of R.S. 49:950, et seq., specifically the rules of evidence set forth in R.S. 49:956. The guarantor shall have the right to counsel of his own choosing at any such public hearing.

4. If a controversy still exists at the conclusion of any such adjudicatory hearing called for cancellation of registration and/or denial of renewal of registration, the guarantor may apply to a court of competent jurisdiction, provided that all such matters shall be lodged in the parish in which the Fertilizer Commission is domiciled.

5. Whenever any provisions of these regulations and/or statutes governing the registration of fertilizers cannot be resolved through the appeal process set forth herein, the commissioner shall so certify to the proper prosecuting attorney as provided by R.S. 3:1312. The commissioner shall be required to notify the guarantor or unregistered person or firm against whom such charges are filed of his action in notifying the prosecuting attorney prior to such notification to the attorney.

§7933. Confidentiality of Records

Information concerning the amount of fertilizer sold and the business practices of registrants which is obtained from tonnage reports shall be kept confidential and shall not be revealed to the public or to other registrants by the Fertilizer Commission, the commissioner, nor any employee of the Department of Agriculture and Forestry.

§7935. Penalties for Violations

A. As provided by R.S. 3:1316, the commissioner shall levy a fine of not less than \$50 nor more than \$500 against any person who violates the provisions of R.S. 3:1311 et seq.; or

these regulations adopted in accordance therewith, including but not limited to violations as follows:

1. interference with the commissioner, the state chemist, or any of their representatives in the performance of their duties under R.S. 3:1311, et seq.;
2. falsification of a tonnage report;
3. any action to avoid the payment of an inspection fee;
4. placing any false or misleading statement on any bags, packages, containers, or any printed or advertising materials; and
5. adulteration of any lot or shipment of fertilizer sold in this state.

B. Prior to the imposition of a fine as provided in LAC 7:XI.7935.A, hereof, the commissioner shall notify the guarantor, in writing, of his intention to impose a fine.

C. The guarantor may request, and shall be offered the opportunity of an adjudicatory hearing prior to the imposition of a fine as provided in LAC 7:XI.7935.A hereof. In the event that the guarantor requests an adjudicatory hearing, the rules of procedure applicable to adjudicatory hearings conducted under LAC 7:XI.7931 hereof shall apply.

§7937. Repeal Prior Rules and Regulations

All rules and regulations which were adopted for the enforcement of the Louisiana Fertilizer Law (R.S. 3:1311 et seq.) prior to these rules and regulations are hereby repealed.

Bob Odom
Commissioner

RULE

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

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:4108 and the notice of intent published on February 20, 1986, the Department of Agriculture and Forestry, Dairy Stabilization Board, has adopted the following amendment to include Section 16112 in Title 7, Part XXXI, Chapter 161 of the Louisiana Administrative Code:

§16112. Investigative Hearings

A. Upon the belief that the Dairy Stabilization Law or Dairy Stabilization Board's regulations may have been or will be violated, the department may take the deposition of any person, firm or corporation for the purpose of investigating alleged violations or potential violations of the law and/or regulations subject to the following conditions:

1. The deponent shall receive no less than five business days' notice of the date, time and place of the deposition. The place of said deposition shall be designated by the department and shall be in the parish domicile or principal place of business of deponent. In the event the deponent is not domiciled in Louisiana and has no principal place of business in Louisiana, the deposition may be noticed for and taken in East Baton Rouge Parish.
2. The subject of inquiry and the deposition shall be contained in the notice and the inquiry shall be limited to the subject or subjects noticed, said limitation being the same as those of a civil discovery deposition conducted in accordance with Louisiana law.
3. The notice shall advise deponent of the right to be represented by counsel and to be accompanied by counsel.
4. The notice shall advise of the potential uses of such deposition.

5. The notice shall advise of the right to read and sign the deposition.

6. The notice shall advise of the right to obtain a copy of such deposition upon the payment of costs.

B. The department may issue subpoenas and subpoenas duces tecum in connection with said deposition. The scope of same being governed by Louisiana law related to the scope of discovery deposition subpoenas.

C. In the event that any person, firm or corporation fails or refuses to comply with the subpoena issued hereunder, the department may compel such compliance by civil action commenced in the Nineteenth Judicial District Court for the Parish of East Baton Rouge.

Bob Odom
Commissioner

RULE

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

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:2093 and the notice of intent published on April 20, 1986, the Department of Agriculture and Forestry, Livestock Sanitary Board, has adopted the amendment detailed below.

Amend LAC 7:XXI.11701 changing the definition of an authorized buyer:

§11701. Definitions

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

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

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

Approved slaughter establishment means a recognized slaughter establishment that has made application and received approval from the state and federal governments to handle brucellosis reactors.

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

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

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

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

Board means the Louisiana Livestock Sanitary Board.

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

Breeding-type cattle means all cattle 20 months of age and over for dairy breeds and 24 months of age and over for beef breeds as evidence by the presence of the first pair of permanent incisor teeth, including animals under these ages which are parturient or post-parturient, other than steers and spayed

heifers offered for sale for any purpose other than immediate slaughter. This includes dairy, stocker, feeder-grazer and pure-bred animals.

Brucellosis means a disease of livestock capable of being transmitted to man and caused by brucella organisms, commonly called *Bang's Disease* in cattle and *Undulant Fever* in man.

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

Brucellosis infected herd means:

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

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

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

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

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

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

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

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

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

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

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

Commercial poultry producer means any person, firm or

corporation engaged in the production of broilers, pullets, turkeys, game birds, commercial eggs or hatching eggs' for wholesale or retail purposes.

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

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

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

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

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

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

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

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

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

Herd test shall include all cattle over six months of age except:

1. steers;
2. spayed heifers;
3. dairy animals that are official brucellosis calfhood vaccines under 20 months of age; and
4. beef animals that are official brucellosis calfhood vaccines under 24 months of age.

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

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

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

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

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

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

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

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

Negative herd means:

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

2. A commercial dairy herd that has passed four consec-

utive negative milk ring tests within the last 12 months, the tests being no less than two months or more than four months apart.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rendering plant means any establishment equipped to

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

Screwworms means the communicable disease (myiasis) of livestock caused by the presence of the screwworms (*Cochylomyia hominivora*).

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

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

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

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

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

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

Tuberculosis infected herds means a herd in which one or more *Mycobacterium bovis* infected animals are found. Cattle will be considered infected with *Mycobacterium bovis* when compatible pathologic lesions are found and confirmed to be infected with *Mycobacterium bovis* organisms by bacteriological culturing at the National Animal Disease Laboratory.

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

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

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

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

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

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

Amend LAC 7:XXI.11733 to include Subparagraphs c and d in Paragraph 3 of Subsection A: §11733. Admittance of Louisiana Cattle to Fairs, Livestock Shows, Breeders' Association Sales and

Rodeos Held in Louisiana

All cattle consigned to fairgrounds, livestock show grounds, sale grounds and rodeos must meet the general requirements of LAC 7:XXI.11707 and the following specific requirements (Note: The word "cattle" as used in this regulation refers to cattle for exhibition and/or sale and the nurse cows that may accompany them.):

A. Brucellosis

1. No cattle from brucellosis quarantined herds or brucellosis quarantined areas are allowed to be exhibited in the State of Louisiana or consigned to breeders' association sales in Louisiana.

2. As of January 1, 1982, all female calves and cows born after January 1, 1982, that are four months of age or older, must be officially vaccinated for brucellosis to be eligible to be shown in Louisiana.

3. All cattle over 12 months of age must be negative to the brucellosis card test within 30 days prior to admission to fairs, shown or breeders' association sale grounds. The date and results of the test and individual identification of each animal must be recorded on the official health certificate. Exceptions to LAC 7:XXI.11733.A.3 are:

a. Individually identified officially calf vaccinated female cattle under 20 months of age for dairy breeds and under 24 months of age for beef breeds which are not parturient or post-parturient. The vaccination tattoo must be recorded on the official health certificate.

b. Steers and spayed heifers.

c. Cattle from Louisiana farms going to Louisiana shows are exempt from the 30 day negative brucellosis test but must be negative to the brucellosis card test within 60 days prior to admission to fairs and livestock shows. The date and results of the test and individual identification of each animal must be recorded on the official health certificate.

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

4. Individually identified cattle originating in and moving directly from a certified herd. The certified herd number must be recorded on the health certificate.

B. Tuberculosis

All cattle must originate from herds not under quarantine for tuberculosis.

In LAC 7:XXI.11735 amend Paragraph 4 of Subsection A as follows:

§11735. Livestock Auction Market Requirements

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

A. Brucellosis

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

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

3. All cattle 18 months of age and over that are offered for sale must be further identified by an official metal tag and

must be tested for brucellosis. Exceptions to LAC 7:XXI.11735.A.3 are:

a. Steers and spayed heifers.

b. Cattle consigned from quarantined feedlots that are "S" branded and permitted prior to shipment to the auction barn.

c. Official calfhood vaccinates less than 24 months of age that are not pre-parturient or post-parturient.

4. All non-vaccinated heifer calves between four and 12 months of age will be vaccinated with USDA Approved Brucellosis Strain 19 vaccine prior to being sold. All non-vaccinated heifer calves and cows born after January 1, 1982 that are over 12 months of age must be "S" branded and sold to a quarantined feedlot or slaughter establishment and shall be accompanied by Form VS 1-27. These non-vaccinated "S" branded animals must be delivered to an approved slaughter establishment, a Louisiana or USDA approved quarantined feedlot, or the premises of a permitted livestock dealer within 72 hours of purchase. The permitted livestock dealer may hold these animals up to seven days at his approved facilities. The animals must move from the permitted livestock dealer's premises directly to an approved slaughter establishment or Louisiana or USDA approved quarantined feedlot.

5. Disposition of animals tested at an auction market:

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

b. Suspect animal(s) (either adult or calfhood vaccinated) disclosed along with any non-vaccinated animals can be "S" branded and sold for slaughter or at the owner's choice returned to the farm of origin under quarantine for retest in no less than 60 days. Vaccinated animals (either adult or calfhood vaccinated), which are negative to test in the same consignment, may move without restriction.

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

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

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

b. Cattle from quarantined areas and from brucellosis quarantined herds must be sold to approved slaughtering establishments or to an approved quarantine feedlot. Exceptions to LAC 7:XXI.11735.A.6.b are:

i. steers and spayed heifers over six months of age;

ii. heifers that are official vaccinates and under 12 months of age and originating in a herd under an approved herd plan may move without restrictions;

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

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

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

b. The exposed cattle may be identified by yellow paint mark on the left ear and returned to the original owner's premises under quarantine. All such movements will be accompanied by a quarantine notice listing the ear tag and auction tag identification numbers of the animals moving to Louisiana farms. Exceptions to LAC 7:XXI.11735.A.7.b are:

i. steers and spayed heifers over six months of age;

ii. brucellosis vaccinated heifers between the ages of four and 12 months that originate from quarantined herds that are participating in an approved herd plan to eliminate brucellosis from the herd;

iii. heifer calves four months of age and under and bull calves six months of age and under whose dam tested negative for brucellosis.

Amend Paragraphs 2 and 5 in Subsection A of LAC 7:XXI.11737:

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

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

A. Brucellosis

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

2. All cattle 18 months of age and over, as evidenced by the presence of the first pair of permanent incisor teeth, including animals under these ages which are parturient or post-parturient, must be negative to the brucellosis card test within 30 days prior to sale. The date and results of the test and individual identification of each animal must be recorded on the official health certificate. Exceptions to LAC 7:XXI.11737.A.2 are:

a. Steers and spayed heifers:

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

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

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

b. The exposed cattle may be moved to an approved slaughter establishment or to a state-federal approved quarantine feedlot, or to an approved livestock auction market to be sold to an approved slaughter establishment or to an approved quarantine feedlot. These animals must move on Form VS 1-27.

c. Exceptions to the above restrictions are:

i. heifers between four and 12 months of age that are brucellosis calthood vaccinated;

ii. steers and spayed heifers;

iii. heifer calves four months of age and under and bull calves six months of age and under, who are dam tested negative for brucellosis.

3. All female cattle over four months of age born after January 1, 1982 must be vaccinated with USDA Approved Brucellosis Strain 19 vaccine prior to being sold. All female cattle born after January 1, 1982 that are over 12 months of age must be "S" branded and sold to a quarantined feedlot or slaughter establishment. These animals must move on a Form VS 1-27.

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

5. All cattle 18 months of age and over, as evidenced by the presence of the first pair of permanent incisor teeth, including animals under these ages which are parturient or post-parturient must be negative to the brucellosis card test within 30 days prior to purchase from herds not under quarantine for brucellosis. The official test chart, health certificate or a certificate of veterinary inspection, or an individual brucellosis test record must be kept for a period of 24 months following the purchase of any brucellosis tested cattle.

Exceptions are:

a. Steers and spayed heifers.

b. Individually identified official brucellosis calthood vaccinated heifers under 20 months of age for dairy breeds and under 24 months of age for beef breeds.

c. Individually identified cattle originating in and moving directly from a certified brucellosis-free herd.

d. Test eligible cattle may be moved from a producer's premise to a dealer's premise enroute to an approved stockyard or approved slaughter establishment without being tested for brucellosis provided the test is completed within 72 hours of movement from the producer's premises; and records are maintained to identify the animals and identify the herd of origin. Contact with other cattle is not permitted.

B. Tuberculosis

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

LAC 7:XXI.11739 should be amended as follows:

§11739. Governing the Sale and Purchase, Within Louisiana, of all Livestock Not Governed by Other Regulations (Brucellosis Requirements)

A. It is a violation of this regulation to sell breeding type cattle, 18 months of age and older, not governed by other regulations of the Livestock Sanitary Board, in Louisiana for any purpose other than immediate slaughter unless they are accompanied by a valid 30-day negative brucellosis test certificate. No cattle may be sold from brucellosis quarantined herds except as provided for in LAC 7:XXI.11749.

B. It is a violation of this regulation to purchase cattle, 18 months of age and older in Louisiana, not governed by other

regulations of the Livestock Sanitary Board, for any purpose other than immediate slaughter unless they are accompanied by a valid 30-day negative brucellosis test certificate. All female cattle born after January 1, 1982 that are four months of age or older must be official brucellosis vaccinates to be eligible to be sold for purposes other than slaughter or to a quarantined feedlot.

C. Exceptions to the brucellosis testing requirements of this regulation are:

1. Cattle originating directly from a certified brucellosis free herd, if accompanied by a signed statement from the consignor, giving his name, address, certified herd number and individual identification of each animal.

2. Steers and spayed heifers.

3. Individually identified official brucellosis calfhood vaccinated heifers under 20 months of age for dairy breeds and under 24 months of age for beef breeds.

4. Any cattle sold to a permitted livestock dealer which will be brucellosis tested at an approved stockyard or USDA approved slaughter establishment within 72 hours of movement from the owner's premises by the dealer.

Adopt LAC 7:XXI.11768:

§11768. Admittance of Louisiana Poultry to Fairs, Livestock Shows and Poultry Shows

All poultry going to Louisiana fairs, livestock shows and poultry shows shall be accompanied by a Form VS 9-2, indicating the flock of origin is under the National Poultry Improvement Plan and is free of "Salmonella" (pullorum) and "Salmonella gallinarum" (typhoid). If the flock of origin is not under the National Poultry Improvement Plan, the birds of breeding age must be accompanied by Form VS 9-2, health certificate or Certificate of Veterinary Inspection indicating the birds were tested negative for pullorum/typhoid within 90 days prior to admittance to the fairs, livestock show or poultry show.

Bob Odom
Commissioner

RULE

Department of Agriculture and Forestry Office of Management and Finance Agricultural Industry Board

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:3704, the Department of Agriculture and Forestry, Agricultural Industry Board, has adopted the rules and regulations detailed below. The notice of intent was published in the June 20, 1986 issue of the *Louisiana Register*.

Title 7

AGRICULTURE AND ANIMALS

Part XXXVI. Agricultural Ethanol Production

Chapter 177. Agricultural Ethanol Productions

§17701. Authority

The authority of the Louisiana Agricultural Ethanol Production Law, R.S. 3:701, et seq., and in accordance with provisions R.S. 49:950, et. seq., the Louisiana Agricultural Industry Board adopts the following regulations.

§17703. Definitions

In addition to definitions listed below and unless otherwise provided, the definitions in R.S. 3:3703 shall apply to these regulations.

"Act" means the Agricultural Ethanol Production Law.

"Adjudicatory proceeding" means an open public hearing by the board to determine whether violations of the Act or these

regulations have occurred. Such proceedings are conducted in accordance with the Louisiana Administrative Procedure Act (R.S. 49:950, et seq.).

"Agency contract" means a contract between a certified market participant and an intermediary, such as a grain dealer or warehouseman, who purchases or stores agricultural commodities or products for use in ethanol.

"Agricultural commodities or products" means crops and products made from processing crops. Commodities or products shall include sugar cane, grains (rice, rough rice, corn, wheat, oats, rye, soybeans, barley, milo and grain sorghum), sweet potatoes and sugar beets. Products shall include syrup and molasses. Any other agricultural commodity or product capable of producing ethanol may be declared to be an agricultural product or commodity by the board.

"Applicant" means a person who applies for designation as a certified market participant.

"Authorized agent" means any representative of a certified market participant whose name has been filed with the board and is empowered by the certified market participant and the board to act for or on behalf of a certified market participant.

"Blender" means any person who purchases and mixes ethanol and gasoline for sale as gasohol and who files the required reports with the Louisiana Department of Taxation and Revenue.

"Board" means the Agricultural Industry Board established by R.S. 3:3704.

"Capital costs" means all expenditures made for the acquisition of land, equipment, buildings, engineering, construction interests and other expenses necessary to build an ethanol facility.

"Central registry" means the public filing and listing of security devices encumbering agricultural crops, commodities or products maintained by the commissioner.

"Certified market participant" means an applicant approved by the board to participate in a cooperative endeavor authorized under this Chapter.

"Certified market participant confidential business plan" is a confidential financial document or series of documents presented by an applicant or certified market participant periodically with the board, containing proposed agency and producer contracts and all other confidential and financial audit information.

"Certified market participant contract" means a contract or cooperative endeavor between the board and a certified market participant relating to the production of ethanol.

"Commissioner" means the Louisiana Commissioner of Agriculture and Forestry or his duly authorized representative.

"Controlling interest" means ownership by an individual or his spouse, either individually or collectively, of an interest in a person or entity which exceeds 25 percent of any legal entity.

"Cooperative endeavor" means a contractual relationship between the State of Louisiana through the board with a person for a public purpose.

"Ethanol" means an ethyl alcohol which meets all of the following conditions in that it:

1. has a purity of at least 99 percent, determined without regard to any added denaturants;

2. has been denatured in conformity with one of the approved methods set forth by the United States Bureau of Alcohol, Tobacco and Firearms;

3. has been derived from agricultural commodities or products, and

4. has been produced in the State of Louisiana wholly from fermentation and distillation in the State of Louisiana.

"Ethanol facility" means a facility:

1. which is located in Louisiana;

2. owned or leased by a certified market participant and shall be permanently constructed or converted and operated for the purpose of producing ethanol as its primary product from agricultural commodities or products;

3. whose entire production, fermentation and distillation shall occur in Louisiana; and

4. whose ethanol shall be produced and sold for use in gasohol in Louisiana.

"First point of sale" means: (1) the initial time when title to agricultural commodities or products passes from a seller to a buyer; or (2) the time when agricultural commodities or products are removed from storage.

"Fund" means the Agricultural Industry Incentive Fund established by R.S. 3:3706.

"Gasohol" means a fuel that contains not more than 90 percent gasoline and at least 10 percent ethanol.

"Gasohol multiplier" means the number 10, which reflects the fact that 10 gallons of gasohol contains at least one gallon of ethanol.

"Grain dealer" means any person who purchases agricultural commodities or products from producers, sells agricultural commodities for producers or represents producers in the purchase or sale of agricultural commodities. The term does not include producers who purchase grain commodities for their own use as feed or seed.

"Intermediary" means any person who purchases or stores agriculture commodities to be used to produce ethanol by a certified market participant. Grain dealers, warehousemen and warehouse operators are intermediaries.

"Licensee" means any person holding a license as a warehouse or grain dealer issued by the Louisiana Agricultural Commodities Commission.

"Person" means any individual, partnership, association, corporation or other legal entity.

"Principal managers" means the individuals or persons responsible for the daily operation of an ethanol facility.

"Principal office" means the location where the records of the certified market participant will be maintained in the State of Louisiana.

"Principal stockholders or owners" means any individual who owns directly or indirectly 10 percent of an ethanol facility operated by a certified market participant.

"Producer" means a farmer, individual or person that engages in the production of agricultural commodities or products.

"Producer contract" means a two or three party contract between and among an agriculture producer, certified market participant and intermediaries, such as a grain dealer or a warehouseman.

"Production records" means written evidence of the ethanol produced daily by a certified market participant.

"Rules" or "regulations" means the rules or regulations adopted by the Agricultural Industry Board under the authority granted by the Act.

"Security device" means any assignment, pawn, pledge, mortgage, privilege, lien or other device by which an interest in agricultural commodities or products is encumbered, either legally or conventionally, to secure the fulfillment of any obligation.

"Scale ticket" means the document issued to a producer when agricultural commodities or products are delivered to intermediaries such as a warehouse or grain dealer.

"Settlement sheets" means documents which reconcile contracts, shipping tickets, charges, deductions and payments to determine the value and quantity of agriculture commodities or products received by the certified market participant.

"Shipping documents" means the written evidence of

ethanol produced and shipped by a certified market participant.

"Spot" or "spot sale" means a transaction where title to agricultural commodities or products passes from the producer to the buyer on the day of delivery, in which transaction the producer is paid promptly at the market price established on the day of delivery.

"Storage" means the physical possession by a warehouse, in any manner and/or under any type of fee arrangement, of agricultural commodities or products belonging to any person other than the owner of the warehouse. The term "storage" does not apply to a transaction in which title passes from the seller to the buyer upon delivery.

"Taxes imposed on gasohol" means any state tax levied on gasohol and includes any tax levied on gasohol under the provisions of R.S. 47:711, R.S. 47:802, R.S. 47:302(A), R.S. 47:321(A), and R.S. 47:331(A).

"Under substantial construction" means the certified market participant has entered into binding contracts for capital costs, including contracts for the purchase of land, engineering, capital construction and all other project costs, the total of which shall be not less than 25 percent of the project costs.

"Warehouse" means any building, structure or any other protected enclosure in which agricultural commodities or products or farm products are stored for the public for a fee. The term includes facilities which commingle commodities, facilities which preserve the identity of separate lots of agricultural commodities or products and facilities which dry and/or condition agricultural commodities or products belonging to any person other than the facility owner.

"Warehouseman" or "warehouse operator" means any person or entity operating a warehouse.

§17705. Administration of the Agricultural Industry Board

A. Officers: Titles and Functions

1. The officers of the board shall be a chairman and a vice-chairman. The chairman shall be the commissioner of agriculture. The vice-chairman shall be elected for a one year term.

2. In the absence of the chairman at any meeting of the board, the vice-chairman shall preside.

B. Meetings

1. The board shall hold at least one regular meeting during each quarter of the year, but may meet more frequently upon the call of the chairman or upon the written request of any three members.

2. Meetings of the board shall normally be held in its domicile, but may be held at other locations upon the determination of the chairman or the will of the board.

3. The quorum of the board is five members.

4. An affirmative vote of a majority of the members present shall be required for the adoption of any motion except that all motions to call an adjudicatory hearing, to terminate existing certified market participant contracts, to impose a civil penalty, or to revoke the designation of a certified market participant shall require a minimum of six affirmative votes for adoption.

5. There shall be no voting by proxy.

C. Director: Duties and Responsibilities

1. The director shall provide clerical and other support services as may be required by the board and shall maintain and distribute appropriate records of the board.

2. The director shall draft and submit to the board all reporting forms required by the Act or the regulations.

D. Confidentiality of Financial Information

No member of the board or the staff shall disclose any confidential financial information of a certified market participant confidential business plan presented by any certified market participant or applicant for certified market participant designation

unless such records or documents are presented to an adjudicatory hearing or unless he acts pursuant to a court order. This provision does not limit or prohibit the commissioner from compiling, publishing and distributing any such information if that data or information does not identify specific certified market participants therewith.

§17707. Certified Market Participants: Procedures and Criteria for Approval

A. Criteria for Approving Certified Market Participants

In approving certified market participants, the board shall apply the following criteria in considering the application, to wit:

1. The facility to produce ethanol must be located in the State of Louisiana.

2. The facility must be owned or leased and must be constructed or converted and operated for the purpose of producing ethanol as its primary product from agricultural commodities or products.

3. The entire production, fermentation and distillation process must occur in the state of Louisiana and must be in accordance with the terms and conditions set forth in the written agreement between the board and the certified market participant and entered into in accordance with the law.

4. The ethanol must be produced and sold for use in gasohol.

5. The applicant's financial ability to perform as a certified market participant which shall include, but not be limited to the following criteria, to wit:

a. the applicant's ability to meet its financial obligations in producer and agency contracts it proposes to enter into with producers, grain dealers, warehousemen and other intermediaries;

b. the applicant's ability to amortize all capital cost of the ethanol facility within eight years of the date of application; and

c. the applicant's ability to sell ethanol for use in making gasohol to be sold in Louisiana.

6. The estimated number of temporary and permanent jobs created by applicant's construction and operation of an ethanol facility.

7. The estimated quantity and type of agricultural commodities and products to be used by applicant in producing ethanol.

8. The estimated or actual capital invested or proposed to be invested by the applicant in the construction and establishment of the permanent ethanol facility.

9. The maximum number of gallons of ethanol to be produced annually for use in gasohol by the applicant.

10. The character and professional competence, especially the managerial expertise and experience in the ethanol industry, of the applicant, principal stockholders, owners and managers.

11. The anticipated economic impact on Louisiana resulting from the purchase of supplies and materials, employment and other activities related to the construction and operation of the proposed ethanol facility.

B. Form and Contents of Application by Certified Market Participants Applications for designation as a certified market participant must be filed at the times provided by board action. The following information must be furnished on the application form provided by the board to wit:

1. Date of submission.

2. Nature of applicant's business:

a. sole proprietorship;

b. partnership;

c. corporation;

d. association;

e. agricultural cooperative; or

f. other.

3. Name under which the business will operate.

4. Address of the principal office of the business, either in-state or out-of-state, including mailing address, physical location and phone number.

5. The name, address and telephone number of the authorized agent.

6. If the entity is a partnership, the name, address and interest of all partners.

7. If the entity is a corporation, the name and address of all officers and directors.

8. If the entity is an association, including an agricultural cooperative, the name and address of all members of the board of directors.

9. If not a partnership, corporation or association, provide the following information:

a. name of the owner(s);

b. address of the principal office; and

c. provide name, address and phone number of all designated authorized agents.

10. Status of the facility in which the business will be operated:

a. owned by applicant;

b. leased by applicant (short term or long term);

c. rented by applicant and name and address of owner;

or
d. other.

11. Type and quantity of agricultural commodities or products that the applicant estimates will be used to make ethanol.

12. The number of temporary and permanent jobs created by the applicant's ethanol facility.

13. The amount of capital invested or proposed to be invested in the construction and establishment of the ethanol facility.

14. The maximum number of gallons of ethanol to be produced annually by the applicant.

15. The managerial expertise and experience in the ethanol industry of the applicant, principal stockholders, owners and managers.

16. The applicant's federal taxpayer identification number and the number and date of the license issued by the U.S. Dept. of Treasury, Alcohol, Tobacco and Firearms.

17. Method of assurance for guaranteed performance of the producer contracts and agency contracts.

18. Name, address and telephone number of the authorized agent.

19. If the business was previously operated under another name or ownership, show the name and address of previous business.

20. An affidavit signed by the principal stockholders, owners and managers appointing an authorized agent and acknowledging that the applicant will comply with the requirements of the Act, the board's rules and regulations and all provisions of their cooperative agreement.

21. An affidavit certifying that all information and representations contained in the application and in all required attachments are true and correct.

22. Affidavits signed by the applicant's authorized agent, the principal stockholders, owners and managers authorizing the commissioner to perform credit investigations and all background checks that the board deems appropriate to determine the character and professional competency, especially the managerial expertise and experience in the ethanol industry of the applicant and its principal stockholders, owners and managers.

23. The names, addresses, phone numbers, birth dates,

social security numbers and work experience in the ethanol industry, of the applicant's principal stockholders, owners and managers.

24. Affidavit signed by the applicant's authorized agent, the principal stockholders, owners and managers attesting that they have never been convicted of a felony.

C. Financial Information

1. In the application for initial designation, each applicant shall sign an affidavit of authorization, certification and compliance. This affidavit shall authorize the commissioner to inspect and audit all financial and production records of the applicant. Furthermore, this affidavit shall certify that the applicant will maintain all financial and production records in the form and format required by the Act, rules and certified market participant contract and shall provide copies to the commissioner within five working days of his written request.

2. All financial records received by the commissioner shall be used for audit and enforcement purposes and therefore shall be confidential information pursuant to the provisions of R.S. 3:3708(A) unless and until the financial records are introduced at an adjudicatory hearing of the board.

3. The board shall consider any certified market participant confidential business plan only in executive session of the board pursuant to the requirements of R.S. 3:3708(A) and R.S. 42:6.1 (A)(1)(2)(4) and (8).

4. The financial statement must be maintained and prepared in accordance with generally accepted accounting principles and must include all producer and agency contracts.

a. The financial statement must contain:

- i. a balance sheet;
- ii. a statement of income (profit and loss);
- iii. a statement of retained earnings;
- iv. a statement of changes in financial position;
- v. **fixed assets must be presented at cost; and**
- vi. a certificate by the applicant or the chief executive officer of the applicant, in the form of an authentic act, that the financial statement accurately reflects the financial condition of the applicant for the period covered in the financial statement.

Whenever the certificate is executed by a representative of the applicant other than the owner or president, the board of directors must adopt a resolution authorizing such representative to execute the certificate.

b. Multi-state and/or multi-national corporations with subsidiary corporations or divisions located in Louisiana must either:

- i. maintain in their principal office in Louisiana a fully audited financial statement showing the position of the parent company, together with sufficient financial information pertaining to the Louisiana subsidiary, to reasonably reflect the corporation's ability to satisfy all obligations to Louisiana producers; or
- ii. pay all expenses necessary for performance of a full audit, at one or more locations where pertinent corporation records are maintained, by the Department's Central Audit Committee.

5. After January 1, 1987, each certified market participant must maintain in their principal office in Louisiana, a financial statement conforming to the requirements of this rule within 120 days after the close of the certified market participant's fiscal year.

D. Procedures for Approval of Designation of Certified Market Participants

1. The board must vote in open public meeting on each application.

2. Six affirmative votes shall be required to approve the designation of any certified market participant.

3. At a meeting held to consider an application, the

board, at its discretion, may permit the introduction of written materials or an oral presentation by the applicant or their representative.

E. Official Designation

1. After the board has voted to designate an applicant as a certified market participant, the commissioner shall sign and issue, in the name of the board, an official document evidencing the designation.

2. All documents indicating a designation shall contain the following:

- a. name and address of the certified market participant;
- b. location of the certified market participant's facilities; and

c. the maximum number of gallons of ethanol the certified market participant has been authorized to produce under the certified market participant contract.

§17709. Cooperative Endeavors and Agreements

A. Written Contractual Agreements

1. All certified market participants who seek incentive payments shall enter into a written certified market participant contract with the board, which shall be executed by the commissioner.

2. The certified market participant contract shall contain the following provisions, to wit:

a. a statement of the purposes, goals and objectives of the agreement;

b. the name of both parties;

c. the time period covered by the contract indicating a beginning and ending date;

d. a provision for the termination of the certified market participant contract by the board after an adjudicatory hearing in which the certified market participant is held to be in violation of the Act or certified market participant contract;

e. a provision that if any provisions of the written agreement are unenforceable then all of the provisions of the written agreement shall be unenforceable and the cooperative endeavor agreement shall be null, void and of no effect;

f. certification and agreement by the applicant that the financial and other records required to be maintained by certified market participant contract shall be accurate and shall be maintained on a current basis and copies shall be provided to the commissioner on request;

g. a provision that requires the board and the certified market participant to comply with all of the provisions and requirements of the Act;

h. a provision that the certified market participant shall enter into producer contracts or agency contracts after the board has approved their certified market participant confidential business plan;

i. provisions that the certified market participant specify the type and origin of agriculture commodities or products to be used and provisions that specify limitations and conditions for changes in the type and origin of agriculture commodities or products depending on availability of supply and costs;

j. a provision that acknowledges the right of the board to deduct monthly from each certified market participant's incentive payments, in accordance with the Act, funds to pay the costs of administration of the board, their employees, attorneys and auditors;

k. a provision prohibiting the certified market participant from being a producer, grain dealer, warehouseman or blender, or owning a substantial interest in a blender doing business in Louisiana without prior approval of the board;

1. a provision that the agreement may be terminated if the certified market participant:

- i) fails to notify the board in writing of the transfer or

sale of an ownership interest in the designated certified market participant within 15 days of such transfer or sale:

ii) fails to provide the board within 30 days of the transfer or sale the necessary affidavit(s) relating to ownership and/or management as required by the application; and

iii) fails to receive from the board a letter of acknowledgement stating that such transfer or sale of ownership interest has been duly noted and the certified market participant is authorized to continue under the cooperative endeavor agreement:

m. a provision that the agreement may be terminated upon the insolvency, bankruptcy or assignment for benefit of creditors by the certified market participant; and

n. a provision recognizing that under the provisions of the Agricultural Ethanol Production Law, all incentive payments shall be made subject to the availability of funds derived from the taxes imposed on gasoline and agreeing that the cooperative endeavor creates no obligation on the part of the state to make incentive payments from any other source.

3. Agency and producer contracts entered into by a certified market participant shall contain the following general provisions, to wit:

a. name and address of all parties;

b. the time period covered by the contract indicating a beginning and ending term;

c. date of contract;

d. terms of price, quantity, delivery, quality, charges, deductions, payments, all commissions, fees and other financial arrangements;

e. agreement to allow inspection of records and premises and to maintain and provide on request by the Commissioner all records and documents required by the Act, rules or any certified market participant, agency or producer contract;

f. agreement to comply with the Act and rules;

g. identify the producer of the agriculture commodity or product;

h. attestation and verification by the producer that the agricultural commodities or products delivered to the certified market participant, grain dealer or warehouseman were grown by the producer at a location specified in the contract;

i. a requirement that shipments to intermediaries shall not be commingled and a separate scale ticket shall be maintained and given to the producer;

j. a requirement that settlement sheets be kept by intermediaries on forms specified by the commissioner;

k. a provision that producers agree to permit the commissioner to enter their property to examine the contracted crops and to audit the producer's financial and agricultural commodities or product records relating to the commodity or product sold to produce ethanol:

l. a provision specifying the method and time of payment as well as the certified market participant method of assurance for guaranteed performance on the contract;

m. a provision that assigns the certified market participant's incentive payments to pay the producer contracts, however, this provision may be deleted from the contracts if the certified market participant provides acceptable assurances and guarantees to the board that it can meet its contractual obligations;

n. a provision that authorizes the board to make payments directly to producers or intermediaries when there has been an assignment of incentive payments by the certified market participant; and

o. a provision that, based on the commissioner's audit or a written complaint filed by a party to an agency or producer contract, the board may hold an adjudicatory hearing to resolve any differences about quality of the agriculture commodity or

product among the parties.

4. Special provisions may be in agency and producer contracts but shall require prior approval of the board.

5. Periodically, applicants or certified market participants shall discuss with the board their certified market participant confidential business plan which shall contain their proposed agency and producer contracts and other information and data indicating how they will seek to achieve the purposes and objectives of the cooperative endeavor agreement.

a. The certified market participant confidential business plan(s) shall be kept in the certified market participant's principal office and shall be available for audit by the commissioner.

b. The certified market participant confidential business plan shall be numbered and dated sequentially with a corresponding, coordinated numbering system for all contracts proposed therein.

B. Authority to Approve Written Contractual Agreements

The board shall have absolute discretion to approve or disapprove all certified market participant contracts, agency contracts or producer contracts, and any modifications or amendments to the contracts must be in writing and will be subject to the prior approval of the board.

C. Procedure for Approval of Written Contractual Agreements

1. All contracts must be submitted to the commissioner for his review.

2. The board shall vote in a public meeting on each certified market participant contract. Six affirmative votes shall be required to approve or disapprove any contract.

3. The certified market participant confidential business plan shall be considered by the board only in executive session pursuant to the requirements of R.S. 3:3708(A) and R.S. 42:6.1 (A) (1)(2)(4) and (8) and shall be approved by the board in open session with the action being taken by name of the certified market participant, the plan number, the date of discussion and the agency and producer contract numbers approved.

4. Certified market participant confidential business plans shall not be considered a public record.

5. Agency and producer contracts approved as part of a certified market participant confidential business plan shall be public records when they are filed and registered with the board and shall become effective between the parties only after they have been filed and registered with the board. The board may authorize the filing and registration of agency and producer contracts with the central registry.

§17711. Incentive Payments to Certified Market Participants

A. Incentive Payments Application Procedure

1. A request for incentive payments shall be submitted in writing on the forms approved by the board.

2. The request for incentive payment form shall be a public record in accordance with R.S. 3:3707(E) and shall contain the following information:

a. name, address and phone number of certified market participant;

b. signature of authorized agent;

c. date submitted;

d. month for which payment is requested;

e. number of gallons of ethanol sold for which incentive payment is requested; and

f. certification by authorized agent that the information reported on the form is true, correct and complete.

3. The following information shall be submitted simultaneously with request for incentive payment and such information

shall be exempt from R.S. 44:1 et seq. and be considered confidential information:

- a. ethanol buyer's name, address and quantity;
- b. total number of gallons of ethanol sold;
- c. copies of shipping and receiving documents; and
- d. certification by authorized agent that the information reported is true, correct and complete; and
- e. an affidavit in authentic form provided by the commissioner and executed by the blender attesting to the following:
 - i. the blender has purchased from _____, the
name
certified market participant, _____ gallons of ethanol on
number
the _____ day of _____, 19 __, for use in gasohol to be sold in Louisiana;
 - ii. the blender shall on or before the twentieth day of each month file with the Louisiana Department of Revenue and Taxation report(s) or document(s) or pay monies as may be appropriate relative to taxes imposed on gasohol; and
 - iii. the blender shall mail to the certified market participant at its principal office and to the commissioner certified true copies of report(s) or document(s) filed or monies paid by the blender with the Louisiana Department of Revenue and Taxation.

4. The incentive payments shall be made only to certified market participants who have contracts approved by the board.

B. Procedures for Payment to Certified Market Participants

1. Certified market participants must submit a written request for payment which shall be reviewed and approved as to form and completeness by the commissioner or his designee.

2. Within five working days of the fifth day of each month, the Commissioner shall notify each certified market participant of his approval as to form and completeness of application for the month's incentive payment. This approval shall be evidenced by a certificate or certificates, the Agricultural Industry Board Incentive Payment Certificate, in the form approved by the board, signed by the commissioner stating the payment application has been approved as to form and completeness. The commissioner shall on or before the fifth working day following the fifth day of each month issue to certified market participant their specific Agricultural Industry Board Incentive Payment Certificate. The certified market participant may, with board approval, assign those certificates to a producer, intermediary, blender, financial institution or other person.

3. The commissioner is authorized on behalf of the board to take all necessary steps to make payments to certified market participants from the Agricultural Industry Incentive Fund.

C. Procedures For Adjustments In Incentive Payments Due To Overpayment

In the event the request for incentive payment is inaccurate or erroneous, the commissioner shall notify the certified market participant and if the certified market participant agrees that an error has been made then the commissioner is authorized to deduct from any future incentive payment requested an amount sufficient to correct any error in payment plus legal interest. If the commissioner and the certified market participant do not agree, then the commissioner shall call an adjudicatory hearing before the Board to consider the matter.

§17713. Records Requirements

A. Each certified market participant shall maintain the following records on a current basis in the company's principal office in this state at all times:

1. current financial statements;
2. bank statements and reconciliations;
3. broker's statements;

4. copies of all outstanding contracts with producers, grain dealers and warehousemen or warehouse operators including, but not limited to, agency contracts, producer contracts and certified market participant contracts;

5. copies of all outstanding loans, notes and mortgages affecting the business;

6. records of all purchases of agriculture commodities or products;

7. daily production records;

8. record of all ethanol sales;

9. scale tickets, receiving and shipping documents; and

10. settlement sheets.

§17715. Audits and Inspections

A. Access for Audits

Each certified market participant shall permit the commissioner to enter all locations listed on the application for designation as a certified market participant and inspect, examine and/or audit all contents, facilities, equipment records, books and accounts relating thereto at any time during normal working hours, with or without notice.

B. Frequency and Time of Audits

Audits shall be done at least once a year and may be done at any time that the commissioner deems it appropriate.

C. Cooperation in Audits

The certified market participant shall provide the necessary assistance and records required for any inspection, examination and/or audit made in accordance with the Act.

D. Records and Documentation

Each audit shall establish adequate documentation of all transactions concerning the purchase of agricultural commodities or products by certified market participants, the fermentation, distillation and production of ethanol in Louisiana, the sale of gasohol in Louisiana and the verification that taxes arising from ethanol and gasohol sales have been paid to the Louisiana Department of Revenue and Taxation.

Consistent with achieving the above mentioned objectives, the commissioner shall require that the certified market participant maintain for compliance and verification all records necessary to establish adequate documentation consistent with industry practice, generally accepted accounting principles and generally accepted audit standards. The above data will be maintained at the principal office of the certified market participant for verification and compliance purposes and such shall be exempt from public disclosure under R.S. 44:1 et seq. and R.S. 3:3708(A.) unless an adjudicatory hearing is held.

§17717. Adjudicatory Proceedings

A. Hearing Officer

The chairman may designate a hearing officer, who may or may not be a member of the board, to preside at all adjudicatory proceedings of the board. The chairman may, if he so desires, serve as hearing officer at any adjudicatory proceeding.

B. Hearing Body

The board may serve as the hearing body in all adjudicatory proceedings and shall make the final determination with regard to the disposition of all matters coming to adjudication.

§17717. Violations

The board may hold adjudicatory hearings to determine if there are violations of the Act, the rules and regulations, a certified market participant contract, or any agency or producer contract.

§17721. Penalties

A. The board may impose a civil penalty of up to \$50,000 for each violation of the provisions of the Act or rules.

B. The board may revoke the designation of a certified market participant and terminate the cooperative agreement if there is a violation of the Act or rules.

C. Civil penalties shall be assessed only by a ruling of the board after an adjudicatory hearing in accordance with the Louisiana Administrative Procedure Act.

§17723. Severability

If any provisions of these rules are declared invalid for any reason, that provision shall not affect the validity of the entire rules or any other provision thereof.

Bob Odom
Commissioner

RULE

Department of Commerce Real Estate Commission

In accordance with the notice of intent published in the June 20 issue of the *Louisiana Register*, the Louisiana Real Estate Commission announces the adoption of the following rules, effective August 20, 1986.

Chapter 12. Waiver

§1201. Broker's License (deletes existing 1201, 1203, and 1205)

The commission may accept approved real estate course work obtained in other jurisdictions toward fulfillment of pre-licensing salesperson and/or broker educational hours. Real estate course work obtained from nationally recognized institutes may also apply toward fulfillment of broker pre-licensing hours. Every applicant for a Louisiana real estate license must complete an approved course of study in Louisiana consisting of at least 30 classroom hours of course work. Such course work shall include study of the Louisiana Real Estate License Law, commission rules and regulations and Louisiana Civil Law relating to real estate.

Chapter 15. Salesman and Associated Broker License Transfers and Terminations

§1509. Termination of Sponsorship

Any sponsoring broker who wishes to terminate his sponsorship of an associate broker or salesman shall immediately notify the associate broker or salesman in writing by certified mail and forward to the commission by hand delivery or by certified mail a signed copy of the notification along with the associate broker's or salesman's license.

§1517. Effective Date of Transfer

A transfer to a new sponsoring broker or a transfer to an unaffiliated broker status is effective upon receipt in the commission office of the proper documents and fees as elsewhere specified in this chapter. It is the responsibility of the licensee to verify that the transfer is effective.

§1519. Exemption from Transfer Fee

No transfer fee shall be charged to an associate broker or salesman who transfers in any one of the following situations:

- A. when his sponsoring broker has died;
- B. when his sponsoring broker has failed to renew his license;
- C. when his sponsoring broker's license has been suspended or revoked; or
- D. when his sponsoring broker has chosen to go out of business.

An associate broker or salesperson must transfer to a new sponsoring broker within 60 days following the death of his former broker, or upon the suspension/revocation of his former broker's license. Upon being notified by the commission that the sponsoring broker has not renewed timely, an associate broker or salesperson must transfer to a new sponsoring broker within 60 days. A delay beyond this time will result in the assessment of a

transfer fee and/or delinquent fee if applicable.

Chapter 27. Escrow Accounts

§2701. Account and Affidavit

In order to be licensed as a real estate broker, each applicant, except an exclusively affiliated broker-applicant, shall open an escrow account in a bank in the parish in which his main office is located and submit to the commission an affidavit attesting to the existence, location and account number of the account. All escrow accounts shall be opened in the exact form shown on the broker's license. For the sake of clarity the type of account may also be noted, such as, escrow account, rental trust account, etc. Except as otherwise provided below, all money received by the broker in trust on behalf of clients shall be deposited into this account.

§2717. Withdrawal

A. No monies received and deposited into an escrow account or rental trust account shall be withdrawn for any purpose except:

1. upon mutual written consent of all parties having an interest in the funds to be transferred;
2. upon commission order;
3. upon court order;
4. for the purpose of depositing monies into the registry of the court in a concursus proceeding;
5. unless mutually agreed upon by all parties for the purpose of making funds available at closing.

Chapter 65. Real Estate Schools

§6521. Prohibition against Recruiting

C. Any real estate school owner, instructor, or licensee in any way affiliated with or operating a branch or main office location of a real estate school is prohibited from sponsoring for licensing purposes students of the real estate school for at least a one-year period from the date of issuance of the student's certificate of completion.

E. No real estate school shall be operated in a facility that is also utilized for the operation of the brokerage firm. Operation in this rule by a real estate school shall mean the conducting or doing business in any manner including, but not limited to the holding of classes, the instruction of students, the utilization of telephone lines, the occupying of office space, and the enlistment, solicitation and/or recruitment of potential students or licensees.

F. No real estate school may provide any name or list of names of any potential licensee(s) or student(s) whether potential or enrolled in any real estate school to anyone other than the Louisiana Real Estate Commission.

§6525. School Advertising

G. All advertisements, pamphlets, circulars or other advertising materials shall be free of statements, illustrations or implications which do not enhance the dignity and integrity of the real estate profession.

H. No advertisement, pamphlet, circular, or other advertising materials by certified real estate schools shall offer any guarantee to pass the real estate license examination.

I. All advertisement shall specifically include what items are included in the tuition charged. Any optional (non-required) items for which a fee is to be charged or potential cost incurred by the students such as textbooks, workbooks or review sessions must be clearly and separately listed.

Chapter 67. Timeshares

§6701. Requirements for Processing

Every applicant for an initial timeshare registration must meet the following requirements before his application will be processed by the commission.

§6703. Application

A. Every applicant for initial timeshare registration shall submit to the commission a fully completed application on a form provided by the commission accompanied by the prescribed fees. All fees must be paid by way of a certified check, cashier's check, or money order made payable to the Louisiana Real Estate Commission.

B. Every applicant for initial registration as a timeshare interest salesperson shall designate on the application form provided by the commission the name of the developer or developers for whom he will be working following registration.

§6705. Receipt of Application

Every application must be received and approved prior to the date the applicant engages in the business of selling timeshare interests within this state.

§6707. Certificate of Registration

A. Every developer for an initial timeshare sales registration shall submit the following to the commission unless exempted under the authority of R.S. 37:1437.1C(5):

1. a current credit report from a recognized credit reporting agency;

2. if the applicant is a corporation, a copy of its Articles of Incorporation, current annual report and a credit report on each of the principals of the corporation;

3. if the applicant is a partnership, a copy of partnership agreement and current partnership registration form;

4. one bond issued in favor of the state by a surety company authorized to do business in this state in the amount of \$1,000 per unit week included in the timeshare plan in accordance with R.S. 9:1121.4D;

5. a properly executed and notarized escrow affidavit;

6. sample copies of the conveyance and financing forms, copy of the public offering statement, and a certified copy of the timeshare declaration;

7. an affidavit, signed by the chief executive officer or managing partner of the developer and by any natural person having an ownership interest exceeding 10 percent in either the developer or entities which control it, that states under penalty of perjury that the affiant has read the timeshare declaration and all attached documents, and that they are true and correct;

B. Applicants for an initial non-developer timeshare registration shall submit the following to the commission:

1. satisfactory proof that the applicant has attained the age of eighteen years;

2. satisfactory proof that the applicant is a high school graduate or the holder of a certificate of high school equivalency;

(a) satisfactory proof that the applicant is a high school graduate or the holder of a certificate of high school equivalency may be established by the original or a copy of the applicant's high school diploma, the applicant's university or college diploma, the applicant's certificate of high school equivalency, or, if none of the above is available, by an affidavit stating the date and place of the applicant's high school graduation or the granting of the applicant's certificate of high school equivalency;

3. one bond issued in favor of the state by a surety company authorized to do business in this state in the amount of \$10,000 in accordance with R.S. 37:1437.1F.

§6709. Bond Renewal

A new bond or a renewal or continuation of the original bond shall be required for each registration period. If a continuous bond is filed, no new or renewal bond is required as long as the continuous bond remains in force and effect.

§6711. Revocation of Bond

In the event a bond is revoked by the surety company, the registration shall automatically be suspended until such time as a new bond is filed with the commission.

§6713. Fees

A. All fees are forfeited to the commission when received except as provided in other applicable rules.

B. Registration fees shall cover a period of two calendar years and shall not be prorated.

C. All fees must be paid by way of a certified check, cashier's check or money order made payable to the Louisiana Real Estate Commission.

§6715. Renewal Applications

A. The failure to timely renew a timeshare registration shall result in the automatic suspension of the registration as provided in R.S. 37:1442. The responsibility for timely submission of renewal applications accompanied by the appropriate fees rests solely with the individual registrant. All fees must be paid by way of certified check, cashier's check or money order made payable to the Louisiana Real Estate Commission.

§6717. Automatic Suspension for Non-renewal

If a developer's timeshare registration is suspended or revoked, timeshare sales registrants shall be prohibited from selling timeshare interests in any project owned by that developer.

§6719. Delinquent Renewal

An application for delinquent renewal of a timeshare registration must be accompanied by a delinquent renewal fee and an affidavit stating that the applicant has not engaged in the business of selling timeshare interests during the period in which the registration has expired.

§6721. Terminations

A. Any timeshare sales registrant who terminates a business relationship with a developer shall notify the commission in writing by certified mail.

B. Any timeshare sales registrant who wishes to begin a new business relationship with another developer shall notify the commission in writing by certified mail of the intended action prior to beginning that business relationship.

§6723. Advertising

A. Any advertising material relating to a timeshare plan or solicitation shall be filed with the Louisiana Real Estate Commission by the developer prior to use. All such advertising shall be in compliance with R.S. 9:1131.12.

B. The developer shall file each prize and gift promotional offer to be used in the sale of timeshare interests with the commission prior to its use.

C. Prize and gift promotional offers must be accompanied by a \$100 filing fee in accordance with R.S. 37:1443(11). This fee must be paid by way of a certified check, cashier's check, or money order made payable to the Louisiana Real Estate Commission. Each filing of a prize and gift promotional offer with the commission shall be in compliance with R.S. 9:1131G.

§6725. Establishment of Escrow Account

The developer of each timeshare plan that has timeshare property located in Louisiana or who maintains a sales office in Louisiana for the sale of timeshare interests shall establish an interest bearing escrow account in the developer's name at a financial institution in the parish where the timeshare property or sales office is located, in accordance with R.S. 9:1131.17.

§6727. Affidavit of Authority

Every developer of a timeshare plan shall submit to the commission an affidavit attesting to the existence, location and account number of the developer's escrow accounts. The affidavit shall authorize and empower the commission or its representatives to examine, inspect, and/or copy the developer's escrow accounts.

§6729. Escrow Account Closing

Every developer shall notify the commission of his intention to close an escrow account at least 10 days prior to the intended closing date. No escrow account may be closed prior to one year after the final fifty dollar deposit is made.

§6731. Maintaining an Escrow Account

Upon revocation, suspension or lapse of his registration, a developer shall nevertheless continue and maintain his escrow accounts until such time as all deposits have been disbursed according to law.

§6733. Change of Address

Every registrant shall report any change in his business or residence address or telephone number to the commission within 10 days of the change. Failure to so report shall subject the registrant to suspension or revocation of his registration.

§6735. Payment to Non-registrants

Timeshare registrants, in accordance with the provisions of R.S. 37:1455, shall not offer or pay a fee or any other compensation of any kind to any unregistered person for the purpose of obtaining any timeshare solicitations.

§6737. Report of Legal Action

A. It shall be the duty of every timeshare registrant within 10 days of a notice of a final judgment against him by a court of competent jurisdiction, or within 10 days from the institution of a criminal prosecution against him, the subject matter of either of which involves any real estate transaction or timeshare transaction to which he was a party, to notify the commission in writing of any such action by registered or certified mail. Failure to give such notification shall constitute a cause to suspend the registration.

B. It shall be the duty of every timeshare registrant to notify the commission in writing of any conviction of him of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, theft, or any other crime involving moral turpitude. Notification shall be made to the commission within 10 days of the conviction and shall be sent to the commission by registered or certified mail.

C. It shall be the duty of every timeshare registrant to notify the commission in writing of the institution of any proceedings under the Federal Bankruptcy Act in which such registrant is named as debtor, whether classified as voluntary, involuntary, individual, corporate, or partnership, or which is in any way connected with the registrant's timeshare sales activities. Notification shall be made to the commission within ten days of the institution of the bankruptcy proceeding and shall be sent to the commission by registered or certified mail.

§6739. Developer Records

Every developer shall retain, for at least five years, readily available and properly indexed, copies of all documents which in any way pertain to the sale or solicitation of timeshare interests in which he has acted as a developer.

§6741. Complaints

A. Complaints involving violation of the Louisiana Real Estate License Law and/or the Louisiana Timeshare Act and/or the rules and regulations of the commission shall be signed by the complainant or his legal representative before any action thereon will be taken by the commission.

B. The commission, on its own motion, may investigate any violation of the Louisiana Real Estate Licensing Law and/or the Louisiana Timeshare Act and/or the rules and regulations of the commissions.

§6743. Investigations and Hearings

Every registrant shall cooperate fully with and answer all questions propounded by commission personnel conducting investigations pursuant to complaints filed with the commission or on motion of the commission. The commission may suspend or revoke the registration of any registrant who fails to comply with this Section. All investigations and hearings shall be held pursuant to and under the auspices of R.S. 37:1456 and Chapter 13 of Title 49 of the Louisiana Revised Statutes.

§6745. Registrant's Responsibilities

It shall be the duty of all timeshare registrants to have knowledge and be aware of all laws regulating the timeshare industry in Louisiana including, but not limited to, these rules and regulations, the Louisiana Real Estate License Law and the Louisiana Timeshare Act. It shall further be the responsibility and duty of each developer of a timeshare plan to inform his employees and salespersons of any changes of the Louisiana Real Estate License Law and/or the Louisiana Timeshare Act and/or the rules and regulations of the commission.

Anna-Kathryn Williams
Executive Director

RULE

Board of Elementary and Secondary Education

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

Rule 3.01.80.a

Computer Literacy and Computer Science will be adopted every third year rather than every year.

James Meza, Jr., Ed.D
Executive Director

RULE

**Office of the Governor
Office of Elderly Affairs**

In accordance with Louisiana Revised Statutes 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) has revised the current Louisiana State Plan on Aging (effective October 1, 1983 through September 30, 1987) to de-designate St. Landry parish as a planning and service area (PSA) and incorporate it into the PSA served by Evangeline Economic Development District Area Agency on Aging, including Lafayette, St. Mary, St. Martin, Iberia, Acadia, Evangeline, Jefferson Davis, and Vermilion parishes. The effective date of this revision is August 20, 1986.

Sandra C. Adams
Director

RULE

**Department of Health and Human Resources
Board of Examiners
for Nursing Home Administrators**

In accordance with the notice of intent published in the June 1986 Register, the Louisiana Board of Examiners for Nursing Home Administrators announces the Amendment of LAC 46:XLIX, Chapter 7, effective August 20, 1986: Chapter 7: ADMINISTRATOR-IN-TRAINING (AIT)

§701. Program

An applicant must serve as a full-time (40 hours per week) Administrator-in-Training for a minimum of six consecutive months. The program may be completed or begun before or after taking examinations so long as it is carried out strictly ac-

ording to Chapter 7. During this time the AIT must work under close, direct, personal, on-site supervision of a full-time preceptor who shall be administrator of record in the facility in which the AIT undertakes training.

A. Facility

The AIT receives all training in the nursing home designated in his initial report unless the Board grants prior approval for a change.

B. Schedule

The AIT rotates through each department of the nursing home spending on a continuous basis the entire period of time required in each department. He must serve at least once on all shifts in the departments where shifts are used and at least two week-ends. The major portion of training must be during the normal work week (7a.m. to 5p.m.) of key personnel of the home.

C. Rotation

The preceptor assigns these rotation intervals in the sequence he desires and may assign the AIT for a longer period in any or all departments:

Department	Weeks	Hours
Administration	9	360
Nursing	5	200
Dietary	4	160
Patient Activity	2	80
Social Work	2	80
Medical Records	2	80
Housekeeping and Laundry	2	80

A week is defined as seven days, Sunday through the following Saturday.

D. Interruptions

If for any reason—illness, resignation of preceptor, etc.—the AIT must interrupt training, the AIT and/or the preceptor notifies the board office immediately.

§703. Preceptor

The preceptor is a duly licensed nursing home administrator who has completed three years of work experience as a full-time practicing nursing home administrator. The preceptor applies for board approval as a preceptor on forms provided by the board. He undergoes orientation and other designated training conducted by the executive director, a board member, or other authorized person and cannot practice as a preceptor until he has specific approval of the board.

A. Time

The preceptor is on-site and available to supervise at least 20 hours per week, and is available at least by the telephone at all other times.

B. Number of AIT's

A preceptor may train no more than two AIT's at a given time. A preceptor serving as administrator of more than one facility may train no more than one AIT at a given time.

C. Duties

The preceptor carries out these duties:

1. schedules the AIT's rotation through departments and assigns AIT duties in a manner that provides the best quality of training;

2. monitors AIT's performance on a regular basis;

3. instructs the AIT on management principles and standards established by DHHS, Medicare and Medicaid, State Divisions of Licensing and Certification, Office of Family Security, O.S.H.A., ANSI, Life Safety Code, the Board of Examiner's rules and regulations, and others pertaining to nursing homes;

4. includes AIT in meetings of the facility board, department heads, staff, and others involving administration;

5. evaluates AIT's performance with him at least

monthly;

6. ensures that AIT reports are properly completed and mailed as required;

7. notifies the board in writing, in advance whenever possible, if the need to terminate an AIT arises, giving reasons and requesting Board approval before final action is taken.

D. Change in preceptor

No change in preceptor may be made without prior approval of the board. Preceptor and/or AIT notify the board, in advance, when any changes must be made.

§705. Reports

The following reports must be filed with the board on forms supplied by the board.

A. Initial report and orientation

The initial report is filled out and signed under oath by both AIT and preceptor prior to the beginning of the program. It is a contract between the AIT, the preceptor, and the board. The board reviews and approves the program. Following this the AIT undergoes orientation conducted by the executive director, a board member or other authorized person.

B. Departmental reports

The board furnishes the preceptor with a report form for each department, specifying the basic topic areas that must be covered. The report is signed by the AIT and the appropriate department head. The preceptor writes an evaluation on each report, signs and mails it to the board immediately upon the AIT's completion of rotation in a department.

C. Certificate of Completion

At the end of the program a Certificate of Completion form is signed under oath by the AIT and preceptor and forwarded to the board.

§707. Board Monitoring

The AIT's program may be monitored by on-site visit one or more times by the executive director, a board member, or other authorized person.

§709. Oral examination

Upon completion of the program and receipt of the Certificate of Completion the AIT undergoes an oral examination to ensure she/he is sufficiently knowledgeable to be licensed. The examination is conducted by the Executive Director, a Board member, or other authorized person. When the AIT passes the oral examination his license is issued.

§711. Time limitation

Failure to begin the six-month AIT within one year of the date an applicant passes the licensing examinations results in loss of all accomplishments and fees.

§713. Waivers

Provisions for the six-month AIT, or portions thereof, may be waived on the basis of:

A. Education

Full waiver is granted if applicant has a degree in health care administration that included an internship or the internship was waived by the college or university on the basis of experience.

B. Experience

Waiver may be granted for any portion of the AIT for experience in the health care field that meets or exceeds AIT requirements in his/her specialty and/or other areas as approved by the board. Request for waivers are to be submitted with the application and properly documented on forms supplied by the board.

Winborn E. Davis
Executive Director

RULE

Department of Health and Human Resources Board of Medical Examiners

Pursuant to the authority of the Louisiana Midwife Practitioners Act, (the "ACT") R.S. 37:3240 et seq., and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana State Board of Medical Examiners has adopted rules governing the licensure, certification and practice of Midwives.

These rules were adopted by emergency procedures on Page 213, Vol. 12, No. 4, April 20, 1986 *Louisiana Register*. The Notice of Intent was published in the May 20, 1986 issue, page 336, Vol. 12, No. 5.

Title 46

Professional and Occupational Standards

Part XLV. Medical Professions

Subpart 2. Licensing and Certification

Chapter 23. Licensed Midwife Practitioners

Subchapter A—General Provisions

§2301. Scope of Chapter

The rules of this Chapter govern the licensing of midwife practitioners to engage in the practice of midwifery in the state of Louisiana.

§2303. Definitions

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

Applicant - The term "applicant" means a person who has applied to the board for a license or permit to engage in the practice of midwifery in the state of Louisiana;

Application - The term "application" means a written request directed to and received by the board, upon forms supplied by the board, for a license or permit to practice midwifery in the state of Louisiana, together with all information, certificates, documents and other materials required by the board to be submitted with such forms;

Apprentice Lay Midwife - The term "apprentice lay midwife" means any person who is granted a permit to obtain the practical experience required to apply for a license;

Board - The term "board" means the Louisiana State Board of Medical Examiners;

Certified Nurse Midwife - The term "certified nurse midwife" means a registered nurse licensed to practice in Louisiana who has been certified by the American College of Nurse-Midwives and registered with the Louisiana Board of Nursing pursuant to their regulations;

Continuing Education - The term "continuing education" means participation in an organized learning experience under responsible sponsorship, capable direction, and qualified instruction and approved by the Louisiana Board of Medical Examiners for the purpose of meeting requirements for renewal of licensure under these regulations;

Department - The term "department" means the Louisiana Department of Health and Human Resources;

Licensed Midwife Practitioner - The term "licensed midwife practitioner" means a person who has completed all the requirements of the board including the prescribed education and experience, has passed the licensing examination, and is licensed to practice midwifery in the state of Louisiana;

Licensed Midwife Practitioner Advisory Committee - The term "Licensed Midwife Practitioner Advisory Committee" means a committee of two physicians, two licensed midwife practitioners, one certified nurse-midwife, and one member of the Board of Medical Examiners appointed by the Board to assist them in implementing the provisions of the Midwife Practitioners

Act and these regulations;

Midwife - The term "midwife" means a person who gives care and advice to a woman during pregnancy, labor and the postnatal period and who is capable of conducting vaginal deliveries in uncomplicated pregnancies on her own;

Midwifery Instructor - The term "midwifery instructor" means a physician or certified nurse-midwife under the supervision of a physician who has a formal training and supervisory relationship with an apprentice lay midwife;

Physician - The term "physician" means a person licensed to practice medicine in the state of Louisiana who is actively engaged in a clinical obstetrical practice and has hospital privileges in obstetrics in a JCAH accredited hospital;

Practice of Midwifery - The term "practice of midwifery" shall mean holding oneself out to the public as being engaged in the business of attending, assisting or advising a woman during the various phases of the interconceptional and childbearing periods with the supervision of a physician who is actively engaged in a clinical practice of obstetrics and has hospital privileges in obstetrics in a JCAH accredited hospital;

Supervision of a Physician - The term "supervision of a physician" shall mean that the client shall be seen by a physician for physical examinations at least once during the first or second trimester of pregnancy and again at least once within the last four weeks of pregnancy.

Subchapter B. Qualifications for License

§ 2305. Scope of Subchapter

The rules of this Subchapter govern the licensing of midwives who in order to become licensed midwife practitioners must meet all of the criteria listed in this Subchapter.

§ 2307. Qualifications for License

A. To be eligible for a license, an applicant shall:

1. Be at least twenty-one years of age and shall have graduated from high school;
2. Be a citizen of the United States and a resident of the state of Louisiana;
3. Be currently certified in cardiopulmonary resuscitation (CPR);
4. Have completed one college-level course (at least 3 semester hours) in an accredited college or university in each of the following subjects: human anatomy, human physiology, biology, micro-biology, psychology and nutrition;
5. Have completed all the requirements for a course of study in the theory of pregnancy and childbirth listed in § 2355;
6. Have met, within three years prior to the time of application, the following requirements for practical experience:
 - a. 100 prenatal visits on at least 25 different women;
 - b. attendance at the labor and delivery of at least 25 live births as an observer or assistant attendant;
 - c. management of the labor and delivery of newborn and placenta for at least 15 live births as the primary birth attendant;
 - d. 25 newborn examinations;
 - e. 25 postpartum evaluations of mother and baby in home or hospital within 36 hours of delivery;
 - f. Five repairs of lacerations in addition to any practice on nonhuman subjects;
 - g. Five observations of in-hospital births involving high risk obstetric care;
 - h. observation of one complete series of at least six prepared childbirth classes offered by an approved provider;
7. Have demonstrated professional competence in the practice of midwifery by passing a written examination administered by the board.

B. The burden of satisfying the board as to the qualifications and eligibility of the applicant for licensure shall be upon the applicant. An applicant shall not be deemed to possess such

qualifications unless the applicant demonstrates and evidences such qualifications in the manner prescribed by, and to the satisfaction of, the board.

C. Licensure as a licensed midwife practitioner shall be accompanied only through adherence to the requirements of this Subchapter or through reciprocity with other jurisdictions having similar licensing requirements. Reciprocity will be at the discretion of the board.

§ 2309. Procedural Requirements

In addition to the substantive qualifications specified in § 2307, to be eligible for a license, an applicant shall satisfy the procedures and requirements for application provided by §§2311 to 2315 of this Chapter and the procedures and requirements for examination administered by the board provided by §§ 2319 to 2333 of this Chapter.

Subchapter C – Application

§ 2311. Purpose and Scope

The rules of this Subchapter govern the procedures and requirements applicable to application to the board for licensure as a licensed midwife practitioner in the state of Louisiana.

§ 2313. Application Procedure

A. Application for unrestricted licensing shall be made upon forms supplied by the board.

B. An initial application must be received by the board on or before March 31 if the applicant desires to sit for the June administration of the comprehensive examination, or on or before August 31 if the applicant desires to sit for the December administration. Completed applications must be received by the board on or before April 30 or October 31 respectively, in order for an applicant to be eligible to sit for the June or December administration of the comprehensive examination.

C. Application forms and instructions pertaining thereto may be obtained upon written request directed to the office of the secretary-treasurer of the board, Suite 100, 830 Union Street, New Orleans, LA 70112. Application forms will be mailed by the board within 30 days of the board's receipt of request therefor. To ensure timely filing and completion of application, forms must be requested not later than 40 days prior to the deadlines for initial application specified in the preceding subsection.

D. An application for licensing under this Chapter shall include:

1. proof, documented in a form satisfactory to the board as specified by the secretary, that the applicant possesses the qualifications set forth in this Chapter;

2. three photographs of the applicant; and

3. such other information and documentation as the board may require to evidence qualification for licensing.

E. All documents required to be submitted to the board must be the original thereof. For good cause shown, the board may waive or modify this requirement.

F. The board may refuse to consider any application which is not complete in every detail, including submission of every document required by the application form. The board may, in its discretion, require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

G. Each application submitted to the board shall be accompanied by the applicable fee, as provided in Chapter 81 of these rules.

H. Upon submission of or concurrently with submission of a completed application, an applicant shall, by appointment, make a personal appearance before the board, or its designee, as a condition to the board's consideration of such application.

§ 2315. Effect of Application

A. The submission of an application for licensing to the

board shall constitute and operate as an authorization by the applicant to each educational institution at which the applicant has matriculated, each state or federal agency to which the applicant has applied for license, permit, certificate or registration, each physician or certified nurse-midwife who has supervised the applicant's clinical experience, each person, firm, corporation, trainer, education service or institution from whom the applicant has received instruction in the basic sciences or the theory of pregnancy and childbirth, each physician or other health care practitioner whom the applicant has consulted or seen for diagnosis or treatment and each professional organization or specialty board to which the applicant has applied for membership to disclose and release to the board any and all information and documentation concerning the application which the board deems material to consideration of the application. With respect to any such information or documentation, the submission of an application for licensing to the board shall equally constitute and operate as a consent by the applicant to the disclosure and release of such information and documentation and as a waiver by the applicant of any privilege or right of confidentiality which the applicant would otherwise possess with respect thereto.

B. By submission of an application for licensing to the board, an applicant shall be deemed to have given his consent to submit to physical or mental examinations if, when and in the manner so directed by the board and to waive all objections as to the admissibility or disclosure of findings, reports or recommendations pertaining thereto on the grounds of privileges provided by law. The expense of any such examination shall be borne by the applicant.

C. The submission of an application for licensing to the board shall constitute and operate as an authorization and consent by the applicant to the board to disclose and release any information or documentation set forth in or submitted with the applicant's application or obtained by the board from other persons, firms, corporations, associations or governmental entities pursuant to Subsections (A) or (B) of this Section to any person, firm, corporation, association or governmental entity having a lawful, legitimate and reasonable need therefor, including, without limitation, the midwife licensing authority of any state; the Federal Drug Enforcement Agency; the Louisiana Office of Narcotics and Dangerous Drugs, Division of Licensing and Registration, Department of Health and Human Resources; and federal, state, county or parish and municipal health and law enforcement agencies.

Subchapter D. Examination.

§ 2317. Scope of Examination

The examination pursuant to R.S. 37:3244C(4) shall be administered by the board in two parts. After the applicant completes the instruction in the basic sciences and before an apprentice permit may be obtained, a test covering the basic sciences must be successfully passed. After clinical instruction in lay midwifery and completion of the course in the theory of pregnancy and childbirth, the applicant must successfully pass a comprehensive examination comparable to that administered by other states which license the practice of midwifery and designed to test knowledge of theory regarding pregnancy and childbirth and to test practical judgment in midwifery care management.

§ 2319. Eligibility for Examination

To be eligible for the basic sciences examination, an applicant must provide the board documented evidence of the items required in § 2339(B)(1) through (B)(4).

To be eligible for comprehensive examination by the board, an applicant shall possess all qualifications for licensure prescribed by § 2307(A) and present evidence satisfactory to the board that the applicant possesses the technical skills essential to the practice of midwifery. Satisfactory evidence shall include ver-

ification by the physician or certified nurse-midwife who supervised the applicant's clinical experience that the applicant has evidenced the skills essential to the practice of midwifery during her apprenticeship.

§ 2321. Dates, Places of Examination

The board's examinations are administered semiannually, in June and December, in the city of New Orleans. Applicants shall be advised of the specific dates, times and locations of the next scheduled examination upon application to the board and may obtain such information upon inquiry to the office of the secretary.

§ 2323. Administration of Examination

A. The board's examinations are administered by a chief proctor, appointed by the board, and several assistant proctors. The chief proctor is authorized and directed by the board to obtain positive photographic identification from all applicants appearing and properly registered for the examination, to establish and require examinees to observe an appropriate seating arrangement, to provide appropriate instructions for taking the examination, to fix and signal the time for beginning and ending the several sections of the examination, to prescribe such additional rules and requirements as are necessary or appropriate to the taking of the examination in the interest of the examinees or the examination process and to take all necessary and appropriate actions to secure the integrity of the examination and examination process, including, without limitation, excluding an applicant from the examination or changing an applicant's seating location at any time during the examination.

B. An applicant who appears for examination shall:

1. present to the chief proctor or his designated assistant proctor proof of registration for the examination and positive personal photographic and other identification in the form prescribed by the board; and

2. fully and promptly comply with any and all rules, procedures, instructions, directions or requests made or prescribed by the chief proctor or any assistant proctor.

§ 2325. Subversion of Examination Process.

A. An applicant-examinee who engages or attempts to engage in conduct which subverts or undermines the integrity of the examination process shall be subject to the sanctions specified in §2329 of this Subchapter.

B. Conduct which subverts or undermines the integrity of the examination process shall be deemed to include:

1. refusing or failing to fully and promptly comply with any rules, procedures, instructions, directions or requests made or prescribed by the chief proctor or an assistant proctor;

2. removing from the examination room or rooms any of the examination materials;

3. reproducing or reconstructing, by copying, duplication, written notes or electronic recording, any portion of the examination;

4. selling, distributing, buying, receiving, obtaining or having unauthorized possession of a future, current or previously administered examination;

5. communicating in any manner with any other examinee or any other person during the administration of the examination;

6. copying answers from another examinee or permitting one's answers to be copied by another examinee during the administration of the examination;

7. having in one's possession during the administration of the examination any materials or objects other than the examination materials distributed, including, without limitation, any books, notes, recording devices or other written, printed or recorded materials or data of any kind;

8. impersonating an examinee by appearing for and as

an applicant and taking the examination for, as and in the name of an applicant other than himself;

9. permitting another person to appear for and take the examination on one's behalf and in one's name; or

10. engaging in any conduct which disrupts the examination or the taking thereof by other examinees.

§ 2327. Finding of Subversion

A. When, during the administration of examination, the chief proctor or any assistant proctor has reasonable cause to believe that an applicant-examinee is engaging or attempting to engage, or has engaged or attempted to engage, in conduct which subverts or undermines the integrity of the examination process, the chief proctor shall take such action as he deems necessary or appropriate to terminate such conduct and shall report such conduct in writing to the board.

B. In the event of suspected conduct described by §2325(B)(5) or (6), the subject applicant-examinee shall be permitted to complete the examination, but shall be removed at the earliest practical opportunity to a location precluding such conduct.

C. When the board, upon information provided by the chief proctor, an assistant proctor, an applicant-examinee or any other person, has probable cause to believe that an applicant has engaged or attempted to engage in conduct which subverts or undermines the integrity of the examination process, the board shall so advise the applicant in writing, setting forth the grounds for its finding of probable cause, specifying the sanctions which are mandated or permitted for such conduct by § 2329 of this Subchapter and provide the applicant with an opportunity for hearing pursuant to R.S. 49:955-58 and applicable rules of the board governing administrative hearings. Unless waived by the applicant, the board's findings of fact, its conclusions of law under these rules and its decision as to the sanctions, if any, to be imposed shall be made in writing and served upon the applicant.

§ 2329. Sanctions for Subversion of Examination

A. An applicant who is found by the board, prior to the administration of the examination, to have engaged in conduct or to have attempted to engage in conduct which subverts or undermines the integrity of the examination process may be permanently disqualified from taking the examination and for permit to be an apprentice or for licensure as a licensed midwife practitioner in the state of Louisiana.

B. An applicant-examinee who is found by the board to have engaged or to have attempted to engage in conduct which subverts or undermines the integrity of the examination process shall be deemed to have failed the examination. Such failure shall be recorded in the official records of the board.

C. In addition to the sanctions permitted or mandated by Subsections (A) and (B) of this Section, as to an applicant-examinee found by the board to have engaged or to have attempted to engage in conduct which subverts or undermines the integrity of the examining process, the board may:

1. revoke, suspend or impose probationary conditions on any license or permit issued to such applicant;

2. disqualify the applicant, permanently or for a specified period of time, from eligibility for permit or licensure in the state of Louisiana; or

3. disqualify the applicant, permanently or for a specified number of subsequent administrations of the examination, from eligibility for examination.

§ 2331. Passing Score

An applicant will be deemed to have successfully passed the examination if a score of at least 75 is attained.

§ 2333. Restriction, Limitation on Examinations

A. A passing score must be attained by an applicant upon completion of all sections of the examination taken during

a single administration of the entire examination. An applicant who fails the examination but who meets all other requirements may retake the examination three times.

B. An applicant having failed to attain a passing score upon taking the examination three times shall not be considered for permit or licensing and shall not be eligible to take the examination again.

§ 2335. Lost, Stolen or Destroyed Examinations

A. The submission of an application for examination by the board shall constitute and operate as an acknowledgment and agreement by the applicant that the liability of the board, its members, employees and agents and the state of Louisiana to the applicant for the loss, theft or destruction of all or any portion of an examination taken by the applicant, prior to the reporting of scores thereon, other than by intentional act, shall be limited exclusively to the refund of the fees paid for examination by the applicant.

B. In the event that one or more of the sections of the examination taken by an applicant are lost, stolen or destroyed prior to the reporting of the applicant's scores thereon, such applicant shall be permitted by the board to sit for and take such sections at either of the next two successively scheduled administrations of the examination, and such scores or averages as the applicant attains on such sections shall be averaged with the sections on which scores were previously reported in computing the applicant's score which shall be accepted by the board notwithstanding §2333(A) of this Subchapter.

Subchapter E. Restricted Licensure, Apprentice Permits

§ 2337. Restricted Licensure in General

A. With respect to applicants who do not meet or possess the practical experience requirements necessary for licensure, the board shall issue an apprentice permit which would authorize the applicant to obtain, under supervision, the required practical experience.

B. Receipt of an apprentice permit shall not be construed to provide any right or entitlement whatsoever to licensure as a licensed midwife practitioner or to engage in the practice of midwifery.

§ 2339. Apprentice Permit

A. An apprentice permit authorizes the applicant to obtain the practical experience required for licensure under the supervision of a physician or a certified nurse-midwife under supervision of a physician.

B. The permit will be issued only to persons who provide documented evidence of:

1. completion of the required basic sciences courses;
2. a high school diploma;
3. verification of the apprentice/supervisor relationship from the person or persons supervising the applicant;
4. current certification in cardiopulmonary resuscitation (CPR);
5. successful passage of the basic sciences examination.

C. The permit is valid only so long as the verified relationship exists. The apprentice permit is valid for a period of one year from the date of issuance and may be renewed at the discretion of the board.

D. The apprentice permit shall be issued by the board within 15 days following the meeting of the board next following the date on which all of the requisite documented evidence, including the score on the basic sciences examination, is received by the board.

Subchapter F. License Issuance, Termination, Renewal, Reinstatement

§ 2341. Issuance of License

A. If the qualifications, requirements and procedures prescribed or incorporated by §§2307 to 2309 are met to the

satisfaction of the board, the board shall issue to the applicant a license to engage in the practice of midwifery in the state of Louisiana.

B. A license issued under §2307 of this Chapter shall be issued by the Board within 30 days following the reporting of the applicant's score on the examination.

§ 2343. Expiration of Licenses and Permits

A. Every license or permit issued by the board under this Chapter, the expiration date of which is not stated thereon or provided by these rules, shall expire, and thereby become null, void and to no effect, on the last day of the year in which such license or permit was issued.

B. The timely submission of an application for renewal of a license, or a permit, as provided by §2345 of this Chapter, shall operate to continue the expiring license or permit in full force and effect pending issuance of the renewal license or permit.

§ 2345. Renewal of License.

A. Every license issued by the board under this Chapter shall be renewed annually or on or before its date of expiration by submitting to the board an application for renewal, upon forms supplied by the board, together with the renewal fee prescribed in Chapter 81 of these rules.

B. An application for renewal of license form shall be mailed by the board to each person holding a license issued under this Chapter on or before the first day of December of each year. Such form shall be mailed to the most recent address of each licensee as reflected in the official records of the board.

C. Any person who files for renewal of licensure shall present a current cardiopulmonary resuscitation (CPR) certification and shall be required to show proof of completion of 10 hours of continuing education as approved by the board.

§ 2347. Revocation of License

Any license not renewed on or before January 1st of each year shall be revoked within 30 days of expiration following written notification by certified mail.

§ 2349. Reinstatement of License

A. A license which has been revoked may be reinstated upon application for reinstatement on forms supplied by the board.

B. Any person who files for licensure or reinstatement after January 1 and before February 1 of the same year shall be required to pay a late fee of \$50 in addition to the applicable renewal fee.

C. Any person who has not filed for renewal or reinstatement of licensure by February 1 shall be required to retake and pass the examination and pay the examination fee before licensure is reinstated.

Subchapter G. Education

§ 2351. Course of Study

Every applicant seeking licensure must successfully complete a course of didactic study, which includes instruction on the basic sciences and a course on the theory of pregnancy and childbirth, in clinical instructions in lay midwifery.

§ 2353. Basic Sciences

Every applicant seeking licensure must successfully complete one college-level course or other course approved by the board of at least three semester hours in each of the following basic sciences: human anatomy, human physiology, biology, micro-biology, psychology and nutrition.

§ 2355. Theory of Pregnancy and Childbirth

A. The board shall, on the advice of the Licensed Midwife Practitioner Advisory Committee, periodically maintain and periodically revise a list of approved courses, texts and trainers covering the subject matters which shall comprise a course of study in the theory of pregnancy and childbirth. The board may

use the list as a guideline in determining the acceptability of a non-listed educational source which an applicant submits as complying with any required subject matter. All or part of the course may be obtained through self-study.

B. A course of study and theory of pregnancy and child-birth must include the following: basic aseptic techniques, basic observation skills, basic prenatal nutrition, basic parental education for prepared childbirth, provision of care during the antepartum, intrapartum, postpartum and newborn periods, management of birth and immediate care of the mother and the newborn in out-of-hospital settings, recognition of early signs of possible abnormalities, recognition and management of emergency situations, special requirements of out-of-hospital births, obstetrical pharmacology and medicolegal aspects of midwifery.

§ 2357. Clinical Experience

A. Clinical experience in midwifery is required of every applicant for licensure. Clinical experience may be obtained in any setting (i.e., office, clinic, hospital, maternity center, home, etc.). Clinical experience shall include instruction on basic nursing skills, including but not limited to vital signs, perineal prep, enema, urethral catheterization, aseptic techniques, administration of medication both orally and by injection, local infiltration for anesthesia, administration of intravenous fluids, venipuncture, infant and adult resuscitation, fetal heart tones, edema, routine urinalysis, and cutting and repair of episiotomy.

B. Clinical experience, shall, also, include care of women in the antipartum, intrapartum, and postpartum periods. Clinical practice must include at least the following types of numbers of experiences (with out-of-hospital births making up at least one-half of the clinical experience):

1. 100 prenatal visits on at least 25 different women;
2. attendance at the labor and delivery of at least 25 live births as an observer or assistant attendant;
3. management of the labor and delivery of newborn and placenta for at least 15 live births as the primary birth attendant;
4. 25 newborn examinations;
5. 25 postpartum evaluations of mother and baby in home or hospital within 36 hours of delivery;
6. five repairs of lacerations in addition to any practice on non-human subjects;
7. five observations of in-house births involving high-risk obstetric care;
8. observation of one complete series of at least six prepared childbirth classes offered by an approved provider.

§ 2359. Supervision of Clinical Experience

Apprentice licensed midwife practitioners must obtain their clinical experience under the supervision of a physician or a certified nurse-midwife under the supervision of a physician. This must be direct, present in the same room supervision.

§ 2361. Continuing Education

A. In each registration period, 10 contract hours of continuing education must be obtained. Suitable topics include midwifery management in the antipartum, intrapartum, postpartum and newborn periods, risk assessment, early recognition of potential problems; midwifery management of emergency situations; ethics, legal aspect of practice.

B. Continuing education may be obtained through organized courses, conferences, area midwife meetings, or other mechanism as approved by the board.

C. In any calendar year, the board may require specific topics of continuing education based upon any problem areas indicated by licensed midwives practitioners' reports.

Subchapter H. Licensed Midwife Practitioner Advisory Committee

§ 2363. Advisory Committee.

A. The board shall appoint a Licensed Midwife Practitioner Advisory Committee which will assist in the development, practice and problems in midwifery, and will assist the board's staff in the development of examinations.

B. The Licensed Midwife Practitioner Advisory Committee will be composed of six members, all of whom should preferably have out-of-hospital birth experience: two physicians who actively engage in perinatal care, two practicing midwife practitioners, one certified nurse-midwife, and one member of the Board of Medical Examiners.

C. The Licensed Midwife Practitioners Advisory Committee will meet at least annually to evaluate the practice of midwifery.

Subchapter I. Prohibitions and Revocation of License

§ 2365. Unlawful Practice

No person shall use in connection with his name or place of business the words "licensed midwife practitioner," the initials "LMP" or any other words, letters or insignia indicating or implying that he or she is a licensed professional midwife practitioner or represent himself or herself as such in any way orally, in writing, in print or by sign directly or by implication unless he or she has been licensed as such under the provisions of these regulations.

§ 2367. Revocation of License

A. The board may refuse to issue, suspend for a definite period or revoke a license for any of the following causes:

1. dereliction of any duty imposed by law;
2. incompetence as determined by local midwifery standards;
3. conviction of a felony;
4. practicing while suffering from a communicable disease, as defined in the Louisiana Sanitary Code, Chapter II, Section 2:0001, which may be spread to a pregnant woman or to her newborn child during delivery or after birth;
5. practicing under a false name or alias;
6. violation of any of the standards of practice set forth herein;
7. obtaining any fee by fraud or misrepresentation;
8. knowingly employing, supervising or permitting, directly or indirectly, any person or persons not an apprentice or licensed midwife to perform any work covered by these regulations;
9. using or causing or promoting the use of any advertising matter, promotional literature, testimonial or any other representation, however disseminated or published, which is misleading or untruthful;
10. representing that the service or advice of a person licensed to practice medicine will be used or made available when that is not true or using the words "doctor," or similar words, abbreviations or symbols so as to connote the medical profession, when such is not the case;
11. permitting another to use the license;
12. delinquency in submission of application and supporting documents for license renewal of 30 days or more;
13. obtaining licensure by means of fraud, misrepresentation or concealment of material facts;
14. guilty of fraud or deceit in connection with services rendered;
15. violating any lawful order, rule or regulation rendered or adopted by the board.

§ 2369. Penalties

A. Whoever violates § 2365 shall be fined not less than \$100 nor more than \$500, or imprisoned for not less than 30 days or both.

B. If a person licensed to practice midwifery under the provisions of these regulations is found guilty of violating any

provisions of these regulations, the board may fine the practitioner a sum of not more than \$1,000 and may suspend or revoke the license of the midwife practitioner.

C. The board may cause an injunction to be issued in any court of competent jurisdiction enjoining any person from violating the provisions of these regulations. In a suit for injunction, the court may issue a fine of not less than \$100 against any person found in violation of the provisions of these regulations plus court costs and attorney's fees.

§ 2371. Hearing

Any person who is disciplined or denied a license or has a license suspended or revoked or is otherwise penalized under these regulations will be notified in writing and afforded the opportunity of a hearing conducted pursuant to the Louisiana Administrative Procedure Act.

§ 2373. Persons not Affected

Any person authorized by the Louisiana State Board of Nursing to practice as a certified nurse-midwife in the state shall not be affected by the provisions of these regulations.

Subpart 3. Practice

Chapter 53. Lay Midwives

Subchapter A. Standards of Practice

§ 5301. Scope of Practice

Licensed midwife practitioners may provide care only to low risk clients determined by physician evaluation and examination to be prospectively normal for pregnancy and childbirth, and a low risk for the development of medical complications. Licensed midwife practitioners shall provide such care with the supervision of a physician who is actively engaged in the practice of obstetrics.

§ 5303. Skills

All midwives shall have the skills necessary for safe practice, including the ability to assess, monitor, on an ongoing basis, and manage normal antipartum, intrapartum and postpartum situations; perform newborn evaluations; identify and assess maternal, fetal and infant deviations from normal; provide effective lifesaving measures, including CPR; manage emergency situations appropriately; establish and maintain aseptic techniques and master basic observational skills, and those special observational skills required for out-of-hospital deliveries.

§ 5305. Community Resources

The licensed midwife practitioner must be familiar with community resources for pregnant women such as prenatal classes, the parish health unit and supplemental food programs. The client shall be referred to such resources as appropriate and encouraged to take a prepared childbirth, preferably one oriented toward home birth.

§ 5307. Appropriate Equipment

All licensed midwife practitioners shall have available, for their immediate use, appropriate birthing equipment, including equipment to assess maternal, fetal and newborn well-being, maintenance aseptic technique, perform emergency maternal or infant resuscitation, and accomplish all permitted emergency procedures. All equipment used in the practice of midwifery shall be maintained in an aseptically clean manner, and be in good working order.

§ 5309. Screening

All midwives will use risk factor assessments of their clients in order to establish their initial and continuing eligibility for midwifery services. Clients will be informed of their risk status. All midwives have the right and responsibility to refuse or discontinue services to clients based on these risk factors and to make appropriate referrals when indicated for the protection of the mother and baby. All final decisions on risk factors will be made by the midwife and the client's backup physician.

§ 5311. Medical Evaluation

The licensed midwife practitioner must require that the client have a physical examination by a physician and be found to be essentially normal or at low risk before her care can be assumed.

§ 5313. Required Tests

Initial physician examination shall include clinical pelvimetry, and the following laboratory tests—GC screen, blood group and Rh, hematocrit, or hemoglobin, rubella titer, and urinalysis. Hematocrit or hemoglobin must be rechecked at 28 and 36 weeks gestation. The midwife must insure that all women she plans to deliver receive the required tests. Additionally, if no objection is made to taking of a VDRL test, the physician shall include such test in his examination. The midwife must ensure that the VDRL test was offered to the client.

§ 5315. Acceptance of Clients

A. Prior to the acceptance of a client for care, a licensed midwife practitioner shall inform the client orally and in writing that:

1. Certain risks and benefits exist for home birth and certain risks and benefits exist for other childbirth alternatives, (including hospital, physician-assisted birth). The midwife is responsible for informing the client of the risks and benefits of all childbirth options to insure informed consent;

2. Regular antipartum care is required if the midwife is to attend the birth;

3. Certain medical conditions may preclude midwife attendance at birth or continued midwife care during any phase of the pregnancy. The client must make arrangements for the services of a backup physician who is located within a 50-mile radius of the client's home and the plan delivery site;

4. The midwife will develop a plan for obtaining consultation and/or backup from the client's backup physician, and will consult with the client's backup physician or transfer their client when necessary;

5. Emergency transport may be required in certain situations, when situations warrant emergency transport and the hazards involved;

6. Anyone seeking a home birth must give the licensed midwife practitioner a specific consent for home birth prior to the onset of labor;

7. The midwife agrees to provide a copy of the labor, birth and newborn record to the client;

8. The midwife's agreement can be terminated at any time that she deems it necessary for maintenance of the client's mental and physical safety. When termination occurs, the reasons for termination will be given in writing and an alternative source of care indicated.

B. Prior to accepting care for a client, the midwife shall consult with a physician who performed the medical evaluation to ensure that the client is at low or normal risk for pregnancy.

C. After accepting care, the midwife shall obtain a detailed obstetric and medical history of the client, including the results of all tests conducted during the medical evaluation.

§ 5317. Prenatal Visits

Prenatal visits should be every four weeks until 28 weeks of gestation, every two week from 28 until 35 weeks gestation and weekly from 36 weeks until delivery.

§ 5319. Physician Visit

Each client must be evaluated by a supervision physician at or near the 36th week. The purpose of this visit is to insure that the client has no potentially serious medical conditions and has no medical contradictions for delivery by a licensed midwife practitioner or for home birth.

§ 5321. Advance Preparation for Need

The licensed midwife practitioner, prior to the onset of labor, must make arrangements for the transport of mother and

infant to a hospital and know the client's arrangements for a backup physician and hospitalization should these needs arise.

§ 5323. Hospitalization

The licensed midwife practitioner shall accompany to the hospital any mother or infant requiring hospitalization, giving any pertinent written records and verbal report to the physician assuming care. If possible, she should remain with the mother and/or infant to ascertain outcome. In those instances where it is necessary to continue providing necessary care to the party remaining in the home, the midwife may turn over the care of the transport of mother or child to qualified emergency or hospital personnel. All necessary written records shall be forwarded with such personnel and a verbal report must be given.

§ 5325. Home Visit

For home birth, the licensed midwife practitioner will make a home visit three to five weeks prior to the Estimate Date of Confinement (EDC) to assess the physical environment, including the availability of telephone and transportation, to ascertain whether the woman has all the necessary supplies, to prepare the family for the birth, and to instruct the family to correct problems and/or deficiencies.

§ 5327. Normal Delivery

The licensed midwife practitioner shall remain with the mother and infant for at least two hours postpartum, or until the mother's condition is stable and the infant's condition is stable, whichever is longer. Maternal stability is evidenced by normal blood pressure, normal pulse, normal respirations, firm fundus and normal lochia. Infant stability is evidenced by established respirations, normal temperature, and strong sucking.

§ 5329. Examination and Labor

The licensed midwife practitioner will not perform any vaginal examinations on a woman with ruptured membranes and no labor, other than an initial examination to be certain that there is no prolapsed cord. Once active labor is assured in progress, exams may be made as necessary.

§ 5331. Operative Procedures

The licensed midwife practitioner will not perform, routinely, an operative procedure other than: artificial rupture of membranes when the head is well engaged or at zero station, clamping and cutting the umbilical cord, repair of first or second degree perineal lacerations or repair of episiotomy, if done.

§ 5333. Medications

A. A midwife licensed under Chapter 23 shall administer an eye prophylaxis to prevent infant blindness which is authorized by the department and may administer the following medications under the conditions indicated:

1. oxygen for fetal distress, infant resuscitation;
2. local anesthetic, by infiltration, only for the purpose of postpartum repair of tears, lacerations or episiotomy (no controlled substances);
3. Vitamin K, by injection, for control of bleeding in the newborn;
4. Oxytocin (pitocin) by injection or orally, only for postpartum control of maternal hemorrhage;
5. intravenous fluids (Ringer's Lactate with or without D5W, normosol-R with or without D5W) with no additional medications added.

B. A midwife licensed under these regulations may lawfully have possession of small quantities of the above-named medications and the equipment normally required for administration. Each use of medication shall be reported in the midwife's client charts, and shall be summarized in a semi-annual report provided to the board.

§ 5335. Collection of Presentation

The licensed midwife practitioner will not attempt to correct fetal presentations by external or internal version nor will the

midwife use any artificial, forcible or mechanical means to assist the birth.

§ 5337. Emergency Measures

A. The following measures are permissible in an emergency situation:

1. Cardiopulmonary-resuscitation;
2. Episiotomy;
3. Intramuscular administration of pitocin for the control

of postpartum hemorrhage in accord with the prescription or a standing order from a physician.

B. When any of the above measures is utilized, it will be charted on the birth record with detail describing the emergency situation, the measure taken and the outcome.

C. The back-up physician of any client upon whom an emergency is taken must be contacted by the midwife immediately upon control of the emergency situation. Any client upon whom an emergency measure is taken must immediately be examined by the backup physician.

§ 5339. Prevention of Infant Blindness

Within one hour of birth, the licensed midwife practitioner shall administer two drops of 1 percent solution of silver nitrate or other agent of equal effectiveness and harmlessness into the eyes of the infant in accordance with all of the state of Louisiana's regulations governing the prevention of infant blindness.

§ 5341. Birth Registration

All licensed midwife practitioners shall request copies of printed instructions relating to completion of birth certificates from the Louisiana State Registrar of Vital Records. The licensed midwife practitioner must complete a birth certificate in accordance with these instructions and file it with the registrar within five days of the birth.

§ 5343. Physician Evaluation of Newborn

The licensed midwife practitioner must recommend that any infant delivered by the midwife be evaluated by a physician within three days of age or sooner if it becomes apparent that the newborn needs medical attention for problems of, but not limited to, congenital anomalies.

§ 5345. Postpartum Visits

The licensed midwife practitioner shall make postpartum visits to evaluate the condition of mother and infant at least twice — once within 36 hours of birth, and once on the fourth or fifth postpartum day.

§ 5347. Record Keeping and Report Requirements

A. All midwives shall keep accurate and complete records of all care provided and data gathered for each client. Licensed midwife practitioners will semi-annually submit a summary report in a form prescribed by the board of the statistics of each birth attended. This report must be submitted within the months of January and July of each year. Midwives shall provide all other reports as required and mandated by the board. A copy of all submissions will be provided to members of the Midwife Practitioner Advisory Committee.

B. The midwife shall maintain an individual client chart for each woman under her care. The chart shall include results of laboratory tests, observations from each prenatal visit, records of consultations with physicians or other health care providers, and a postpartum report concerning labor, delivery and condition of the newborn child. The chart shall be made available to the client upon request, and with the client's consent, to any physician or health care provider who is called in as a consultant or backup. This chart shall be kept on standard obstetric forms, or other forms approved by the board. Inactive records shall be maintained no less than 10 years. All records are subject to review by the board.

C. Evidence of the required medical evaluation and physician visits shall be maintained in the client's records.

D. The attending midwife shall prepare a summary of labor, delivery and assessment of the newborn, using the Hollister form, or an alternate form containing substantially similar information. One copy of each summary shall be retained with the client's chart and one copy transmitted to the pediatrician or family doctor.

E. Copies of the disclosure and consent forms required by § 5315 and of the report required by § 5337 shall be maintained in the records.

F. The attending midwife shall make a timely report of the birth incidents to the registrar.

G. In addition to the reports required for birth and death registration, the lay-midwife must report within 48 hours to the board any fetal, neonatal or maternal mortality in clients for whom she has cared.

§ 5349. Statistics

The board shall review all reports from licensed midwife practitioners, complete annual midwifery statistics and make them available to all interested groups or persons.

Subchapter B. Phases of Maternity Care

§ 5351. Scope of Subchapter

The rules of the Subchapter govern the care that is required of the licensed midwife practitioner to address the specific needs of the client during the various phases of the interconceptional and child bearing period.

§ 5353. Initiation of Physical Care

At the visit when physical care of the client is initiated, the licensed midwife practitioner shall review the results of the medical evaluation to insure that the client has received a general physical examination which included the taking of a comprehensive medical, obstetrical and nutritional history sufficient to identify potentially dangerous conditions that might preclude midwife care. The midwife must insure that the following examinations have been completed for each client: a pelvic examination to size the uterus, speculum examination, blood pressure, routine bloodwork (CBC with differential, rubella titer, VDRL, hemocrit or hemoglobin, Rh, and antibody screening) Pap smear, height, weight and urine testing for glucose and protein. After conducting these examinations or reviewing their results, the midwife shall make an initial nutritional assessment, counsel the clients as to the nutritional needs of mother and fetus during pregnancy, and develop a comprehensive plan of care for the client which identifies all problems and need for consultation and establishes realistic health care goals.

§ 5355. Routine Antepartum Care

A. At each prenatal visit, the midwife will check the client's weight, blood pressure, fundal height, urinalysis (protein and glucose) and general health including checking for pain, bleeding, headaches, edema, dizziness and other symptoms of preeclampsia. The midwife shall monitor uterine measurements, fetal heart tones and fetal activity and shall obtain a medical and nutritional history since the last visit. The midwife shall conduct or arrange for additional laboratory tests as indicated, included Rh antibody screening, blood sugar screening, gonorrhea culture and periodic hematocrit or hemoglobin screening.

B. A record of fetal heart rate and rhythm shall be made at least every 30 minutes during first stage, after each contraction in second stage and after rupture of membranes. The duration, interval and intensity of uterine contraction and maternal blood pressure shall be recorded at least every hour and immediately after delivery.

C. During labor and delivery, the attending midwife is responsible for monitoring the condition of mother and fetus; assisting with the delivery; coaching labor, repairing minor tears as necessary; examining and assessing the newborn; inspecting the placenta, membranes, and cord vessel; inspecting the cervix

and upper vaginal vault, if indicated, and managing any third-stage material bleeding.

§ 5357. Routine Postpartum Care

A. The licensed midwife practitioner shall remain in attendance for at least two hours after the delivery.

B. Immediately following delivery of the placenta the midwife must determine that the uterus is firmly contracted without excessive bleeding. The uterus should be massaged firmly to stimulate contraction if relaxation is noted.

C. In case of an unsensitized Rh negative mother, the midwife shall obtain a sample of cord blood from the placenta and arrange for testing within 24 hours of the birth to insure referral and back-up physician so that the mother receives Rh immunoglobulin as indicated within 72 hours of delivery.

D. The midwife shall provide the client with information concerning routine postpartum care of the mother and infant, including information on breastfeeding, care of navel and perineal care.

E. The midwife shall recommend that the parents immediately contact the pediatrician or family doctor who will be assuming care for the infant to arrange for a neonatal examination. The midwife shall provide the doctor with her written summary of labor, delivery and assessment of the newborn and shall be available to consult with the doctor concerning the infant's condition.

F. The midwife shall make postpartum contacts at least twice—once within 36 hours of birth and once on the fourth and fifth postpartum day. The purpose of these contacts is to ascertain that the infant is alert, has good color, is breathing well and is establishing a health pattern of waking, feeding and sleeping and that the mother is not bleeding excessively, has a firm fundus, and does not have a fever or other signs of infection, is voiding properly and is establishing successful breastfeeding. In the event that any complications arise, the midwife shall consult with a physician or other appropriate health care provider or shall insure that the client contacts her own physician.

G. The midwife may conduct a postpartum office visit not later than six weeks postpartum, to include a recommendation for rubella vaccine if indicated, counseling concerning contraception and answering any other questions that have arisen. Alternatively, the client may be referred back to her primary care physician or other health care provider for this care.

H. The midwife shall encourage the mother to have a postpartum evaluation conducted by a physician within two to six weeks after delivery.

§ 5359. Required Newborn Care

A. The licensed midwife practitioner shall be responsible for care immediately following the delivery only. Subsequent infant care should be managed by a physician or a physician/registered nurse team. This does not preclude the midwife from providing counseling regarding routine newborn care and breastfeeding and arranging for the neonatal tests required by state law. If any abnormality is suspected, the newborn must be sent for medical evaluation as soon as possible.

B. Immediately following delivery the midwife shall:

1. wipe face, then suction (with bulb syringe) mouth and nose if necessary;
2. prevent heat loss by the neonate;
3. determine Apgar scores at one and five minutes after delivery;
4. observe and record: skin color and tone, heart rate and rhythm, respiration rate and character, estimated gestational age (premature, term or post-mature), weight, length and head circumference.

C. The midwife shall insure that a medically acceptable drug for eye prophylaxis is available at the time of delivery and

take appropriate measures designed to prevent infant blindness.

D. The midwife is responsible for insuring and documenting that a PKU test and all other neonatal tests required by state law are performed on the infant between 24 hours and no later than 14 days after birth. If any of the tests are positive, the midwife shall notify the department. If the parents object to such tests being performed on the infant, the midwife shall document this objection.

E. The midwife shall leave clear instructions for follow-up care including signs and symptoms of conditions that require medical evaluation.

Subchapter C. Risk Factors

§5361. Unapproved Practice

A. The licensed midwife practitioner shall provide care only to clients determined to be at low or normal risk of developing complications during pregnancy and child birth by a supervising physician.

B. The midwife shall not knowingly accept responsibility for the prenatal or intrapartum care of a woman who:

1. has had a previous Cesarean section or other known uterine surgery such as hysterotomy or myomectomy;
2. has a history of difficult to control hemorrhage with previous deliveries;
3. has a history of thrombophlebitis or pulmonary embolism;
4. has diabetes, hypertension, Rh disease with positive titer, active tuberculosis, active syphilis, active gonorrhea, epilepsy, hepatitis, heart disease, kidney disease or blood dyscrasia;
5. contracts genital herpes simplex in the first trimester or has active genital herpes in the last four weeks of pregnancy;
6. has a contracted pelvis;
7. has severe psychiatric illness or a history of severe psychiatric illness in the six month period prior to pregnancy;
8. is addicted to narcotics or other drugs;
9. ingests more than two ounces of alcohol or 24 ounces of beer a day on a regular day or participates in binge drinking;
10. smokes 20 cigarettes or more, per day, and is not likely to cease in pregnancy;
11. has a multiple gestation;
12. has a fetus of less than 37 weeks gestation at the onset of labor;
13. has a gestation beyond 42 weeks by dates and examinations;
14. has a fetus in any presentation other than vertex at the onset of labor;
15. is a primigravida with an unengaged fetal head in active labor, or any woman who has rupture of membranes with unengaged fetal head, with or without labor;
16. has a fetus with suspected or diagnosed congenital anomalies that may require immediate medical intervention;
17. has preeclampsia;
18. has a parity greater than five with poor obstetrical history;
19. is younger than 16 or a primipara older than 40.

§ 5363. Required Physician Consultation

A. The midwife shall obtain medical consultation or refer for medical care any woman who during the antepartum period:

1. develops edema of the face and hands;
2. develops severe, persistent headaches, epigastric pain or visual disturbances;
3. develops a blood pressure of 180/90 on an increase of 30 mm Hg systolic or 15 mm Hg diastolic even normal blood pressure;
4. does not gain 14 pounds by 30 weeks gestation or at least four pounds a month in the last trimester or gains more than 6 pounds in two weeks in any trimester;

5. develops glucosuria or proteinuria;
6. has symptoms of vaginitis;
7. has symptoms of urinary tract infection;
8. has vaginal bleeding before onset of labor;
9. has rupture of membranes prior to 37 weeks gestation;
10. has marked decrease in or cessation of fetal movement;
11. has inappropriate gestational size;
12. has demonstrated anemia by blood test (hematocrit less than 30 percent);
13. has a fever of 100.4 degrees F or 38 degrees C for 24 hours;
14. has effacement and/or dilation of the cervix prior to 36 weeks gestation;
15. has polyhydramnios or oligohydramnios;
16. has excessive vomiting and continued vomiting after 24 weeks gestation;
17. is found to be Rh negative;
18. has severe, protruding varicose veins of extremities or vulva;
19. has known structural abnormalities of the reproductive tract;
20. has a history of two or more stillbirths from any cause or of stillbirth where cause was unpreventable;
21. has an abnormal Pap smear;
22. reaches a gestation of 42 weeks by dates and examination.

B. The midwife shall obtain medical consultation or refer for medical care any woman who during the intrapartum period:

1. develops a blood pressure of 140/90 or an increase of 30 mm Hg systolic or 15 mm Hg diastolic over her normal blood pressure;
2. develops severe headaches, epigastric pain or visual disturbance;
3. develops proteinuria;
4. develops a fever over 100.4 degrees F or 38 degrees C;
5. develops respiratory distress;
6. has persistent or recurrent fetal heart tones below 100 or above 160 beats per minute between or during contractions, or a fetal heart rate that is irregular;
7. has ruptured membranes without onset of labor after 12 hours;
8. has bleeding prior to delivery;
9. has meconium stained amniotic fluid with abnormal fetal heart tones;
10. has a presenting part other than a vertex;
11. does not progress in effacement, dilation or station after two hours in active labor (or one hour if distance to hospital is greater than one hour);

12. does not show continued progress to deliver after two hours of second stage labor (or one hour if distance to hospital is greater than one hour);

13. does not deliver the placenta within one hour if there is no bleeding and the fundus is firm (or 30 minutes, if distance to hospital is greater than one hour);

14. has a partially separated placenta with bleeding or with a blood pressure below 100 systolic or with a pulse rate over 100 beats per minute or who is weak and dizzy;
15. bleeds more than 500 cc (two cups) with or after the delivery of the placenta;
16. has retained placental fragments or membranes;
17. desires medical consultation or transfer.

C. The midwife shall obtain medical consultation or refer for medical care any woman who during the postpartum period:

1. has a third or fourth degree laceration;
 2. has uterine atony;
 3. bleeds in an amount greater than normal lochial flow;
 4. does not void within six hours of birth;
 5. develops a fever greater than 100.4°F or 38°C on any two of the first 10 days postpartum excluding the first 24 hours;
 6. develops foul smelling lochia;
 7. develops blood pressure below 100/50 if pulse exceeds 100, pallor, cold clammy skin and/or weak pulse.
- D. The midwife shall obtain medical consultation or refer for medical care any infant who:
1. has an Apgar score of seven or less at five minutes;
 2. has any obvious anomaly;
 3. develops grunting respiration, retractions or cyanosis;
 4. has cardiac irregularities;
 5. has a pale, cyanotic or grey color;
 6. develops jaundice within 48 hours of birth;
 7. has an abnormal cry;
 8. weighs less than five pounds or 2500 grams or weighs more than nine pounds or 4100 grams;
 9. shows signs of prematurity, dysmaturity or postmaturity;
 10. has meconium staining;
 11. does not urinate or pass meconium in the first 12 hours after birth;
 12. is lethargic or does not feed well;
 13. has edema;
 14. appears weak or flaccid, has abnormal feces or appears not to be normal in any other respect.

Persons requesting copies and/or further information concerning the rules may contact Delmar Rorison, Executive Administrative Assistant, Louisiana State Board of Medical Examiners, 830 Union Street, Suite 100, New Orleans, LA. 70112.

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

RULE

Department of Health and Human Resources Board of Medical Examiners

Pursuant to the authority of the Louisiana Athletic Trainers Act, (the "Act") R.S. 37:3301 et seq., and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., The Louisiana State Board of Medical Examiners (the "board") has adopted rules governing the certification and practice of Athletic Trainers.

On May 20, 1986, notice of intent was published on page 335, (Vol. 12, No. 5) of the *Louisiana Register*. The rules were formally adopted by the board with no revisions at its July 1986 meeting.

Persons requesting copies and/or further information concerning the rules may contact Delmar Rorison, Executive Administrative Assistant, Louisiana State Board of Medical Examiners, 830 Union Street, Suite 100, New Orleans, LA 70112.

Title 46

Professional and Occupational Standards Part XLV. Medical Profession

Subpart 2. LICENSING AND CERTIFICATION

Chapter 31. Athletic Trainers

Subchapter A. General Provisions

§3101. Scope of Chapter

The rules of this Chapter govern the certification of ath-

letic trainers in the state of Louisiana.

§3103. Definitions

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

1. *Applicant*—The term "applicant" means a person who has applied to the board for certification as a certified athletic trainer.

2. *Application*—The term "application" means a written request directed to and received by the board, upon forms supplied by the board, for certification as an athletic trainer in the state of Louisiana.

3. *The Law*—The term "Louisiana Athletic Trainers Law" or the "Law" means Acts 1985, No. 288, as amended, R.S. 48:3301-3312.

4. *Board*—The term "board" means the Louisiana State Board of Medical Examiners.

5. *Physician*—The term "physician" means a person holding a current unrestricted license to engage in the practice of medicine in the state of Louisiana, duly issued by the board.

6. *Certified Athletic Trainer*—The term "certified athletic trainer" means a person possessing a current certificate, duly issued by the board, evidencing the board's certification of such person under the law.

7. *Certification*—The term "certification" means the board's official recognition of a person's lawful authority to act and serve as an "athletic trainer" as such term is defined by the law. R.S. 48:3302.

8. *State*—The term "state" means and includes any state of the United States, the District of Columbia and Puerto Rico.

9. *NATA*—The term "NATA" means the National Athletic Trainers Association, or its successor.

10. *Actively engaged*—The phrase "actively engaged as an athletic trainer," as applied to any person, means that:

a. such person is employed by an educational institution, professional athletic organization, or other board-approved athletic organization for the duration of the institution's academic year or the length of the organization's season;

b. such person performs the duties of athletic trainer as the principal responsibility of such employment; and

c. such employment is such person's primary employment, or the primary reason for such person's employment.

11. *Approved*—The term "approved," as applied to a school, college, university, organization, program, curriculum or course of study, shall mean affirmatively recognized and sanctioned by the board in accordance with §§3111 to 3117 of this Chapter.

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

Subchapter B. Requirements and Qualifications for Certification

§3105. Scope of Subchapter

The rules of this Subchapter govern and prescribe the requirements, qualifications and conditions requisite to eligibility for certification as a certified athletic trainer in the state of Louisiana.

§3107. Requirements for Certification

A. To be eligible and qualified for certification, an applicant shall:

1. be at least 18 years of age;

2. be a citizen of the United States or possess valid and current legal authority to reside and work in the United States duly recognized and 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.);

3. possess at least one of the following educational qualifications:

a. have successfully completed and graduated from an athletic training program of curriculum at a college or university approved by the board; or

b. possess a degree in physical therapy issued by a school college or university approved by the board; have successfully completed a basic athletic training course; a first-aid course approved by the American Red Cross, a cardiopulmonary resuscitation course approved by the American Heart Association or the American Red Cross, and a nutrition course; have been associated for not less than two years with an athletic team; demonstrate proficiency in athletic care; and possess letters of recommendation from a physician and a certified athletic trainer; or

c. possess a college or university diploma; have successfully completed not less than three consecutive (military duty excepted) and four total years employment or service as an apprentice athletic trainer at a college or university under the direct supervision of a state certified or licensed athletic trainer; and have successfully completed courses in athletic training, first-aid, cardiopulmonary resuscitation and nutrition at an accredited college or university;

4. take and successfully pass the written and/or oral certification examination administered by the board or by the NATA or its successor;

5. satisfy the applicable fees as prescribed by Chapter 81 of these rules;

6. satisfy the procedures and requirements for application provided by §§3127 to 3131 of this Chapter and, if applicable, the procedures and requirements for examination provided by §§3133 to 3151 of this Chapter; and

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

B. The burden of satisfying the board as to the qualifications and eligibility of the applicant for certification shall be upon the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in the manner prescribed by, and to the satisfaction of, the board.

§3109. Alternative Qualification

A. A person who possesses and meets all of the qualifications and requirements for certification specified by §3107 of this Chapter, save for successfully passing the certification examination administered by the board, shall nonetheless be deemed qualified for certification, without the necessity of examination by the board, provided that:

1. he was actively engaged as an athletic trainer in the state of Louisiana on and as of September 6, 1985 and, at the time of his application for certification, is currently certified by and a member of the NATA; or

2. he was actively engaged as an athletic trainer for a period of not less than three years prior to September 6, 1985 and is recommended for certification by a physician and two certified athletic trainers.

B. A person who possesses and meets all of the qualifications and requirements for certification specified by §3107A(3), shall nonetheless be deemed qualified for certification provided that such person has been actively engaged as an athletic trainer for a period of not less than three years prior to September 6, 1985.

C. To be eligible and qualified for certification under paragraphs A or B of this Section, an applicant's application must be submitted to and received by the board on or before September 6, 1986. Following such date, the board shall neither receive nor

consider any applicant for initial certification under this Section.

Subchapter C. Board Approval

§3111. Scope of Subchapter

The rules of this Subchapter prescribes the requirements for board approval of schools, colleges, universities, athletic trainers and athletic organizations where such approval is required for the purpose of assessing qualifications for certification.

§3113. Applicability of Approval

A. Successful completion of an athletic training curriculum and graduation from a board-approved college or university is among the alternative educational qualifications requisite to certification, as provided by §3107A(3)(a).

B. Possessing a degree in physical therapy from a school approved by the board is among the alternative educational qualifications requisite to certification, as provided by §3107A(3)(b).

C. Apprenticeship under the supervision of an athletic trainer approved by the board is among the alternative qualifications requisite to certification, as provided by §3107A(3)(c).

D. To qualify for certification under the provisions of §3109 of this Chapter, a person may have been actively engaged as an athletic trainer in the employment of an athletic organization approved by the board, as provided by §3103A.

§3115. Approval of Schools and Colleges

A. A college or university which is currently accredited and approved by the NATA, or its successor, shall be concurrently considered approved by the board for purposes of qualification for certification under §3107A(3)(a).

B. Board approval of a college or university hereunder shall be deemed to be effective as to an applicant if such college or university was approved as of the date on which the applicant's degree was awarded or the applicant successfully completed the athletic trainer program or curriculum at such college or university.

§3117. Approval of Physical Therapy Schools

A. A physical therapy school located in any state which is currently accredited by an accrediting agency recognized by the Council on Post-Secondary Accreditation or the United States Commission on Education, or their successors, shall be concurrently considered approved by the board for purposes of qualification for certification under §3107A(3)(b).

B. Board approval of a physical therapy school shall be deemed to be effective as to an applicant if such school was approved by the board as of the date on which the applicant's degree in physical therapy was awarded.

§3119. Approval of Athletic Trainers

A. A person shall be deemed to be an "athletic trainer approved by the board," as contemplated by §3107A(3)(c) hereof, if such person is a certified athletic trainer, duly certified by the board.

§3121. Approval of Athletic Organizations

A. "Board-approved athletic organization," as used in §3103A, shall be deemed to include the Amateur Athletic Union, the International Olympic Committee and its affiliates, the Pan American Committee, the National Collegiate Athletic Association, the National Association of Intercollegiate Athletics, the National High School Athletic Association, institution-sponsored and supported college and university intramural programs, and such other organizations, associations, institutions, programs and events as the board may determine, upon individual application, to possess and apply characteristics and standards substantially equivalent to those possessed and applied by the institutions, organizations and associations enumerated herein.

§3123. Withdrawal of Approval

Notwithstanding current or prior approval by the board pursuant to the provisions of this Subchapter or by individual

determination, the board's approval of any school, college, university, athletic trainer or athletic organization may be withdrawn at any time upon the board's affirmative finding that such school, college, university, athletic trainer or athletic organizations does not possess the qualifications for approval specified by this Subchapter or by the law.

§3125. List of Approved Schools, Colleges and Universities

A. A listing of approved colleges and universities having athletic trainer courses, curricula or degree programs and shall from time to time be amended and supplemented by the board consistently with the provisions of this Subchapter.

B. A listing of approved physical therapy schools shall from time to time be amended and supplemented by the board consistently with the provisions of this Subchapter.

Subchapter D. Application

§3127. Purpose and Scope

The rules of this Subchapter govern the procedures and requirements applicable to application to the board for certification as a certified athletic trainer in the state of Louisiana.

§3129. Application Procedure

A. Application for certification shall be made upon forms prescribed and supplied by the board.

B. If application is made for certification on the basis of examination to be administered by the board, an initial application must be received by the board not less than 90 days prior to the scheduled date of the examination for which the applicant desires to sit (see Subchapter E of this Chapter respecting dates and places of examination). A completed application must be received by the board not less than 60 days prior to the scheduled date of such examination.

C. Application for certification based upon qualifications not requiring written examination administered by the board may be made at any time.

D. Application forms and instructions pertaining thereto may be obtained upon personal request at or written request directed to the office of the Secretary-Treasurer of the board, Suite 100, 830 Union Street, New Orleans, LA 70112. Application forms will be mailed by the board within 30 days of the board's receipt of request therefor. To ensure timely filing and completion of applications, forms must be requested not later than 40 days prior to the deadlines for initial applications specified in Subsection B of this rule.

E. An application for certification under this Chapter shall include:

1. proof, documented in a form satisfactory to the board as specified by the secretary, that the applicant possesses the qualifications for certification set forth in this Chapter.
2. three recent photographs of the applicant; and
3. such other information and documentation as is referred to or specified in this Chapter or as the board may require to evidence qualification for certification.

F. All documents required to be submitted to the board must be the original thereof. For good cause shown, the board may waive or modify this requirement.

G. The board may refuse to consider any application which is not complete in every detail, including submission of every document required by the application form. The board may, in its discretion, require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

H. Each application submitted to the board shall be accompanied by the applicable fee, as provided in Chapter 81 of these rules.

§3131. Effect of Application

A. The submission of an application for certification to

the board shall constitute and operate as an authorization by the applicant to each educational institution at which the applicant has matriculated, each governmental agency to which the applicant has applied for any license, permit, certificate or registration, each person, firm, corporation, organization or association by whom or with whom the applicant has been employed as an athletic trainer or apprentice athletic trainer, each physician whom the applicant has consulted or seen for diagnosis or treatment, and each professional or trade organization to which the applicant has applied for membership, to disclose and release to the board any and all information and documentation concerning the applicant which the board deems material to consideration of the application. With respect to any such information or documentation, the submission of an application for certification to the board shall equally constitute and operate as a consent by the applicant to disclosure and release of such information and documentation as a waiver by the applicant of any privileges or right of confidentiality which the applicant would otherwise possess with respect thereto.

B. By submission of an application for certification to the board, an applicant shall be deemed to have given his consent to submit to physical or mental examinations if, when, and in the manner so directed by the board if the board has reasonable grounds to believe that the applicant's capacity to act as an athletic trainer with reasonable skill or safety to student athletes may be compromised by physical or mental condition, disease or infirmity, and the applicant shall be deemed to have waived all objections as to the admissibility or disclosure of findings, reports or recommendations pertaining thereto on the grounds of privileges provided by law.

C. The submission of an application for certification to the board shall constitute and operate as an authorization and consent by the applicant to the board to disclose any information or documentation set forth in or submitted with the applicant's application or obtained by the board from other persons, firms, corporations, associations or governmental entities pursuant to this Section to any person, firm, corporation, association or governmental entity having a lawful, legitimate and reasonable need therefor, including, without limitation, the athletic trainer certification or licensing authority of any state, the National Athletic Trainers Association, the Louisiana Athletic Trainers Association, the Louisiana Department of Health and Human Resources, state, county or parish and municipal health and law enforcement agencies and the armed services.

Subchapter F. Examination

§3133. Designation of Examination

The examination administered and accepted by the board pursuant to R.S. 48:3303B is the National Athletic Trainers Association Certification Examination developed by the NATA and the Professional Examination Service.

§3135. Eligibility for Examination

To be eligible for examination by the board, an applicant shall possess all qualifications for certification prescribed by this Chapter save for having successfully completed the examination; provided, however, that an applicant who has completed, or prior to the next scheduled examination will complete, an athletic trainer or other curriculum or degree program required by this Chapter but who does not yet possess a degree or evidence of such completion shall be deemed eligible for examination upon submission to the board of a letter subscribed by the dean or other principal academic officer of an approved educational institution certifying that the applicant has completed the applicable curriculum or degree program or will have completed such curriculum or program prior to the board's next scheduled examination and specifying the date on which such curriculum will be

completed or degree awarded.

§3137. Dates, Places of Examination

The board's certification examination is administered annually in the city of New Orleans. Applicants shall be advised of the specific date, time and location of the next scheduled examination upon application to the board and may obtain such information upon inquiry to the office of the secretary.

§3139. Administration of Examination

A. The board's certification examination is administered by a chief proctor, appointed by the board, and one or more assistant proctors. The chief proctor is authorized and directed by the board to obtain positive photographic identification from all applicants appearing and properly registered for the examination, to establish and require examinees to observe an appropriate seating arrangement, to provide appropriate instructions for taking the examination, to fix and signal the time for beginning and ending the examination or the section thereof, to prescribe such additional rules and requirements as are necessary or appropriate to the taking of the examination in the interest of the examinees or the examination process, and to take all necessary and appropriate actions to secure the integrity of the examination and the examination process, including, without limitation, excusing an applicant for the examination or changing an applicant's seating location at any time during the examination.

B. An applicant who appears for examination shall:

1. present to the chief proctor or his designated assistant proctor proof of registration for the examination and positive personal photographic identification in the form prescribed by the board; and
2. fully and promptly comply with any and all rules, procedures, instructions, directions or requests made or prescribed by the chief proctor.

§3341. Subversion of Examination Process

A. An applicant-examinee who engages or attempts to engage in conduct which subverts or undermines the integrity of the examination process shall be subject to the sanctions specified in §3145 of this Chapter.

B. Conduct which subverts or undermines the integrity of the examination process shall be deemed to include:

1. refusing or failing to fully and promptly comply with any rules, procedures, instructions, directions or requests made by the chief proctor or an assistant proctor;
2. removing from the examination room or rooms any of the examination materials;
3. reproducing or reconstructing, by copying, duplication, written notes or electronic recording, any portion of the certification examination;
4. selling, distributing, buying, receiving, obtaining or having unauthorized possession of a future, current or previously administered certification examination;
5. communicating in any manner with any other examinee or any other person during the administration of the examination;
6. copying answers from another examinee or permitting one's answers to be copied by another examinee during the administration of the examination;
7. having in one's possession during the administration of the examination any materials or objects other than the examination materials distributed, including, without limitation, any books, notes, recording devices, or other written, printed or recorded materials or data of any kind;
8. impersonating an examinee by appearing for and as an applicant and taking the examination for, as and in the name of an applicant other than himself;
9. permitting another person to appear for and take the examination on one's behalf and in one's name; or

10. engaging in any conduct which disrupts the examination or the taking thereof by other examinees.

§3143. Finding of Subversion

A. When, during the administration of examination, the chief proctor or any assistant proctor has reasonable cause to believe that an applicant-examinee is engaging or attempting to engage, or has engaged or attempted to engage, in conduct which subverts or undermines the integrity of the examination process, the chief proctor shall take such action as he deems necessary or appropriate to terminate such conduct and shall report such conduct in writing to the board.

B. In the event of suspected conduct described in §3141B(5) or (6), the subject applicant-examinee shall be permitted to complete the examination, but shall be removed at the earliest practical opportunity to a location precluding such conduct.

C. When the board, upon information provided by the chief proctor, an assistant proctor, an applicant-examinee or any other person, has probable cause to believe that an applicant has engaged or attempted to engage in conduct which subverts or undermines the integrity of the examination process, the board shall so advise the applicant in writing, setting forth the grounds for its finding of probable cause, specifying the sanctions which are mandated or permitted for such conduct by §3145 of this Subchapter and provide the applicant with an opportunity for hearing pursuant to R.S. 49:955-58 and applicable rules of the board governing administrative hearings. Unless waived by the applicant, the board's findings of fact, conclusions of law under these rules, and its decision as to the sanctions, if any, to be imposed shall be made in writing and served upon the applicant.

§3145. Sanctions for Subversion of Examination

A. An applicant who is found by the board, prior to the administration of the examination, to have engaged in conduct or to have attempted to engage in conduct which subverts or undermines the integrity of the examination process may be permanently disqualified from taking the examination and from certification as an athletic trainer in the state of Louisiana.

B. An applicant-examinee who is found by the board to have engaged or to have attempted to engage in conduct which subverts or undermines the integrity of the examination process shall be deemed to have failed the examination. Such failure shall be recorded in the official records of the board.

C. In addition to the sanctions permitted or mandated by Subsections A and B of this Section, as to an applicant-examinee found by the board to have engaged or to have attempted to engage in conduct which subverts or undermines the integrity of the examination process, the board may:

1. revoke, suspend or impose probationary conditions on any certification issued to such applicant;
2. disqualify the applicant, permanently or for a specified period of time, from eligibility for certification in the state of Louisiana; or
3. disqualify the applicant, permanently or for a specified number of subsequent administrations of the examination, from eligibility for examination.

§3147. Passing Score

An applicant will be deemed to have successfully passed the examination if he attains a score of at least 60; provided, however, that with respect to any given administration of the examination, the board may determine to accept a lower score as passing.

§3149. Restriction, Limitations on Examinations

An applicant having failed to attain a passing score upon taking the certification examination four times shall not thereafter be considered for certification and shall not be eligible to take the examination again.

§3151. Lost, Stolen or Destroyed Examinations

The submission of an application for examination by the board shall constitute and operate as an acknowledgement and agreement by the applicant that the liability of the board, its members, committees, employees and agents, and the state of Louisiana to the applicant for the loss, theft or destruction of all or any portion of an examination taken by the applicant, prior to the reporting of scores thereon by the Professional Examination Service or NATA shall be limited exclusively to the refund of the fees paid for examination by the applicant.

Subchapter G. Certificate Issuance, Termination, Renewal, Reinstatement

§3153. Issuance of Certificate

A. If the qualifications, requirements and procedures prescribed or incorporated by §§3105 or 3107 and §3129 are met to the satisfaction of the board, the board shall issue to the applicant a certificate evidencing the applicant's certification as a certified athletic trainer in the state of Louisiana.

B. A certificate issued by the board on the basis of examination by the Board shall be issued by the board within 30 days following the reporting of the applicant's certification scores to the board. A certificate issued to an applicant not required to be examined by the board shall be issued by the board within 15 days following the meeting of the board next following the date on which the applicant's application, evidencing all requisite qualifications, is completed in every respect.

§3155. Expiration of Certificates

A. Every certificate issued by the board under this Chapter shall expire, and thereby become null, void and to no effect, on the thirtieth day of June next following the date on which certificate was issued.

B. The timely submission of an application for renewal of a certificate, as provided by §3157 hereof, shall operate to continue the expiring certificate in force and effect pending the board's issuance, or denial of issuance, of the renewal certificate.

§3157. Renewal of Certificate

A. Every certificate issued by the board under this Chapter shall be renewed annually on or before the date of its expiration by submitting to the board an application for renewal, upon forms supplied by the board, together with evidence of the qualifications requisite to renewal as specified in §3159 and the applicable renewal fee prescribed in Chapter 81 of these rules.

B. An application for renewal of certificate shall be mailed by the board to each person holding a certificate issued under this Chapter on or before the first day of June of each year. Such form shall be mailed to the most recent address of each certified athletic trainer as reflected in the official records of the board.

§3159. Qualifications for Renewal; Continuing Education

To be eligible for renewal of certification, a certified athletic trainer shall, within each two-year period during which he holds certification, successfully complete 24 credits/hours of continuing education recognized by the NATA and shall biannually evidence such continuing education upon forms prescribed by the board to be submitted by an applicant for certificate renewal together with the renewal application.

§3161. Reinstatement of Certification

A. A certificate which has expired without renewal may be reinstated by the board if application for reinstatement is made not more than two years from the date of expiration and subject to the conditions and procedures hereinafter provided.

B. An application for reinstatement shall be made upon forms supplied by the board and accompanied by two letters of recommendation from responsible officers of the applicant's last employment as an athletic trainer, together with the applicable

renewal fee plus a penalty equal to twice the renewal fee.

C. With respect to an application for reinstatement made more than one year from the date on which the certificate expired, as a condition of reinstatement the board may require that the applicant complete a statistical affidavit upon a form provided by the board, provide the board with a recent photograph, and/or possess current, unrestricted certification or licensure issued by another state.

Subpart 3. PRACTICE

Chapter 57. Athletic Trainers

Subchapter A. General Provisions

§5701. Scope of Chapter

The rules of this Chapter govern the employment and practice of certified athletic trainers in the state of Louisiana.

§5703. General Definitions

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

1. *Board*—The term "Board" means the Louisiana State Board of Medical Examiners.

2. *Physician*—The term "physician" means a person holding a current unrestricted license to engage in the practice of medicine in the state of Louisiana, duly issued by the board.

3. *The Law*—The term "Louisiana Athletic Trainers Law" or "Law" means Acts 1985, No. 288, as amended, R.S. 48:3301-3312.

4. *Certified Athletic Trainer*—The term "certified athletic trainer" means a person possessing a current certificate, duly issued by the board, evidencing the board's certification of such person under the law.

5. *Certification*—The term "certification" means the board's official recognition of a person's lawful authority to act and serve as an "athletic trainer" as such term is defined by the Law, R.S. 48:3302, and by §5705 hereof.

6. *NATA*—The term "NATA" means the National Athletic Trainers Association, or its successor.

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

§5705. Special Definitions

A. The term "the activities of an athletic trainer" means and includes the practice of prevention, emergency management, and physical rehabilitation of injuries incurred by athletes at an educational institution, professional athletic organization, and by any athletes participating in athletic competition or events sponsored by those organizations or other board-sanctioned organizations, all under the direction and supervision of a physician.

B. The term "practice of prevention," as used in Subsection A hereof, means and includes:

1. establishing and implementing a program of physical conditioning for athletes in cooperation with physicians, supervisors and coaches;

2. application of protective or injury-preventive devices such as taping, padding, bandaging, strapping, wrapping or bracing;

3. selecting and fitting protective athletic equipment for individual athletes and monitoring of such equipment for safety, in cooperation with physicians, supervisors and coaches; and

4. counseling and advising supervisors, coaches and athletes on physical conditioning and training, such as diet, flexibility, rest, and reconditioning.

C. The term "emergency management" means the application and use of accepted first aid procedures, as established by the American Red Cross and the American Heart Association, or pursuant to written protocols for emergency established by a team or consultant physician to render conservative care to

an injured athlete until such athlete may be attended by a physician.

D. The term "physical rehabilitation of injuries" means the care given to athletes following injury and during recovery, including reconditioning procedures; application of therapeutic devices and equipment; fitting of braces, guards, and other protective devices; and referral to physicians, auxiliary health services and institutions, all pursuant to and in accordance with preestablished methods of physical modality use and exercise as prescribed by a team or consultant physician.

Subchapter B. Prohibitions

§5709. Unauthorized Practices

A. No person shall hold himself out to the public, any public educational institution, any athletic organization, or any individual student, amateur or professional athlete as a certified athletic trainer in the state of Louisiana, nor identify or designate himself as such, nor use in connection with his name the letters, C.A.T., or A.T.C., or any other words, letters, abbreviations, insignia or signs tending to indicate or imply that the person is a certified athletic trainer, unless he is currently certified by the board as a certified athletic trainer.

B. No person shall undertake to perform or actually perform, for compensation or other remuneration, the activities of an athletic trainer, as defined in this Chapter (§5705) unless he is currently certified by the board as a certified athletic trainer, as evidenced by a certificate duly issued by the board.

§5711. Exemptions

A. The prohibitions of §5709B of this Chapter shall not apply to:

1. a person who undertakes to perform or actually performs the activities of an athletic trainer at an educational institution which is not operated by the state of Louisiana, or a parish or municipal school board, district or subdistrict.

2. an athletic coach assigned or employed by an educational institution or athletic organization, in the performance of his usual and customary duties as such;

3. a person who undertakes to perform or actually performs the activities of an athletic trainer in the employment of an educational institution or athletic organization domiciled in another state, while accompanying and attending athletes of an educational institution or athletic organization domiciled in another state during or in connection with an athletic contest conducted in Louisiana; or

4. a person acting under and within the scope of professional licensure or certification issued by an agency of the state of Louisiana.

B. The prohibitions of §5709B shall not apply to any person who performs the functions of an athletic-trainer as a student-trainer, assistant-trainer, teacher-trainer or any similar position under the direction and supervision of a certified athletic trainer.

§5713. Prohibitions: Certified Athletic Trainers

A. A certified athletic trainer shall not:

1. undertake to perform or actually perform any activities, preventive measures, emergency management, physical rehabilitation of injury, or any other functions, treatments, modalities, procedures or regimes, except under the direction and supervision of a physician, employed or engaged as a team or consulting physician by the educational institution or athletic institution by which the certified athletic trainer is employed or engaged;

2. prescribe, dispense or administer any controlled substances;

3. dispense or administer any medications for ingestion, subcutaneous, transdermal, intramuscular or intravenous injection or topical application, except upon the prescription and di-

rection, or pursuant to the written protocol of a physician; or

4. undertake to concurrently supervise more than three uncertified student-, assistant-, or teacher-trainers.

Subchapter C. Ethical Guidelines and Standards of Practice

§5715. Ethical Guidelines

A certified athletic trainer shall, in performance of the activities of an athletic trainer, observe and abide by the code of ethics of the National Association of Athletic Trainers.

§5717. Standards of Practice

A. A certified athletic trainer shall, in performance of the activities of an athletic trainer, observe and abide by the standards of practice announced and promulgated from time to time by the board pursuant to rules and regulations, advisory opinions and interpretations and statements of position.

B. It shall be deemed a violation of minimum standards of practice applicable to certified athletic trainers for a certified athletic trainer to:

1. be convicted of or enter a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of the United States or of any state.

2. to be convicted of or enter a plea of guilty or nolo contendere to a criminal charge arising out of or in connection with the performance of the activities of an athletic trainer;

3. fail to maintain any qualification requisite to initial certification under the law;

4. have his certification or licensure as an athletic trainer suspended, revoked or placed on probation by any state or to have voluntarily surrendered any such certification or licensure while administrative proceedings were pending against such certification or licensure;

5. be incapable of performing the activities of an athletic trainer with reasonable skill and safety to athletes by virtue of physiological or mental condition, illness, deficit, deformity or injury, or the abuse or excessive use of drugs, including alcohol;

6. give or suborn false testimony before the board; or

7. incompetency in performing the activities of an athletic trainer.

Subchapter D. Grounds for Administrative Action

§5719. Causes for Administrative Action

A. The board may refuse to issue certification to, or suspend, revoke or impose probationary conditions and restrictions on the certification of an applicant for certification or a certified athletic trainer upon a finding of any of the cause provided by Section 3308A of the Louisiana Athletic Trainers Law, as such causes are further defined in §5721 hereof.

B. The board may reinstate any certification suspended or revoked hereunder, or restore to unrestricted status any certification subjected to probationary conditions or restrictions by the board upon payment of the reinstatement fee and satisfaction of such terms and conditions as may be prescribed by the board; provided, however, that an application for reinstatement of certification revoked by the board shall not be made or considered by the board prior to the expiration of one year following the date on which the board's order of revocation became final.

§5723. Causes for Action; Definitions

A. As used in Section 3308A of the Law, a person who has "[s]ecured the certificate by fraud or deceit" means and includes a person who:

1. makes any representation to the board, knowingly or unknowingly, which is in fact false or misleading as to a material fact or omits to state any fact or matter that is material to an application for certification under Chapter 31 of these rules; or

2. makes any representation, or fails to make a representation, or engages in any act or omission which is false, deceptive, fraudulent or misleading in achieving or obtaining any of

the questions for certification required by Chapter 31 of these rules.

B. As used in §5717B of this Chapter, the term "convicted," as applied to a certified athletic trainer or applicant for certification as an athletic trainer, means that a judgment has been entered against such person by a court of competent jurisdiction on the basis of a finding or verdict of guilt or a plea of guilty or nolo contendere. Such a judgment provides cause for administrative action by the board so long as it has not been reversed by an appellate court of competent jurisdiction and notwithstanding the fact that an appeal or other application for relief from such judgment is pending.

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

RULE

Department of Health and Human Resources Board of Medical Examiners

Pursuant to the authority of the Louisiana Medical Practice Act, R.S. 37:1270(B)(6) and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et. seq., the Louisiana State Board of Medical Examiners has adopted amendments to its existing rules governing the licensing of physicians and surgeons.

The amendments were adopted by emergency procedure and appeared in the April 20, 1986 *Louisiana Register*. On May 20, 1986 the amendments were noticed in the *Louisiana Register* in accordance with the normal rulemaking procedures of the Louisiana Administrative Procedure Act. Notice of intent was published on page 336, Vol. 12, No. 5 of the *Louisiana Register*. No comments were received on the notice of intent.

Subpart C (Graduates of Foreign Medical Schools) of the rules and regulations of the Louisiana State Board of Medical Examiners relating to licensing of physicians and surgeons is hereby amended as follows:

Section 307(b) of said Subpart is hereby amended so that as amended said section shall read as follows:

§ 3.07 Section of Subpart; Definition.

(b) As used in this Subpart the term "foreign medical graduate" or "FMG" means a graduate of a medical school or college not located in any state or in Canada, recognized and officially listed by the World Health Organization and not affirmatively disapproved by the board.

Subsection (a)(4) of Section 3.08 of said Subpart is hereby amended so that as amended said subsection shall read as follows:

§ 3.08 Qualifications for License.

(a) To be eligible for a license, a foreign medical graduate applicant shall:

(4) have completed at least three years of postgraduate clinical training in the United States or in Canada in a medical residency or equivalent program accredited by the American Council on Graduate Medical Education of the American Medical Association (ACGME), or by the Royal College of Physicians and Surgeons of Canada (RCPS), and approved by the board. To be approved by the board such program must be offered and taken in an institution offering not fewer than two residency or equivalent programs accredited by the ACGME or by the RCPS; the program in which the applicant participates must evidence the applicant's progressive responsibility for patient care; and the three years of such a program must be in the same specialty or, alternatively, constitute the FMG, upon completion of such three

years program, as eligible for specialty board certification or for postgraduate year four (PG-4) training.

Subsections (a)(5) of Section 3.08 of said Subpart is hereby rescinded.

Subpart D (Board Approval of Medical Schools and College) of the Rules and Regulations of the Louisiana State Board of Medical Examiners relating to licensing of physicians and surgeons is hereby amended as follows:

Section 3.15 of said Subpart is hereby amended so that as amended said section shall read as follows:

§ 3.15 Approval of Foreign Medical Schools.

To be approved by the board, a medical school or college not located in any state or in Canada shall be recognized and officially listed by the World Health Organization and not affirmatively disapproved by the board.

Section 3.16 of said Subpart is hereby rescinded.

Subpart H (Restricted Licensure, Permits) of the rules and regulations of the Louisiana State Board of Medical Examiners relating to licensing of physicians and surgeons is hereby amended as follows:

Section 3.37 (Graduate Medical Education Temporary Permit) of said Subpart is hereby rescinded.

*Persons requesting copies and/or further information concerning the rules may contact Delmar Rorison, Executive Administrative Assistant, Louisiana State Board of Medical Examiners, 839 Union Street, Suite 100, New Orleans, LA 70112.

J. Morgan Lyons
Secretary-Treasurer

RULE

Department of Health and Human Resources Office of Family Security

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

Summary:

The Medical Assistance Program adopts the following changes in the Transportation Program to improve services and delete unnecessary requirements placed on providers.

1. Three new classes of non-emergency medical transportation providers will be added to those already available to provide medical transportation to Medicaid recipients. This change will allow the Transportation Program more flexibility in choosing the types of providers to be used.

2. The Transportation Program will no longer require drivers of non-emergency medical transportation vehicles to complete a first aid course and a defensive driving course.

3. The Transportation Program will allow for freedom of choice of medical transportation providers except when such services can be provided by a local transit authority or contract provider.

4. The Transportation Program will no longer require medical transportation providers to submit an annual cost report. These reports are not used to determine reimbursement. The completion of these reports is an unnecessary administrative burden on providers.

Effective September 1, 1986, the Transportation Program adopts the following changes.

1. The following classes of non-emergency medical transportation providers are authorized to provide medical transportation to Medicaid recipients:

A. Flat Rate Providers

Profit providers may negotiate with the Medical Assist-

ance Program to provide medical transportation services in a specified area for a flat rate which includes mileage. The flat rate for the area may not exceed an average of the cost per service of profit providers in the area who bill pick up fee and mileage. Providers will be reimbursed for mileage outside the specified area at the rate of \$.50 per Title XIX mile traveled.

B. Contract Providers

The Medical Assistance Program may at its discretion choose to contract out the provision of medical transportation services in a specified area such as a town, parish or multi-parish area. Transportation providers would be given an opportunity to submit a bid for the provision of services in the area. One provider would be chosen to provide all medical transportation services in the area except transportation which may be arranged through public transit systems. Providers will be reimbursed for mileage outside the contract area at a rate of \$.50 per Title XIX mile traveled.

C. Public Transit System

The Medical Assistance Program may arrange with the public transit authority in a specified area to provide medical transportation services to Medicaid recipients in that area.

2. Drivers of medical transportation vehicles will no longer be required to complete an approved basic first aid course in order to be certified by the Transportation Program.

3. Recipients of Title XIX Transportation Program services shall not have freedom of choice of providers when such services can be provided by a contract provider or a local transit authority. In instances when the local transit authority or a contract provider can provide transportation the recipient does not have a choice.

4. The Medical Assistance Program shall no longer require medical transportation providers to submit an annual cost report. All penalties for failure to submit a cost report are hereby repealed.

Regulatory Exception

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

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

RULE

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

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

SUMMARY

Current policy established under the Deficit Reduction Act (DEFRA), precludes payments for revaluation of nursing home assets at the time of a re-sale. Section 9509 of the Consolidated Omnibus Budget Reconciliation Act (Public Law 99-272) provides for revaluation to the acquisition costs of the previous owner increased by 50 percent of the Dodge Nursing Home Cost Index or 50 percent of the consumer price index, whichever is lower. This change in federal law is effective retroactive to October 1, 1985, in respect to changes in ownership occurring on or after that date.

The Medical Assistance Program amends the standards for payment to implement Public Law 99-272 effective changes in ownership which occurred on or after October 1, 1985.

This rule amends a rule previously published in the *Louisiana Register*, Volume 12, Number 3, Dated March 20, 1986.

Public Health-Medical Assistance

Subpart C. Standards for Payment for Skilled Nursing and Intermediate Care Facility Services other than Facilities for the Mentally Retarded

§3109. Related Party Transactions

Chapter 10 of HIM-15 explains the treatment of costs applicable to services, facilities, and supplies provided to the facility by organizations related by common ownership or control. The Medical Assistance cost report can only include the actual cost(s) to the related organization for those services, facilities, and supplies. The cost(s) must not exceed the price of comparable services, facilities, or supplies that could be purchased elsewhere. Any costs in excess of these regulations will not be allowed by the state agency.

Furthermore, when a facility changes ownership on or after October 1, 1985, the Consolidated Omnibus Budget Reconciliation Act limits revaluation of facility assets to the acquisition costs of the previous owner increased by 50 percent of the Consumer Price Index or 50 percent of the Dodge Nursing Home Cost Index, whichever is lower.

In auditing cost reports, the state agency OFS will apply HIM-15 regulations in determining actual costs applicable to sales.

If a full disclosure of the facts have not been made to the state agency and the agency approves a transaction, such approval is qualified on the basis of the facts present. Any questions concerning a relatedness situation should be directed, in writing, to the Office of Family Security, Long Term Care Program.

REGULATORY EXCEPTION

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

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

RULE

**Department of Health and Human Resources
Office of Management and Finance**

Division of Policy, Planning and Evaluation

The Department of Health and Human Resources, Office of Management and Finance, Division of Policy, Planning and Evaluation has adopted the following changes to the policies and guidelines for Section 1122 capital expenditure reviews effective August 20, 1986. The changes have been made to the Rule published in Volume 11, Number 4 of the *Louisiana Register*, April 20, 1985 and to LAC 48:I.12503.

The first change adds two Criteria for Expedited Review (p. 7-8) which read as follows:

11. The cost of site preparation for a mobile CT scanner which is the only capitalized expenditure the Section 1122 health care facility incurs to provide CT services.

12. Acquisition of an additional CT scanner which is not a replacement or backup CT scanner.

The second change revises one of the Criteria for Section 1122 Review (pp.17-18) as follows:

3b. Current and projected availability of beds/services/facilities. DPPE will count as available:

- all health care facility beds as defined in the applicable State Health Plan section;

- all health care facilities, as defined for Section 1122 Review purposes;

- all services and equipment in health care facilities.

(Data sources to be used include information compiled by the Bureau of Research & Development, DPPE, as published, and the middle population projections recognized by the State Planning Office as official projections.)

- 1) Number and distribution of similar facilities, services, or beds within the service area;
- 2) Bed to population ratio in the service area;
- 3) Comparison of bed to population ratio in the service area to that of other service areas in the state.

The affected pages read as follows:

10. A reduction in approved beds or a discontinuance of an approved service.
11. The cost of site preparation for a mobile CT scanner which is the only capitalized expenditure the Section 1122 health care facility incurs to provide CT services.
12. Acquisition of an additional CT scanner which is not a replacement or backup CT scanner.

An applicant proposing a capital expenditure which may qualify for an expedited review must submit a written request to DPPE. DPPE will review the request, determine whether a full review or an expedited review will be conducted, and send the appropriate application forms to the applicant.

PRE-APPLICATION CONFERENCE

At any time prior to submitting an application, an applicant may request a formal conference with DPPE to discuss the proposed project. A mutually acceptable meeting time will be established between the applicant and the agency.

REVIEW PROCEDURES

Applicants may request application forms in writing or by telephone from DPPE. The DPPE will promptly provide the applicant with the appropriate forms and a copy of the policies and guidelines. A pre-application appointment may be requested, to be scheduled at a time which is mutually acceptable to the applicant and the agency. Applications must be submitted on 8 1/2" X 11" paper in triplicate (original and 2 copies), except as specified in the section of this document entitled Procedures for Requests for Adjustments to Long Term Care Resource Goals. The contact person specified on the application will be the only person to whom DPPE sends notification in matters relative to the status of the application during the review process. If the contact person (or his address) changes at any time during the review process, the applicant shall notify DPPE in writing.

1. EXPEDITED REVIEW PROCEDURES

Within 15 days of receipt of an application for an expedited review, DPPE shall review the application for completeness. The application is deemed complete for review purposes as of the date on which all required information is received.

If DPPE fails to notify the applicant within 15 days that additional information is required, the application is deemed complete as of the date received.

After an application is submitted, each time the applicant submits additional information subsequent to the date the original application was submitted, but prior to the application being declared complete, DPPE shall have 15 days from the date the most recent information was submitted to declare the application complete or incomplete.

3. The need of the service area population for the proposed facility/services. NOTE: In reviewing the need for beds, all proposed beds shall be considered available as of one projected opening date for the project. DPPE does not recognize the concept of "phasing in" beds, whereby an applicant provides two or more opening dates.

a. Delineation of the service area for the proposal (the definition of "service area" will be governed by the State Health Plan's definition for each particular type of service or facility).

b. Current and projected availability of beds/services/facilities. DPPE will count as available:

- all health care facility beds as defined in the applicable State Health Plan section;
- all health care facilities, as defined for Section 1122 Review purposes;
- all services and equipment in health care facilities.

(Data sources to be used include information compiled by the Bureau of Research & Development, DPPE, as published, and the middle population projections recognized by the State Planning Office as official projections.)

- 1) Number and distribution of similar facilities, services, or beds within the service area;
- 2) Bed to population ratio in the service area;
- 3) Comparison of bed to population ratio in the service area to that of other service areas in the state.

c. Physical accessibility of the target population to existing and proposed facilities/services.

d. Current and projected measures of utilization of existing facilities/services (i.e. occupancy or other appropriate utilization data).

e. Demographics of the service area for the proposal.

4. The availability or potential availability of less costly or more effective alternatives to the proposal.

5. The immediate and long-term financial feasibility of the proposal, and the availability of funds. (DPPE will consider but not be limited to the following: (1) for proposed expenditures exceeding \$6,000,000, documentation of net assets exceeding 25 percent of the proposed expenditure; and (2) a commitment for financing from a reputable lending institution, including effective date and duration of commitment, amount and terms of loan, approximate beginning and ending dates of loan, and amount and type of collateral pledged; or (3) documentation of available internal funds equivalent to the proposed expenditure; (4) documentation of the financial feasibility through the use of tax-exempt bonds.)

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

RULE

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

The Department of Health and Human Resources, Office of Management and Finance, Division of Policy, Planning and Evaluation has amended the Table of Contents and Chapters 2, 3, 5, 9 and 12 of the Louisiana State Health Plan effective August 20, 1986. The changes have been made to the rule published in Volume 11, Number 4 of the *Louisiana Register*, April 20, 1985.

The changes may be summarized as follows:

Chapter 2. the "Introduction" to the State Health Plan will be amended to improve the syntax, update the described organization structure of the State Health Planning and Development Agency, and to correctly state the number of members of the Statewide Health Coordinating Council that are appointed by the governor.

In Chapter 3. "Overview of the State", amendments will replace the current sections pertaining to geographic and demographic characteristics of the state, will remove all references to Health Systems Agencies and will provide updated statistical data.

Chapter 5 of the State Health Plan "Program Inventory: Priority Areas", describes programs and services offered by state

and private agencies around the state to meet priority health care needs. The revised version of this Chapter, which will replace the current iteration, includes syntax and content changes including an updated list of state agency programs and services. The section on Private Sector Initiatives has been edited but has not been updated.

Chapter 9 of the State Health Plan will be revised in the following ways:

1) The list of General Criteria and Standards for Section 1122 Review will be revised as follows:

3.b. Current and projected availability of beds/services/facilities. DPPE will count as available:

- all health care facility beds as defined in the applicable State Health Plan section.

- all health care facilities, as defined for Section 1122 Review purposes.

- all services and equipment in health care facilities.

The Division will consider, as part of the review:

1) Number and distribution of similar facilities, services, or beds within the service area;

2) Bed to population ratio in the service area;

3) Comparison of bed to population ratio in the service area to that of other service areas in the state.

12. Evidence of ownership or legally executed option to acquire an appropriately zoned site.

14. Whether the project will foster cost containment or improved quality of care through improved efficiency and productivity or through increased competition between different health services delivery systems.

2) The Table of Contents and Chapter 9 of the State Health Plan will be reworded to convey the fact that, although chemical dependency facilities, per se, are not subject to Section 1122 review, applications for such beds made by general acute care or psychiatric hospitals are reviewable, as they represent capital expenditure by health care facilities which are subject to review. Further, such applications must meet the resource goals for CDU services as well as for either general acute care hospital beds or psychiatric beds.

3) The next proposed amendment will change the section on psychiatric beds. It will provide that Resource Goal 2 which states occupancy rate requirements for the addition of psychiatric beds shall be modified to require that free-standing psychiatric hospital bed proposals will be compared to other free-standing psychiatric hospitals in the health planning district and bed proposals for psychiatric units of general hospitals will be compared to other psychiatric units in general hospitals.

The proposed amendment will replace Resource Goal 2 on page 9-24 of the current State Health Plan and shall read as follows:

2. Occupancy:

Free-standing Psychiatric Hospitals

A free-standing psychiatric hospital shall maintain annual occupancy rates relative to the number of beds in the facility:

0-49	50%
50-99	60%
100-199	70%
200 +	75%

In determining occupancy rates, beds used in the calculations include (a) licensed but not Section 1122 approved beds which are in use or could be put into use within 24 hours^{*}, and (2) 1122 approved and licensed beds which are in use or could be put into use within 24 hours.^{*}

Beds that can be brought into service within 24 hours shall be construed to mean the appropriate number of beds in rooms originally constructed and equipped as hospital rooms that either (1) have not been converted to other uses, or (2)

retain all essential nonmovable equipment and connections necessary for patient care in accordance with licensing standards. "Nonmovable" equipment shall include equipment which can be removed only through reconstruction or renovation.

For any additional free-standing psychiatric beds to be approved:

A. The bed to population ratio shall not exceed 104.0 per 100,000 population and,

B. Either optimal occupancy must be reached by all free-standing psychiatric hospitals in all bed size categories or a 75 percent occupancy of all psychiatric hospitals in the health planning district must be attained.

Psychiatric Units in General Hospitals

A psychiatric unit in a general hospital shall maintain annual occupancy rates relative to the number of beds in the facility:

0-49	50%
50-99	60%
100-199	70%
200 +	75%

In determining occupancy rates, beds used in the calculations include: (a) licensed but not Section 1122 approved beds which are in use or could be put into use within 24 hours^{*}, and (b) 1122 approved and licensed beds which are in use or could be put into use within 24 hours^{*}

Beds that can be brought into service within 24 hours shall be construed to mean the appropriate number of beds in rooms originally constructed and equipped as hospital rooms that either (1) have not been converted to other uses, or (2) retain all essential nonmovable equipment and connections necessary for patient care in accordance with licensing standards. "Nonmovable" equipment shall include equipment which can be removed only through reconstruction or renovation. For any additional psychiatric beds in a general hospital to be approved:

A. The bed to population ratio shall not exceed 104.0 psychiatric beds per 100,000 population and,

B. Either optimal occupancy must be reached by all psychiatric units of general hospitals in all bed size categories or a 75 percent occupancy of all psychiatric units of all general hospitals in the health planning district must be attained.

ADJUSTMENT

An existing psychiatric hospital or psychiatric unit of a general hospital which has operated at a level of 10 percent or more above its optimal occupancy, as determined by bed size category, for a period of 12 consecutive months, will be allowed to add a number of beds that would bring its occupancy down to the optimal occupancy level for its bed size. The occupancy rate for the 12 consecutive months shall be determined by DPPE from the four most recent quarters of data due to have been reported by the hospital to the Division of Licensing and Certification.

4) An amended Computed Tomography section of Chapter 9 will replace the current section. Changes include editorial changes to the first parts of the section. The parts on "Service Area" and "Resource Goals" have been revised to read as follows:

Service Area

The service area for a fixed CT scanner is the health planning district in which the CT scanner is or will be located. The service area for a mobile CT scanner is the health planning district in which the applicant facility is located.

Resource Goals

The following criteria and standards are applicable to CT scanners for Section 1122 review, as a type of major medical equipment.

An initial CT scanner (if purchased or leased, when the

expenditure is capitalized) is subject to full 1122 review, regardless of the cost of the equipment. An additional CT scanner, which is not a back-up or replacement scanner, is subject to expedited review.

1. The applicant must project that, within two years after initiation, an initial CT scanner (head or body) will operate at a minimum of 1000 medically necessary patient procedures a year. The applicant should document the anticipated caseload and the source of new patients expected to be served by the proposed CT scanner service. If the anticipated caseload assumes referrals from other facilities, documentation of the linkage agreements must be provided. The documentation shall be quantified and approved by the referring facility's governing body.

2. The applicant must document that the following personnel will be available to the institution:

a. A board-certified or board-eligible radiologist formally trained in the interpretation of CT scanning must be available when the unit is available for patient use and on call at other times.

b. A radiologic technologist trained in the operation of CT scanning equipment should be available when the unit is available for patient use and on call at other times.

c. Facilities should document the availability of specialists in the following areas: neurology, general and orthopedic surgery, and internal medicine.

Back-up or Replacement Scanners

An applicant institution may request that an existing scanner be declared obsolete, even though it will be used as a back-up for a replacement unit.

The existing scanner will only be considered as a backup CT unit for planning and review purposes if documentation is supplied to the effect that the existing scanner is subject to extraordinary down time or if other special circumstances apply.

5) The next amendments will replace the current section on Intermediate Care Facilities for the Mentally Retarded in Chapter 9 of the State Health Plan. A summary of the changes is as follows:

Editorial and syntax changes were made in the Definition and Description of Services section.

Under the section entitled "Elements of an ICF/MR", an item "d" has been added requiring potential providers to publish a legal notice in the local newspaper of the community where the project is to be developed. The notice shall be published prior to the development of the site and shall give the proposed site to be used.

A new section entitled "Quality of Care" has been added. This section describes the mechanisms by which the Department of Health and Human Resources' Office of Family Security, Office of Mental Retardation/Developmental Disabilities, and Division of Licensing and Certification will cooperate through an interagency agreement to insure that those persons residing in ICF/MR's receive proper care.

The section entitled "Service Area" and "Resource Goals" 1 through 6 of this section will be amended to read as follows:

Service Area

The service area for a proposed or existing facility is designated as the one of 8 OMR/DD planning regions in which the facility or proposed facility is or will be located.

Resource Goals

1. In accordance with the department's policy of least restrictive environment, there is no currently identified need for additional facilities with 16 or more beds. Beds may be transferred from one existing residential facility to another.

2. The bed to population ratio for community and group

homes may at no time exceed .36 per 1000 population in each service area. In determining the bed to population ratio for a proposal, Division of Policy, Planning and Evaluation will use population projections for the anticipated opening date (year) of the facility, which in no case shall exceed two years from the date the application is declared complete.

3. The occupancy rate for community homes in the service area must be 80 percent or greater in order for another community home to be approved.

4. The occupancy rate for group homes in the service area must be 85 percent or greater in order for another group home to be approved. In determining the occupancy rate, beds used in the calculations are 1122 approved and licensed beds.

5. Community or group homes will be determined to meet the above resource goals where mandated by the courts.

6. A distinct part of a publicly supported facility other than an intermediate care facility will be determined to meet the above resource goals provided that the distinct part:

a) meets all requirements for an intermediate care facility;

b) is an identifiable unit, such as an entire ward or contiguous ward, a wing, floor, or building;

c) consists of all beds and related facilities in the unit;

d) houses all recipients for whom Title XIX payments are being claimed; and

e) is clearly identified.

Last, a seventh resource goal will be added to the ICF/MR section requiring that capital costs not exceed the amount that a cost-conscious buyer would pay. The methodology used to calculate this level of cost is explicated in the statement of the resource goal and is set forth below.

The Division of Policy, Planning and Evaluation shall, at the beginning of each fiscal year, obtain from the Division of Rate Administration, Office of Management and Finance, statistics on budgeted annual capital costs of newly approved facilities over the previous three year period grouped by urban/rural setting, facility type, facility size, and ownership arrangement.

"Reasonable Capital Cost" will be computed by generating categories of facilities based on setting, facility type, facility size, and ownership arrangement; computing the mean budgeted capital cost for each category; and adding the value of one standard deviation.

There are two adjustments which are made in the procedure described above for computing reasonable capital cost when warranted by circumstances.

Whenever a category of facilities contains a Department of Housing and Urban Development sponsored facility, the capital cost of that facility will not be considered in computing the mean value for the category.

On those infrequent occasions when an application is received for a facility in a category containing fewer than three values, reasonable capital costs can not validly be based on the mean and standard deviation. In this circumstance allowable capital costs will be determined in one of two ways, depending on whether the facility and equipment are owned or leased.

In the case of owned property and building, allowable capital costs shall be based on fair market value, including conversion costs and development costs, provided that the nature and size of the building and property are consistent with the nature of the programs to be provided. In the event that the fair market value is not known, it shall be established as the competitive market value. In the event that neither of these values can be determined, fair market value shall be estimated in consultation with an appropriate vendor other than one utilized by the applicant. These three values will be applied in the same sequence to establish the allowable costs of equipment.

In the case of leased facilities and equipment in a category containing fewer than three values, reasonable cost shall be established as 16% of the fair market value plus an inflation factor (see definitions). When the lease is for land and/or buildings, an additional 11 percent of annual rent shall be added to cover vacancy time and property management and an amount equal to conversion costs amortized over the term of the lease shall be added. In the event that there is a lease for furnishings, equipment or chattel properly considered a capital expense item, the amount of the lease shall be averaged over its term to arrive at the amount to be budgeted as a capital cost.

Section 1122 certification shall be for actual capital costs only up to the reasonable cost limit unless the provider can provide clear evidence that higher costs can not be avoided.

An applicant whose capital costs exceed the reasonable capital cost limit is not limited in the kinds and amounts of evidence which he may present to prove the higher costs can not be avoided. However, the following types of evidence shall be considered "clear evidence" when they support the applicant's claim.

Documentation of special or unique program features that demand costly equipment, specially designed features of physical plant, expanded grounds, or other requirements that will drive capital costs up.

Construction industry recognition that construction costs in the geographic location of the applicant facility are significantly higher than in other areas of the state, such as the "Locality Adjustments" of the Dodge Construction Systems Costs.

6) The Ambulatory Surgery section of Chapter 9 of the State Health Plan has been amended to clarify the definition of an ambulatory surgery facility. For Section 1122 purposes, an ambulatory surgery facility is a facility, not a part of a hospital, which provides surgical treatment to patients not requiring hospitalization. The term does not include offices of private physicians or dentists, whether for individual or group practice. Ambulatory surgery facilities can be either hospital-based or free-standing. Hospital-based ambulatory surgery facilities are distinguished from same day surgery services provided in hospitals in that hospital-based ambulatory surgery facilities are used solely for ambulatory surgery and are licensed as hospital-based ambulatory surgery facilities.

Finally, Chapter 12, which inventories health care education programs in the state, will be amended to update the existing inventories and to add inventories of health care education programs in Louisiana secondary schools and proprietary schools. The format of the section on vocational-technical schools will be changed from tabular form to a listing.

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

RULE

**Department of Labor
Office of Labor**

The Department of Labor, Office of Labor, under the authority of Act 364, 1938, Regular Legislative Session (R.S. 23:381-391) and pursuant to the provisions of R.S. 49:950 et seq., hereby repeals all rules regulating apprenticeship prior to those published in the July 20, 1986, *Louisiana Register*.

Richard R. Hicks
Labor Field Services Director

RULE

**Department of Transportation and Development
Office of Public Works**

The Department of Transportation and Development, Office of Public Works (OPW) in cooperation with the Louisiana Geological Survey of the Department of Natural Resources, and the State Planning Office of the Office of the Governor, hereby amends the "Guidelines and Procedures" for applications for state funding assistance under the Louisiana Statewide Flood Control Program as authorized by R.S. 38:90.1, et seq. An amendment is necessary to incorporate a time schedule into project development as follows:

**Statewide Flood Control Program
Amendment No. 1**

The requests for Statewide Flood Control Program funds far exceed the amount of money made available each year. In an effort to best utilize the available funds, the following time schedules shall be incorporated into project development:

TASK	MAXIMUM TIME, YEARS
1. Execution of Agreement Between OPW and Sponsor	1/2
2. Application for Permits	1
3. Submittal of Preliminary Plans	2
4. Submittal of Draft Final Plans, Specifications and Cost Estimate	3
5. Acquisition of Rights-of-Way, Permits and Utility Reloca- tion and securing the funding for the Sponsor's portion of the project	3 1/2
6. Advertising for Bids and Awarding of Contract	4

The date of the letter from the chairman of the Flood Control Evaluation Committee advising the sponsor that his project has been funded shall be used as the beginning point in determining the amount of time that has elapsed.

In the event a task is not completed within the maximum time allotted, the agreement between the OPW and the sponsor shall be cancelled and the state funds that were allocated for the proposed project shall be reallocated.

Marty J. Chabert
Assistant Secretary

RULE

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

Pursuant to the authority granted by R.S. 42:871 (c) and R.S. 42:874 the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program has amended its rules as follows mandated by the enactment of Title X of P.L. 99-272, "Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)," which was signed into law by President Reagan on April 7, 1986:

Article 1, Section III(C) on page 23, add the following language:

"4. The provisions of this Section III(C) are applicable to surviving dependents who elect to continue coverage following the death of an employee occurring on or

before June 30, 1986. The provisions of Section III(F) are applicable to surviving dependents who elect to continue coverage following the death of an employee occurring on and after July 1, 1986."

Article 1, Section III(D) on page 23 on the fourth line, after the words "Article 1, Section I(l)2," add "and (3),"

Article 1, Section III on page 23, add the following language:

E. Active Employees (effective July 1, 1986)

Benefits under this contract for a covered active employee shall terminate at the end of the calendar month during which employment is terminated voluntarily or involuntarily (except for gross misconduct), the employee no longer meets the definition of an employee as defined in Article 1, Section I(E), or coverage pursuant to the provisions of Article 1, Section III(A) expires unless the covered employee elects to continue coverage AT HIS OR HER OWN EXPENSE. It shall be the responsibility of the participant employer to notify the program within 30 days of the date coverage would have terminated due to any of the foregoing events and the program shall notify the employee within 14 days of his or her right to continue coverage.

Application for continued coverage must be made in writing to the program within 60 days of receipt of notification and premium payment must be made within 45 days of the date the continuation option is exercised for coverage retroactive to the date coverage would have otherwise terminated.

Coverage under this Section III(E) will continue until the earliest of the following events occur:

1. failure to pay the applicable premium;
2. coverage as an employee under another group health plan;
3. Eligibility for Medicare; or
4. Eighteen months from the date coverage would have terminated in the absence of this Section III(E).

F. Surviving Dependents (effective July 1, 1986)

Benefits under this contract for covered surviving dependents of a deceased covered employee or retiree shall terminate at the end of the calendar month during which the employee's or retiree's death occurs, unless the surviving covered dependents elect to continue coverage AT THEIR OWN EXPENSE. It shall be the responsibility of the participant employer or surviving dependent to notify the program within 60 days of the death of the employee or retiree and the program shall notify the surviving dependents of their right to continue coverage. Application for continued coverage must be made in writing to the program within 60 days of receipt of notification and premium payment must be made within 45 days of the date the continuation option is exercised for coverage retroactive to the date coverage would have otherwise terminated.

Coverage for the surviving spouse under this Section III(F) will continue until the earliest of the following events occur:

1. failure to pay the applicable premium;
2. remarriage and enrollment in another group health plan;
3. coverage as an employee under any group health plan; or
4. death of the surviving spouse.

Coverage for a surviving dependent child under this Section III(F) will continue until the earliest of the following events occur:

1. failure to pay the applicable premium;
2. coverage as an employee under any group health plan; or
3. Thirty-six months beyond the date coverage would otherwise have terminated under the provisions of Article 1, Section I(l) (2) and (3), and Article 2, Section II(C).

G. Divorced Spouse (effective July 1, 1986)

Coverage under this contract with respect to the covered spouse of a covered employee or retiree shall terminate at the end of the calendar month during which dissolution of the marriage occurs by virtue of the granting of a legal decree of divorce from the employee or retiree, unless the covered divorced spouse elects to continue coverage AT HIS OR HER OWN EXPENSE. It shall be the responsibility of the divorced spouse to notify the program within 30 days from the date coverage would have terminated due to the divorce and the program shall notify the divorced spouse within 14 days of his or her right to continue coverage. Application for continued coverage must be made in writing to the program within 60 days of receipt of notification and premium payment must be made within 45 days of the date the continuation option is exercised for coverage retroactive to the date coverage would have otherwise terminated due to the divorce. Coverage for the divorced spouse under this Section III(G) will continue until the earliest of the following events occur:

1. failure to pay the applicable premium;
2. remarriage and enrollment in another group health plan;
3. coverage as an employee under any group health plan; or
4. eligibility for Medicare.

H. Dependent Children (effective July 1, 1986)

Benefits under this contract for a covered dependent child of a covered active employee or retiree shall terminate at the end of the calendar month during which the child no longer meets the definition of an eligible covered dependent as defined in Article 1, Section I(l) (2) and (3) or Article 1, Section J unless the employee or retiree elects to continue coverage AT HIS OR HER OWN EXPENSE. It shall be the responsibility of the employee or retiree to notify the program within 30 days of the date coverage would have terminated due to the dependent child's loss of eligibility and the program shall notify the employee or retiree within 14 days of his or her right to continue coverage with respect to that child. Application for continued coverage must be made in writing to the program within 60 days of receipt of notification and premium payment must be made within 45 days of the date the continuation option is exercised for coverage retroactive to the date coverage would have otherwise terminated due to loss of eligibility.

Coverage for a child under this Section III(H) will continue until the earliest of the following events occur:

1. failure to pay the applicable premium;
2. coverage as an employee under any group health plan;
3. eligibility for Medicare; or
4. thirty-six months beyond the date coverage would otherwise have terminated under the provisions of Article 2, Section II(C).

I. Miscellaneous Provisions

1. The continuation provisions set forth in Section III, C through H are applicable only to health and accident coverage as defined in Article 3.

2. The continuation provisions set forth in Section III, E through H are effective for loss of eligibility occurring on and after July 1, 1986.

3. For those covered persons who have elected to continue coverage pursuant to Section III, C through H, no new dependents may be added during the period of continued coverage. The only exception shall be that a newborn Child of a covered employee or spouse, conceived prior to the effective date of continuation, shall be eligible for coverage from date of birth, subject to the provisions of Article 1, Section IV, except that

newborn children shall not be eligible as overdue applicants.

4. During the period of continuation, benefits shall be identical to those provided to plan members enrolled in the Group Benefits Program under the program's standard eligibility provisions for active and retired employees and their dependents.

James D. McElveen
Executive Director

RULE

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

Pursuant to the authority granted by R.S. 42:871(c) and R.S. 42:874 the Board of Trustees of the State Employees Group Benefits Program has amended its rules relative to Health Maintenance Organizations.

(1) Any health maintenance organization (HMO) or other prepaid medical benefits plan seeking to solicit the membership of employees of the state, its agencies or political subdivisions shall be subject to the regulations and requirements as set forth below, unless:

(a) the HMO provides evidence of federal qualification under Section 1301 of P.L. 93-222 (Health Maintenance Organization Act of 1973, as amended), and unless

(b) the HMO has activated the dual-choice mandate as provided for in Section 1310 of the Act.

(2) For purposes of these regulations the term "HMO" is defined as any legal entity which provides either directly or through arrangements with providers or other persons, health care services, or arranges for the provision of such services to enrollees on the basis of a fixed prepaid sum.

(3) The Board of Trustees of the State Employees Group Benefits Program specifically reserves the right to disapprove the application of any HMO if, in the opinion of the board, the approval of the application would not serve the best interests of state employees, retirees, and their dependents.

(4) In the event the HMO seeks to solicit the membership of employees of the state, its agencies or political subdivisions who reside in a service area other than one previously approved by the Board of Trustees, a separate application for the additional service area shall be required.

GENERAL INFORMATION

The HMO shall furnish the following information:

(1) a list of the names and official positions of all members of the board of directors and the principal officers of the organization, which list shall contain a full disclosure of the extent and nature of any contractual or financial arrangements between them and the state, or any of its agencies or political subdivisions;

(2) if the HMO is sponsored by another organization, the foregoing information relative to the directors and principal officers of the sponsoring organization or parent company;

(3) any changes in (1) or (2) above which may take place for the duration of the contract between the HMO and the state. Additionally, in the event of merger, consolidation, takeover or buy out of or by the HMO or by another entity, a separate application for approval shall be submitted by the successor controlling entity. In the event that such merger, consolidation, takeover or buy out does not alter any provisions of the application previously approved on behalf of the predecessor HMO, the successor controlling entity may, as an alternative to a separate ap-

plication, submit to the Board of Trustees a notarized affidavit to that effect:

(4) a current balance sheet or income/expense statement;

(5) evidence of protection for members in the event of insolvency or medical catastrophe; which evidence may be a demonstration of the HMO's capacity to produce a cash flow sufficient to cover normal operating expenses for a minimum of 90 days, or a contractual agreement with a third-party insurer indicating such protection; and which evidence shall be updated on an annual basis;

(6) a copy of the form of each booklet or certificate of coverage to be issued to the members, and any changes or amendments as may be made from time to time;

(7) a description of the proposed method of marketing the HMO benefits, including marketing material to be used and a list of current premium charges;

(8) an accurate comparison of benefits offered by the HMO and the State Employees Group Benefits Plan.

(9) a statement describing the HMO's service area by zip code;

(10) a description of complaint procedures the HMO utilizes for resolving grievances between a member and the HMO or any provider of services;

(11) if the HMO is a group or staff model, a description of the medical care facilities to include:

(a) location;

(b) hours of operation;

(c) provisions for after-hours emergency services;

(d) on-sight facilities such as x-ray, laboratory, pharmacy, etc.;

(12) for all models, a list of participating physicians, to include the area of practice or specialty of each;

(13) a statement indicating which person or persons are responsible for final medical adjudication of questioned claims;

(14) the information required in (1-4) above shall be updated annually on January 1;

(15) advise whether HMO is proprietary or not for profit.

In addition, the applicant shall provide the following information:

a. total membership covered at the time of application;

b. notice of pending or actual change in status relative to federal qualification within 10 days from the date such notification is received by the HMO from the appropriate regulatory authority and the reasons for such change;

c. a description of the HMO's current conversion policy or policies and premium structure, and any changes as may be made from time to time;

d. a description of the HMO's quality assurance program.

The state of Louisiana shall have the right during the existence of the contract to audit from time to time such fiscal records of the HMO as may pertain to the financial security of state employees enrolled as members.

If, for any reason, a provider fails or is unable to render services it has agreed to provide through a contract with the HMO, the HMO shall agree to pay benefits for services equivalent to those set for in its contract with the state while an individual continues to be a member.

The Board of Trustees of the State Employees Group Benefits Program shall not be held liable for claims for damages relating to any treatment rendered or arranged for by the HMO.

The HMO shall agree to hold the Board of Trustees of the State Employees Group Benefits Program harmless from all claims for damages relating to any act or omission by the HMO, including any claims relating to failure of the HMO to provide

services as specified in its contract with the state of Louisiana due to financial hardship or insolvency.

The HMO shall agree to hold any plan member or dependent harmless from any liability or cost for health maintenance services rendered during enrollment in the HMO, except as may be specifically provided for in the group contract and individual certificates of coverage.

INITIAL ENROLLMENT AND EFFECTIVE DATE

(1) The initial enrollment period shall be that 60-day period beginning on the October 1 coinciding with or immediately following the approval of the HMO by the Board of Trustees. The initial effective date shall be the January 1 next following the completion of this enrollment period.

(2) The state shall furnish the HMO with a list of agency personnel officers and their addresses to facilitate agency contact.

(3) The state shall provide a letter of introduction by the executive director to the personnel officers encouraging their cooperation with the HMO in scheduling meetings and making the offer to eligible employees.

(4) The state shall permit the HMO to use its enrollment form to enroll employees who are currently members of the State Employees Group Benefits Program.

(5) The HMO shall use the State Employees Group Benefits Enrollment Document if the employee is not a member of the State Plan at the time he elects HMO membership.

(6) All documents shall be processed at the State Employees Group Benefits office, including data entry into the billing and eligibility system.

(7) The HMO shall secure any information it may need which is not on the enrollment document independently of the State Employees Group Benefits Program.

COMPUTER INTERFACING

(1) The state shall provide the HMO with a monthly exception tape, detailing by agency: additions, deletions, and changes.

(2) The HMO shall maintain all billing records by agency billing codes as established by the State Employees Group Benefits Program.

(3) The HMO shall furnish utilization reports on a monthly basis, the format of which shall be mutually agreed on by the state and the HMO.

(4) The HMO shall furnish quarterly utilization reports to the Program which shall include the number of hospital visits per 1000 members and the number of physician encounters per 1000 members, separated as to state employees and overall membership.

(5) The HMO shall furnish an annual report of membership statistics to include number of employer contracts with total number of enrollees, total enrollment at the beginning of the calendar year and at the end of the year, including information on additions and deletions during the year.

PREMIUM BILLING AND TRANSFER

(1) The HMO shall bill membership fees in a regular monthly invoice, detailed by agency billing codes as established by the State Employees Group Benefits Program.

(2) The state shall transfer the reconciled membership fees to the HMO by the fifteenth of each month for the previous month's billing. Remittance will be itemized by agency.

(3) The state shall retain a monthly administrative fee for each individual contract, which fee shall be negotiated prior to the initial effective date of the master contract between the state and the HMO. Adjustment of the administrative fee will be made no more often than once a year and only on the annual re-enrollment date (January 1).

RATES

(1) The HMO shall charge membership fees that are divisible by a number as shall be set forth in the contract.

(2) Rates shall be guaranteed for no less than a 12-month period following initial effective date and thereafter shall be increased no more often than once a year and only on the annual re-enrollment date, unless otherwise approved by the Board of Trustees 90 days prior to the effective date of such increase.

(3) Notice of premium adjustments shall be given the state at least 90 days prior to the proposed effective date of such adjustment.

(4) Membership fees shall not be adjusted based on the utilization of health care services by state employees or their dependents. Rate adjustments shall be reflected in similar adjustments for other groups enrolled in the HMO service area.

(5) The HMO shall use a rate structure with classifications compatible with those used by the State Employees Group Benefits Program.

ELIGIBILITY

(1) The HMO shall maintain identical eligibility regulations as the State Employees Group Benefits Program with the exception of sponsored adult dependents, who need not be eligible for membership.

(2) The HMO shall enroll new employees who choose membership during their initial period of eligibility for an effective date that is compatible with the eligibility requirements of the state program.

(3) The HMO shall provide for continuation of membership for surviving spouses and dependents of deceased employees who are HMO members at the time of death. Such continuation provisions shall be identical to those of the Group Benefits Program. Such continuation shall be provided at the benefit level of the group contract and at a cost no greater than comparable monthly premiums charged by the HMO for like classes of group membership. The HMO shall also provide for continuation of coverage under other circumstances as may be required by the program's eligibility provisions or as may be required by state or federal regulations.

(4) During initial enrollment and each subsequent annual re-enrollment, the HMO shall offer membership to eligible active employees and eligible retirees on an equal basis.

PRE-EXISTING CONDITIONS

(1) The HMO shall impose no limits on coverage for pre-existing conditions for state employees electing membership during their initial period of eligibility.

(2) If a state employee fails to elect HMO membership for himself or his dependents during his initial period of eligibility, the HMO, unless prohibited by federal law or regulation, shall impose limitations on coverage for pre-existing conditions as a requirement for membership, in accordance with the existing regulations of the State Employees Group Benefits Program.

TRANSFERS AND TERMINATIONS

(1) The HMO shall hold an annual re-enrollment each November for an effective date of January 1 for employees electing to enter or leave HMO membership. This shall include both active and retired employees.

(2) The HMO shall participate in any other open enrollments as may be mandated by legislative action, if such action involves the HMO's service area.

(3) Transfer of coverage from the State Employees Group Benefits Program to the HMO or vice-versa shall be allowed only during the annual re-enrollment period, for an effective date of January 1. Transfer of coverage shall also be allowed as a consequence of the employee's being transferred into or out of the HMO service area, with an effective date of the first of the

month following transfer.

(4) The HMO shall provide benefits up to but not beyond date of discharge in the event a member or his dependents are hospital confined at the time his membership terminates.

(5) The HMO shall allow individual conversions for a 30 day period following the end of the month during which an employee terminates his group membership. The conversion may be an individual HMO membership or fully-insured health contract, but shall be offered without regard to existing medical conditions and at the then-current rate for all other similar conversions. Termination of the group contract shall not constitute individual termination for purpose of conversion.

(6) No individual membership shall be terminated by the HMO except for the following reasons:

- a. termination of the group contract
- b. termination of a member's employment with the state
- c. an employee's moving his domicile out of the HMO service area
- d. failure of the individual to make required copayments to an HMO provider

e. statements made by an individual on applying for membership which are material and knowingly false relative to the eligibility of himself or any dependent; or, if applicable, relative to the health status of himself or any dependent

f. refusal of a member to cooperate with an HMO provider to such a degree as to render a satisfactory physician-patient relationship impossible.

(i) Should the member refuse to accept procedures or courses of treatment recommended by an HMO physician, the physician shall use his best efforts to render all necessary and appropriate professional services in a manner compatible with the member's wishes insofar as this can be done consistent with the physician's judgment as to the requirements of proper medical practice.

(ii) Should the member continue to refuse to cooperate with the provider, and the physician believes that no acceptable professional alternative exists, such member shall be so advised, and if upon being so advised, the member still refuses to follow the recommended treatment or procedure, then the HMO shall have the right to terminate that individual's membership.

(iii) Should the HMO elect to terminate or not renew the member's coverage due to the above provision, the HMO shall notify the employee in writing no less than 30 days prior to termination date.

(iv) The employee shall have the right to appeal such termination of coverage to the Benefits Committee of the Board of Trustees, which committee shall refer its recommendation to the board for final decision, which decision shall be binding on the HMO.

(7) Should the HMO discontinue services for all of its membership in general or for state employees and their dependents in specific, notification shall be given to the Board of Trustees by the HMO not less than 90 days prior to the discontinuance of services. The board shall declare an open enrollment for at least a 30-day period preceding discontinuance during which all other HMOs providing benefits to employees residing in the affected service area shall agree to accept subscribers wishing to transfer membership, without regard to health status or pre-existing conditions. During such open enrollment period the program shall accept transfers under the same terms and conditions. Neither the HMO nor the program shall be responsible for costs for medical services incurred prior to the effective date of transfer.

(8) The Board of Trustees specifically reserves the right to cancel any contract between the board and the HMO, with or without cause, with notification to be furnished the HMO not less

than 90 days prior to the annual re-enrollment date (January 1).

NONDUPLICATION OF COVERAGE

(1) If a husband and wife are both state employees and both are eligible for family coverage under the State Employees Group Benefits Program, both must elect membership in the HMO or the state program. Neither split contracts nor dual membership shall be allowed.

(2) If a husband and wife are both state employees and have elected single coverage, each may choose membership in either the HMO or the state program.

(3) Regardless of any provision of the State Employees Group Benefits Program contract to the contrary, the following apply to any state employee or dependent enrolled in an HMO:

a. The person shall neither be a member of the state program nor a qualified dependent covered under the state program.

b. No benefits will be payable under the state program with respect to charges for services and supplies furnished while the person is enrolled in the HMO.

BENEFIT STRUCTURE

(1) The HMO shall provide basic and supplemental comprehensive health maintenance services which state employees and their dependents might reasonably require to be maintained in good health, without regard to the frequency or extent of services furnished to any particular enrollee except for allowable exclusions and limitations as noted herein.

(2) Basic comprehensive health maintenance services shall include, but need not be limited to:

a. provisions for in-area emergency health care services which shall be available 24 hours a day, seven days a week and which shall be provided by physicians or other licensed medical personnel;

b. coverage for out-of-area emergency services;

c. preventive health services such as immunizations, routine physical examinations, and diagnostic studies;

d. in-patient hospital care, to include semi-private accommodations and other ancillary services;

e. in-patient physician services;

f. out-patient health services.

(3) Supplemental comprehensive health maintenance services shall include, but need not be limited to benefits for:

a. out-patient prescription medication;

b. private-duty nursing prescribed by a physician;

c. emergency ambulance services;

d. durable medical equipment;

e. prosthetic appliances.

(4) The HMO may impose reasonable limitations on and/or exclusions from such services as cosmetic surgery, dental treatment, custodial care, experimental procedures, home health care, services not medically necessary, personal convenience items, luxury accommodations, and services not rendered or prescribed by HMO physicians (except for out-of-area emergency care).

(5) The HMO may exclude from coverage those items as are normally and routinely considered excludable under group health coverage such as injuries or disease covered by workmen's compensation laws or veteran's benefits; self-inflicted injuries or those sustained as a result of war or civil disobedience.

(6) Treatment for mental and nervous disorders, and alcohol or other substance abuse may not be excluded, but may be limited. Coverage shall be provided to include at least:

a. in-patient — hospital benefits and physicians services for a minimum of 30 days per year;

b. out-patient — physician services covered at least 50 percent for a minimum of 15 visits per year at no less than \$40 per visit.

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Agro-Consumer Services State Market Commission

Fruits and Vegetables Program

In accordance with the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:405, the Department of Agriculture and Forestry, State Market Commission, is hereby giving notice of its intention to adopt the amendments detailed below. All comments should be forwarded to Don Kimball, Director, Fruits and Vegetables Division, Box 44184, Baton Rouge, LA 70804. Comments will be accepted in writing through September 11, 1986.

Amend LAC 7:V.1705 to read as follows:

§1705. Requirements for Certification of Fresh Fruits, Vegetables, Nuts and Other Special Products

A. The examination, acceptance, and certification of fresh fruits, vegetables, nuts, and other special products shall be in accordance with U.S. Department of Agriculture, Agricultural Marketing Service, Fruit and Vegetable Division grading and inspection requirements.

B. Each container shall be legibly labeled, stamped, or written on the side or end showing the name and address of the grower or the name and address of the packing house or company or contract number, showing the U.S. grade, inspection stamp or tag, and name of produce in container. In the instance of sacks, a tag shall be securely attached to the outside, giving the above information.

C. Required Certificates

1. For inspection of fruits and vegetables entering state institutions, federal Form FVQ 459 and/or state Form A1 1583 will be required.

2. For shipping point inspections of fruits and vegetables, federal Form FVQ 184 will be required.

3. For terminal market inspections of fruits and vegetables by collaborators, Form FVQ 303 will be required.

In Title 7, Subchapter B of Chapter 17 (Market Commission—Fruits and Vegetables) is hereby repealed in its entirety (Sections 1735 to 1745).

Bob Odom
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Fruits and Vegetables

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

These amendments will not require any implementation costs.

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

These amendments will not have any fiscal impact on revenue collections.

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

(7) Basic and supplemental comprehensive health maintenance services shall have a lifetime maximum of no less than \$500,000 per person. Reasonable copayments may be placed on out-patient services and out-of-area services, but in no instance shall the copayment exceed 25 percent of the value of the service rendered.

(8) Subsequent to initial approval of the benefit structure by the Board of Trustees, the HMO shall not amend benefits available to state employees and their dependents except on the annual re-enrollment date (January 1). Proposed benefit modifications must be submitted to the program not less than 90 days prior to their effective date and shall not become effective until approved by the Board of Trustees.

DISCLOSURE

(1) The HMO shall issue to each employee a description of benefits to which he is entitled under the contract between the HMO and the state of Louisiana.

(2) The evidence of coverage shall contain a clear, concise and complete statement of:

a. the health care services and the insurance or other benefits, if any, to which the member is entitled;

b. any exclusions or limitations on the services as benefits to be provided, including any deductibles and/or copayment provisions;

c. where and in what manner information is available as how services, including emergency and out-of-area services, may be obtained;

d. the HMO's method for resolving enrollee complaints;

e. conditions of eligibility for employees and their dependents;

f. conditions under which an individual's membership may be terminated.

Dr. James D. McElveen
Executive Director

RULE

Department of the Treasury Bond Commission

"Applications for preliminary approval for non-traditional purpose bonds (as previously defined by State Bond Commission rules) shall be assessed an application fee of \$1500 which shall be submitted prior to the deadline for filing the application. In addition, an amount equal to $\frac{1}{8}$ of 1 percent of the face amount of the bonds to be issued for the respective project must be remitted within five days of the closing of said bonds. However, this rule shall not apply to such applications where security for the indebtedness or evidence thereof consists of, in whole or in part, tax revenues or the full faith and credit of the state or any of its departments, agencies or any of its political subdivisions."

Annette R. Seng
Director and Secretary

These amendments will not have any fiscal impact that will directly affect any individual or non-governmental group.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These amendments will not have any impact that will effect competition or employment.

Richard Allen
Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Marketing State Market Commission

Farm Youth Loan Program

In accordance with the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:543, the Department of Agriculture and Forestry, State Market Commission, is hereby giving notice of its intention to adopt the amendments detailed below. All comments should be forwarded to Frank Millican, Office of Marketing, Box 44184, Baton Rouge, LA 70804. Comments will be accepted in writing through September 11, 1986.

Amend LAC 7:V.3103 to read as follows: §3103. Applicant Eligibility Requirements

A. The applicant must be a resident of Louisiana and between 10 and 20 years of age, i.e., already having had a tenth birthday but not yet having a twentieth birthday.

B. The applicant must be a member in good standing of any 4-H Club, Future Farmers of America, Future Homemakers of America organization, or any other farm youth organization functioning within the state school system.

C. The applicant must present a signed statement from the recommending supervisor of the project and/or the school principal, that the applicant's scholastic work is satisfactory.

D. The applicant must present a signed statement by the recommending supervisor of the project that in his opinion the applicant has a need for the loan.

E. The applicant must present a signed statement by the recommending supervisor that he is a member in good standing of a farm youth organization recognized by the commission and that (1) the project for which the loan will be used will be closely supervised by the recommending supervisor; (2) the applicant is eligible for the loan; and (3) the loan is recommended.

F. The applicant must present a signed statement by his parents or guardian that they approve of his participation in the Farm Youth Loan Program and will fully cooperate with the supervisor of the project and the Market Commission.

G. The applicant must clearly demonstrate to the commission that the project for which the loan will be used will generate adequate funds to pay back the loan according to the terms of the loan.

H. The applicant must establish a checking or savings account at a bank of his choice for the purpose of receiving and disbursing loan funds to be used for the purposes of the loan.

I. The checking or savings account must require joint signatures of the applicant and project supervisor for the withdrawal of funds to be used to pay expenses incurred by the project.

Amend LAC 7:V.3109 to read as follows: §3109. Conditions for Approval of Application for Farm Youth Loans and Loan Guarantees

A. The applicant must meet all criteria for eligibility set forth in LAC 7:V.3103.

B. The loan shall have a maximum term of five years.

C. The loan shall not exceed a maximum of \$3,000.

D. In the case of a guaranteed loan, the guarantee shall not exceed 75 percent of the sums, in principal and interest, due and payable under the mortgage or crop lien securing the loan.

E. The interest rate on any direct loan shall not exceed the interest rate charged by the Farmer's Home Administration on youth project loans.

F. The interest rate on any guaranteed loan shall not exceed the average prevailing rate of interest on farm loans made by banks, financial institutions or federal agencies in the community where the loan is made.

G. The cumulative amount which can be loaned to any family shall not exceed \$5,000.

Amend LAC 7:V.3115 to read as follows:

§3115. Conditions for Disbursement of Loan Proceeds to the Borrower

A. Prior to disbursement of loan funds all legal instruments must be examined and approved by the department attorney.

B. On the date of disbursement of loan proceeds, the borrower must execute a note secured by a chattel mortgage or crop lien payable to the Market Commission setting forth the terms and conditions under which the loan will be repaid. The parent/guardian will be required to cosign on the note.

C. On the date of disbursement of loan proceeds the borrower must execute a chattel mortgage or crop lien payable to the Market Commission, which instrument shall contain, but not be limited to, the following:

1. the amount loaned;
2. the rate of interest;
3. the repayment schedule;
4. description of items offered as security;
5. provision for executory process; and
6. provision for payment of all costs of foreclosure, including attorney's fees at 25 percent of the principal balance and interest accrued at foreclosure.

D. The commissioner of agriculture or his designee, as official representative of the State Market Commission, shall execute all necessary legal instruments at the time of the disbursement of loan proceeds.

E. The disbursement of loan proceeds shall be by check and shall be deposited into the bank account number on behalf of the borrower as designated on the loan application.

F. No loan for the purchase of livestock shall be funded until the following documents are forwarded to the department:

1. a health certificate issued by a licensed veterinarian certifying that the livestock to be purchased is sound, healthy, and free from all diseases; and
2. a copy of the invoice for the purchase of said livestock.

Bob Odom
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Farm Youth Loan Program

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

These amendments will not require any implementation costs.

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

The amendment requiring parent/guardian to cosign

note would help to reduce the number of uncollectible receivables.

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

One amendment would require the parent/guardian of the applicant to cosign the note in an effort to reduce the number of uncollectible notes receivables.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These amendments will not have any impact on competition and employment.

Richard Allen
Assistant Commissioner

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Commerce
Office of Commerce and Industry

New Corporate Headquarters Tax Equalization Program
R.S. 47:3201-3206

The Finance Division of the Office of Commerce and Industry advertises its intent to adopt the following rules for administering the New Corporate Headquarters Tax Equalization Program. The proposed rules also implement the fee schedule authorized by Act 684 of the 1986 Legislative Session.
Rules/Regulations

Rule 1. Use of Louisiana Contractors, Labor and Suppliers

The Board of Commerce and Industry requires manufacturers and their contractors to give preference and priority to Louisiana manufacturers and, in the absence of Louisiana manufacturers, to Louisiana suppliers, contractors, and labor, except where not reasonably possible to do so without added expense or substantial inconvenience or sacrifice in operational efficiency. In considering applications for tax exemption, special attention will be given to those applicants agreeing to use, purchase and contract for machinery, supplies, and equipment manufactured in Louisiana, or in the absence of Louisiana manufacturers, sold by Louisiana residents, and the use of Louisiana contractors and labor in the construction and operation of proposed tax exempt facilities. It is a legal and moral obligation of the manufacturers receiving exemptions to favor Louisiana manufacturers, suppliers, contractors, and labor, all other factors being equal.

Rule 2. Application Process

(a) Not later than 90 days prior to the formal relocation announcement, an "Advance Notification" of intent to file for the New Corporate Headquarters Tax Equalization Program must be filed with the Department of Commerce, Office of Commerce and Industry. An advance notification fee of \$100 shall be submitted with the prescribed advance notification form.

(b) Within 31 days after the formal relocation announcement, the Office of Commerce and Industry will review the advance notification. If it appears the applicant qualifies for tax equalization, the Office of Commerce and Industry will furnish application forms to the applicant. The applicant must file the application with the Office of Commerce and Industry, Box 94185, Baton Rouge, LA 70804-9185 within 90 days after receipt of the forms.

(c) An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000

Fee Amount	Range of Taxes to be Exempted
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

(d) The Board of Commerce and Industry shall review any recommendations for exemptions made by the Office of Commerce and Industry. The Board shall take the number of jobs to be created into consideration in making its recommendation to the Board of Tax Appeals. All Commerce and Industry Board action on applications will be made at regularly scheduled meetings. If the Board of Commerce and Industry concurs in the recommendation it shall forward the recommendation together with all supporting documents to the Board of Tax Appeals.

(e) Upon receipt of any such recommendation the Board of Tax Appeals shall notify the Department of Revenue of said recommendation and shall make available to the Department of Revenue the application and all supporting documents.

(f) The Department of Revenue and Taxation shall, within ten days after receipt of the notice, file in writing with the Board of Tax Appeals any objections it has to granting the exemption.

(g) The Board of Commerce and Industry, after review by the Board of Tax Appeals and with the approval of the governor, may enter into a contract with the new corporate establishment.

Rule 3. Eligibility

To be eligible for consideration under this program, the corporate headquarters must be new to the state or have the written approval of its competitors in order to apply for consideration for this program. The Standard Industrial Classification codes will be used to determine the competitive companies.

A new corporate headquarters establishment at the time it is locating in Louisiana, must either be located in another state or be contemplating locating in another state which has equivalent or comparable advantages as exist at the particular area in Louisiana at which such establishment is locating.

The state in which establishment is located or is contemplating locating must have a state, parish (county) and local taxing structure which offers a greater franchise tax advantage to such establishment than does the taxing structure of Louisiana.

Rule 4. Certification of Sites

The chief financial officer of the applicant company requesting tax equalization under this program must certify in writing the total estimated site costs for each site under consideration.

Rule 5. Certification of State Taxes

A certified estimate of the state franchise taxes, and the method of computation, covering the first five years of operations must be filed for each site under construction.

Rule 6. Method of Computation

Louisiana Corporate Franchise taxes shall be computed for a period of five years and compared to the total taxes for the similar period for the competing sites. If the Louisiana site is at a tax disadvantage, then the Louisiana taxes will be adjusted to eliminate this difference in the shortest practical time.

Rule 7. Contract Period

Maximum length of time for a given contract is five years. However, one additional five year contract can be negotiated for

a total of ten years.

Rule 8. Affidavit of Final Cost

Within six months after construction has been completed, the owner of the new corporate headquarters establishment shall file on the prescribed form an affidavit of final cost showing complete cost of the project, together with a fee of \$100 for an inspection which will be conducted by the Office of Commerce and Industry.

Rule 9. Contract Renewals

Not more than one year prior to the expiration of a contract and not less than six months prior to the expiration, a company wishing an additional five year contract period shall file with the Board of Commerce and Industry the information required in Rules 3 and 4 regarding certification of taxes. A \$100 filing fee must accompany the required information.

Rule 10. Violation of Contract

The Board of Commerce and Industry or its designated representative shall verify all items filed by the applicant company. On the Board's initiative, or whenever any written complaint or violation of terms of the contract is received, the Board shall cause to be made a full investigation on its behalf. If the investigation substantiates a violation, the Board may formally request of the Louisiana Tax Commission termination of the contract.

Public comments on the proposed rules will be heard at the Board of Commerce and Industry meeting on August 26, 1986 in the Mineral Board Hearing Room, Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. The Board meeting begins at 1:30 p.m. and the hearing on the rules will commence after the Board of Commerce and Industry completes its regularly scheduled business. Written comments may be submitted until September 8, 1986 to Robert Paul Adams, Box 94185, Baton Rouge, LA 70804-9185.

Robert Paul Adams
Director

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

Rule Title: Corporate Headquarters Tax Equalization

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

Implementation cost and administration will require two new positions which will be funded by the fees generated. The two positions, plus operating services and supplies, and equipment are detailed on the 10 Year Program Fiscal Impact Statement. There will be no fiscal impact to local governing units.

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

One contract has been issued for this program since it was created by amendment to the Tax Equalization statutes in 1985. No estimate is made for this program. There will be no fiscal impact to local government units.

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

The fees schedule will generate revenue from advance notification, application, or affidavit of final cost, paid by the business establishment applying for and benefiting from the incentive program applied for. Fees will be used to offset administration of the various incentive programs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

All businesses which comply with the program rules for

the New Corporate Headquarters Tax Equalization Program are eligible. The incentive programs administered by the Finance Division of the Office of Commerce and Industry are designed to encourage economic development and to create new employment.

Robert Paul Adams
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Enterprise Zone Program
R.S. 51:1781-1790

The Finance Division of the Office of Commerce and Industry advertises its intent to adopt the following changes to the rules for administering the Louisiana Enterprise Zone Program. The proposed rules implement the fee schedule authorized by Act 684 of the 1986 Legislative Session as well as amending filing requirements for the application and annual certification report.

Rules 1-8. No change.

Rule 9. Filing of Applications

(a) A notification of intent shall be filed at least 90 days prior to the beginning of construction. An advance notification fee of \$100 shall be submitted with the prescribed advance notification form.

(b) Application for tax exemption must be filed with the Office of Commerce and Industry, Box 94185, Baton Rouge, Louisiana, 70804-9185 on the form prescribed within a minimum of six months after the beginning of construction and/or not later than three months before completion of construction or the beginning of operations, whichever occurs first.

The phrase "beginning of construction" shall mean the first day on which foundations are started, or, where foundations are unnecessary, the first day on which installation of the facility begins.

(c) An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

(d) Within six months after construction has been completed, the owner of the establishment shall file on the prescribed form an affidavit of final cost showing complete cost of the project, together with a fee of \$100 for the plant inspection which will be conducted by the Office of Commerce and Industry.

Upon request by the Office of Commerce and Industry, a map showing the location of all facilities exempted in the project will be submitted in order that the exempted property may be clearly identifiable.

(e) The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

(f) Applications must be submitted to the Office of Commerce and Industry at least 60 days prior to the Board of Commerce and Industry meeting where it will be heard.

(g) The business applicant proposing a project with a construction period greater than two years must file a separate application for each construction phase. The business applicant must comply with Rule 18 requiring the creation of new permanent jobs on each application he files on the project. An application fee shall be submitted with each application filed based on the fee schedule in (c) above.

(h) The Office of Commerce and Industry is authorized to grant a six month extension for filing of the tax exemption application. The Board of Commerce and Industry must approve further extensions. The request for extension must be in writing and must state why the extension is required.

Rules 10-15. Unchanged

Rule 16. Affidavits Certifying Eligibility Filed Annually

On January 15 of each year subsequent to the commencement of operations of the new business or expansion, the business will file an affidavit, on the form prescribed, certifying that the business still qualifies under Rule 4 or 5. If the affidavit shows the business no longer qualifies under Rule 4 or 5, the Board of Commerce and Industry shall cancel the contract and no further exemptions will be granted. The Department of Commerce will notify the Department of Revenue and Taxation within 30 days after revocation of a contract.

Rules 17-20. Unchanged

Rule 21. Delete - Deals with areawide review board/clearinghouse of alternative designations

Rule 22. Alternative Designation of Enterprise Zone (Becomes Rule 21)

The alternative designation of an enterprise zone will be on a one time basis only, unless there are extenuating circumstances which must have prior approval of the Board of Commerce and Industry. A local governing authority shall be limited to 10 percent of the total number of originally qualified enumeration districts to be exchanged unless there are extenuating circumstances which must have prior approval of the Board of Commerce and Industry. A local governing authority requesting an alternative designation must provide valid reasons for requesting the exchange.

In order for an applicant to meet the requirements of Rule 4, those employees who live in an enterprise zone which was deleted by virtue of alternative designation shall qualify for the 35 percent residency requirement.

Rules 23-25. Becomes Rules 22-24.

Public comments on the proposed rules will be heard at the Board of Commerce and Industry meeting on August 26, 1986 in the Mineral Board Hearing Room, Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. The Board meeting begins at 1:30 p.m. and the hearing on the rules will commence after the Board of Commerce and Industry completes its regularly scheduled business. Written comments may be submitted until September 8, 1986 to Robert Paul Adams, Box 94185, Baton Rouge, LA 70804-9185.

Robert Paul Adams
Director

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation cost and administration will require two

new positions which will be funded by the fees generated. The two positions, plus operating services and supplies, and equipment are detailed on the 10 Year Program Fiscal Impact Statement. There will be no fiscal impact to local governing units.

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

A revenue increase to agency self generated funds is estimated at \$22,473 for Fiscal Year 1986-87; \$36,291 for Fiscal Year 1987-88; and, \$39,395 for Fiscal Year 1988-89 for the Enterprise Zone Program. There will be no fiscal impact to local government units.

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

The fees schedule will generate revenue from advance notification, application or affidavit of final cost, paid by the business establishment applying for and benefiting from the incentive program applied for. Fees will be used to offset administration of the various incentive programs.

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

All businesses which comply with the program rules for the Enterprise Zone Program are eligible. The incentive programs administered by the Finance Division of the Office of Commerce and Industry are designed to encourage economic development and to create new employment.

Robert Paul Adams
Director

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Department of Commerce
Office of Commerce and Industry
Industrial Tax Equalization Program
R.S. 473201-3206**

The Finance Division of the Office of Commerce and Industry advertises its intent to adopt the following rules for administering the Louisiana Industrial Tax Equalization Program. The proposed rules also implement the fee schedule authorized by Act 684 of the 1986 Legislative Session.

Rule 1. Use of Louisiana Contractors, Labor and Suppliers

The Board of Commerce and Industry requires manufacturers and their contractors to give preference and priority to Louisiana manufacturers and, in the absence of Louisiana manufacturers, to Louisiana suppliers, contractors, and labor, except where not reasonably possible to do so without added expense or substantial inconvenience or sacrifice in operational efficiency. In considering applications for tax exemption, special attention will be given to those applicants agreeing to use, purchase and contract for machinery, supplies, and equipment manufactured in Louisiana, or in the absence of Louisiana manufacturers, sold by Louisiana residents, and the use of Louisiana contractors and labor in the construction and operation of proposed tax exempt facilities. It is a legal and moral obligation of the manufacturers receiving exemptions to favor Louisiana manufacturers, suppliers, contractors, and labor, all other factors being equal.

Rule 2. Application Process

(a) Not later than 90 days prior to the formal plant announcement, an "Advance Notification" of intent to file for Industrial Tax Equalization must be filed with the Department of Commerce, Office of Commerce and Industry. An advance notification fee of \$100 shall be submitted with the prescribed advance notification form.

(b) Within 31 days after the formal plant announcement, the Office of Commerce and Industry will review the advance notification. If it appears the applicant qualifies for industrial tax equalization, the Office of Commerce and Industry will furnish application forms to the applicant. The applicant must file the application with the Office of Commerce and Industry, Box 94185, Baton Rouge, LA 70804-9195 within 90 days after receipt of the forms.

(c) An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

(d) The Board of Commerce and Industry shall review any recommendations for exemptions made by the Office of Commerce and Industry. The board shall take the number of jobs to be created into consideration in making its recommendation to the Board of Tax Appeals. All Commerce and Industry Board action on applications will be made at regularly scheduled meetings. If the Board of Commerce and Industry concurs in the recommendation it shall forward the recommendation together with all supporting documents to the Board of Tax Appeals.

(e) Upon receipt of any such recommendation the Board of Tax Appeals shall notify the Department of Revenue of said recommendation and shall make available to the Department of Revenue the application and all supporting documents.

(f) The Department of Revenue and Taxation shall, within 10 days after receipt of the notice, file in writing with the Board of Tax Appeals any objections it has to granting the exemption.

(g) The Board of Commerce and Industry, after review by the Board of Tax Appeals and with the approval of the governor, may enter into a contract with the new manufacturing establishment.

Rule 3. Eligibility

To be eligible for consideration under this program, the manufacturing operation must be new to the state or have the written approval of its competitors in order to apply for consideration for this program. The Standard Industrial Classification codes will be used to determine the competitive industries.

A new manufacturing establishment at the time it is locating in Louisiana, must either be located in another state or be contemplating locating in another state which has equivalent or comparable advantages as exist at the particular area in Louisiana at which such establishment is locating.

The state in which establishment is located or is contemplating locating must have a state, parish (county) and local taxing structure which offers a greater tax advantage to such establishment than does the taxing structure of Louisiana.

Rule 4. Certification of Sites

The chief financial officer of the applicant company requesting Tax Equalization under this program must certify in writing the following estimated costs for each site under consideration:

- (a) Plant Construction Cost
- (b) Annual Labor Cost
- (c) Annual Raw Materials Cost
- (d) Annual Transportation Cost
- (e) Annual Power Cost
- (f) Site Cost

Rule 5. Certification of State Taxes

A certified estimate of the following state taxes, and the method of computation, covering the first five years of operations (including construction period) must be filed for each site under consideration:

- (a) State Sales/Use Tax
- (b) State Corporate Income Tax
- (c) State Corporate Franchise Tax
- (d) State Ad Valorem Property Tax (if any)
- (e) State Inventory Tax (if any)

Additional applicable state taxes must be included and comparable information is to be listed for all proposed sites.

Rule 6. Certification of Local Taxes

A certified estimate of the following local taxes covering the first five years of operations (including construction period) must be filed for each site under consideration:

- (a) Local Sales/Use Tax
- (b) Local Ad Valorem Property Tax
- (c) Local Inventory Tax

Additional applicable local taxes must be included and comparable information is to be listed for all proposed sites.

Rule 7. Method of Computation

Total Louisiana taxes (state and local) shall be computed for a period of five years (including construction period) and compared to the total taxes for the similar period for the competing sites. If the Louisiana site is at a total tax disadvantage, then the appropriate Louisiana taxes will be adjusted to eliminate this difference in the shortest practical time.

Rule 8. Contract Period

Maximum length of time for a given contract is five years (including construction period). However, one additional five-year contract can be negotiated for a total of 10 years.

Rule 9. Affidavit of Final Cost

Within six months after construction has been completed, the owner of the new manufacturing establishment shall file on the prescribed form an affidavit of final cost showing complete cost of the project, together with a fee of \$100 for the plant inspection which will be conducted by the Office of Commerce and Industry.

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

Rule 10. Affidavit of Final Cost

Within six months after construction has been completed, an "affidavit of final cost" showing complete cost of the exempted project shall be filed on the prescribed form together with a fee of \$100 for the inspection which will be conducted by the Office of Commerce and Industry.

Public comments on the proposed rules will be heard at the Board of Commerce and Industry meeting on August 26, 1986 in the Mineral Board Hearing Room, Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. The Board meeting begins at 1:30 p.m. and the hearing on the rules will commence after the Board of Commerce and Industry completes its regularly scheduled business. Written comments may

be submitted until September 8, 1986 to Robert Paul Adams, Box 94185, Baton Rouge, LA 70804-9185.

Robert Paul Adams
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Industrial Tax Equalization**

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

Implementation cost and administration will require two new positions which will be funded by the fees generated. The two positions, plus operating services and supplies, and equipment are detailed on the 10-Year Program Fiscal Impact Statement. There will be no fiscal impact to local governing units.

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

Four contracts were entered into for this program since reenactment in 1976. Presently there are no applications pending. Therefore no estimates are made for this program. There will be no fiscal impact to local government units.

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

The fees schedule will generate revenue from advance notification, application, or affidavit of final cost, paid by the manufacturing establishment applying for and benefiting from the incentive program applied for. Fees will be used to offset administration of the various incentive programs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

All manufacturers which comply with the program rules for the Industrial Tax Equalization Program are eligible. The incentive programs administered by the Finance Division of the Office of Commerce and Industry are designed to encourage economic development and to create new employment.

Robert Paul Adams
Director

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Department of Commerce
Office of Commerce and Industry**

Industrial Tax Exemption Program
Article VII, Part II Section 21F of the
Louisiana Constitution of 1974

The Finance Division of the Office of Commerce and Industry advertises its intent to adopt the following changes to the rules for administering the Industrial Tax Exemption Program. The proposed rules implement the fee schedule authorized by Act 684 of the 1986 Legislative Session.

Note: Rule 2 applies to all applications other than those covered in Rule 3.

Rule 2. Time Limits for Filing of Applications

(a) An advance notification of intent to apply for tax exemption must be filed with the Office of Commerce and Industry on the prescribed form at least 90 days prior to the beginning of construction or installation of facilities. An advance notification fee of \$100 shall be submitted with the form.

(b) Application for tax exemption must be filed with the Office of Commerce and Industry on the form prescribed within a minimum of six months after the beginning of construction and/or not later than three months before completion of construction or the beginning of operations, whichever occurs first. An application fee shall be submitted with the application based on the following range of taxes to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

(c) The phrase "beginning of construction" shall mean the first day on which foundations are started, or, where foundations are unnecessary, the first day on which installation of the facility begins.

A cutoff date for processing applications to be considered for tax exemptions is four weeks prior to board meetings. The Assistant Secretary of Commerce and Industry is authorized, at his discretion, to accept certain applications beyond this date.

Rule 3. Miscellaneous Capital Additions

Tax exemption applications on miscellaneous capital additions totaling less than \$3,000,000 may be filed in the following manner:

(a) Capital additions totaling less than \$3,000,000 in one calendar year.

Not later than March 31 of each year, applications for tax exemption shall be filed on the prescribed form with the Office of Commerce and Industry, listing the nature, the date and the amount of miscellaneous capital additions completed during the preceding calendar year, and deduction therefrom such replacements made, if any, at their original cost. Such amounts shall be clearly identifiable on the records of the manufacturer. An application fee shall be submitted with the application based on the following range of taxes to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

Since the assessment date for Orleans Parish is August 1, applications for tax exemption on miscellaneous capital additions in Orleans Parish should be filed not later than October 31 and

should cover items completed since August 1 of the preceding year.

(b) Capital additions reaching an accumulated total of \$3,000,000 during the calendar year.

Application for tax exemption on the prescribed forms must be filed with the Office of Commerce and Industry whenever miscellaneous capital additions on which exemption is to be requested reach an accumulated amount of \$3,000,000. An application fee shall be submitted with the application based on the following range of taxes to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

Rule 14. Affidavit of Final Cost

Within six months after construction has been completed, the owner of a manufacturing establishment shall file on the prescribed form an Affidavit of Final Cost showing complete cost of the exempted project. A fee of \$100 shall be filed with the Affidavit of Final Cost for an on-site inspection that will be conducted by a representative of the Office of Commerce and Industry. Upon request by the Office of Commerce and Industry, a map showing the location of all facilities exempted in the project will be submitted in order that the exempted property may be clearly identifiable.

Rule 17. Changes in Tax Exemption Contract

The Office of Commerce and Industry is to be notified immediately of any change which affects the tax exemption contract. This includes any changes in the ownership or operational name of a firm holding a tax exemption contract, the retirement of any portion of exempt equipment or the abandonment of operations. Failure to report can constitute a breach of contract.

Public comments on the proposed rules will be heard at the Board of Commerce and Industry meeting on August 26, 1986, in the Mineral Board Hearing Room, Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. The board meeting begins at 1:30 p.m. and the hearing on the rules will commence after the Board of Commerce and Industry completes its regularly scheduled business. Written comments may be submitted until September 8, 1986, to Robert Paul Adams, Box 94185, Baton Rouge, LA 70804-9185.

Robert Paul Adams
Director

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

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

Implementation cost and administration will require two new positions which will be funded by the fees generated. The two positions, plus operating services and supplies, and

equipment are detailed on the 10 Year Program Fiscal Impact Statement. There will be no fiscal impact to local governing units.

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

Only three contracts have been entered into for this program since it was reenacted in 1982. Therefore no estimates are made for this program. There will be no fiscal impact to local government units.

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

The fees schedule will generate revenue from advance notification, application, or annual audit, paid by the manufacturing establishment applying for and benefiting from the incentive program applied for. Fees will be used to offset administration of various incentive programs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

All manufacturers which comply with the program rules for the Industry Assistance Program are eligible. The incentive programs administered by the Finance Division of the Office of Commerce and Industry are designed to encourage economic development and to create new employment.

Robert Paul Adams
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Office of Commerce and Industry
Department of Commerce**

Industry Assistance Program
R.S. 47:4301-4306

The Finance Division of the Office of Commerce and Industry advertises its intent to adopt the following changes to the rules for administering the Industry Assistance Program. The proposed rules implement the fee schedule authorized by Act 684 of the 1986 Legislative Session.

Rule 3. How to Apply

(a) An "Advance Notification" of intent to file for Industry Assistance shall be filed by the company at least 90 days prior to filing an application. An advance notification fee of \$100 shall be submitted with the prescribed advance notification form.

(b) Application to the Board of Commerce and Industry for the Industry Assistance Program must be filed with the Office of Commerce and Industry, Box 94185, Baton Rouge, LA 70804-9185 on the form prescribed, along with the required "additional information."

(c) An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially re-

ceived and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

(d) Application must be accompanied by five years of comprehensive financial statements, prepared in accordance with generally accepted accounting principles; and, which contains relevant information that will support the application justification. The justification should refer to qualitative as well as quantitative information contained in the financial statements which can materially demonstrate the need for the program benefits, and the resulting cost/impact benefits to the state.

Qualitative information should provide explanation about: economic resources, the sources of prospective cash inflows; obligations to transfer economic resources to others, the causes of prospective cash outflows; and earnings, the financial results of operations and other events and conditions that affect the enterprise.

Rule 10. Contract Subject to Annual Audit and Review

The contractee will be subject to an annual audit by the Finance Division of the Office of Commerce and Industry. The company will receive notice of the annual review 45 days in advance. A review fee of \$100 must be returned and received 15 days prior to the appointment date of the annual review.

The contract will be reviewed annually by both the Board of Commerce and Industry and the Joint Legislative Committee of the Budget. Should the audit or review uncover a violation of the contract, the Board of Commerce and Industry, with the approval of the Governor and the Joint Legislative Committee of the Budget, shall give notice, thereof, in writing, and unless the violation is corrected within 90 days, any remaining portion of the exemption from taxation granted under any contract entered into under this statute may be cancelled. The contract may also be cancelled if the contractee can no longer demonstrate a need for the exemption.

Public comments on the proposed rules will be heard at the Board of Commerce and Industry meeting on August 26, 1986 in the Mineral Board Hearing Room, Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. The Board meeting begins at 1:30 p.m. and the hearing on the rules will commence after the Board of Commerce and Industry completes its regularly scheduled business. Written comments may be submitted until September 8, 1986 to Robert Paul Adams, Box 94185, Baton Rouge, LA 70804-9185.

Robert Paul Adams
Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Industry Assistance Program

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

Implementation cost and administration will require two new positions which will be funded by the fees generated. The two positions, plus operating services and supplies, and equipment are detailed on the 10 Year Program Fiscal Impact Statement. There will be no fiscal impact to local governing units.

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

Only three contracts have been entered into for this program since it was reenacted in 1982. Therefore no estimates are made for this program. There will be no fiscal impact to local government units.

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

The fees schedule will generate revenue from advance notification, application, or annual audit, paid by the manufacturing establishment applying for and benefiting from the incentive program applied for. Fees will be used to offset administration of various incentive programs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

All manufacturers which comply with the program rules for the Industry Assistance Program are eligible. The incentive programs administered by the Finance Division of the Office of Commerce and Industry are designed to encourage economic development and to create new employment.

Robert Paul Adams
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Commerce Office of Commerce and Industry

The proposed rule concerning the Local Economic Development Support Fund can be read in its entirety in this issue of the Louisiana Register as an Emergency Rule

William T. Hackett
Assistant Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Urban & Rural Organizations

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

An appropriation of \$950,000 was made to the Local Economic Development Support Program from the monies dedicated to economic development under the vendor's compensation legislation. The program monies are capped at \$1,500,000 as sales tax revenues warrant.

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

No short term effects are estimated. Enhanced retail sales due to stronger economic development efforts at the sub state level would increase sales tax revenues over the longer term.

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

Stronger economic development efforts at the local level will increase the number of jobs created.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Employment should increase as a result of more concentrated economic development efforts.

Nadia Goodman
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Commerce Office of Commerce and Industry

Louisiana Capital Companies Tax Credit Program
R.S. 51:1921-1931

The Finance Division of the Office of Commerce and Industry advertises its intent to adopt the following changes to the rules for administering the Louisiana Capital Companies Tax Credit Program. The proposed rules implement the fee schedule authorized by Act 684 of the 1986 Legislative Session.

The rules are also amended to reflect changes to R.S. 51:1924 (B) and 1926(C) to provide for a change in the amount of capitalization required for certification; and, to increase the percentage of equity investment which may be made by certified capital companies as provided by Act 695 of the 1986 Legislative Session.

Rule 4. The Tax Credit For An Eligible Individual

The credit shall be calculated by the department as 35 percent of the person's paid in cash at the time of certification. The value of property or services contributed shall not be included for purposes of determining the credit. Said certified company's initial capitalization shall be two hundred thousand dollars or more, up to a total of \$20 million. Credits granted under this rule shall not be transferable.

Rule 6. Notice of Intent

An "Advance Notification" of intent to seek certification shall be filed by a capital company at least 90 days prior to filing an application. An advance notification fee of \$100 shall be submitted with the advance notification form.

Rule 7. Application Process

(1) A company organized and existing under the laws of Louisiana, created for the purpose of making venture or risk capital available for qualified investments as required in R.S. 51:1921 shall make written application for certification to the secretary of the Department of Commerce on application forms provided by the Office of Commerce and Industry.

(2) An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

(3) Said application shall be signed by a duly authorized officer, or partner, and contain the following information and evidence:

(a) The full legal name of the company.

(b) The address of the applicant's principal office in Louisiana.

(c) The names and respective addresses of the applicant's directors and officers or general and managing partners including street number in any city or town, state and zip code.

(d) A certified copy of the certificate of incorporation, and articles of incorporation, or a certified copy of the certificate of formation of a limited partnership, or trust documents, or

other evidence that the company is organized and existing under the laws of Louisiana, as required by the Secretary of State.

(e) Information and evidence that the applicant's purpose is to encourage and assist in the creation, development, and expansion of Louisiana businesses and to provide maximum opportunities for the employment of Louisiana residents, by making venture or risk capital available to Louisiana businesses.

(f) Information and evidence that the applicant has filed with the Louisiana Securities Commission a disclosure document and a consent to service of process as required by R.S. 51:701-720 or information and evidence that the applicant has registered the securities offering pursuant to the Louisiana Securities Act or information and evidence that the securities offering is exempt from registration under the Securities Act et. seq. of Louisiana.

(g) Information and evidence that the applicant has disclosed or will disclose to all investors that a tax credit is not available for an investment in a company until the company has been designated a "certified" Louisiana capital company and the investor has received a certificate approving the credit from the secretary of the Louisiana Department of Commerce.

(h) Information and evidence that the applicant has disclosed or will disclose to all investors that a tax credit will not be made available until the company raises at least \$200,000 in equity capital and all statutory limits on tax credits are disclosed.

(i) Information and evidence that the applicant has disclosed or will disclose to all investors that the State of Louisiana is not liable for damages to an investor in a "certified" Louisiana capital company that fails to become designated as a "certified" Louisiana capital company.

(j) A statement that if the investors in the company or partnership receive a tax credit under Title 51, Chapter 26, then the company will use the capital base included by such tax credit to make qualified investments as required in R.S. 51:1926.

(k) A statement that the company will comply with all requirements of Title 51, Chapter 26, including the filing of quarterly reports of new investors and qualified investments that include the name of each investor in a "certified" Louisiana capital company who has applied for a tax credit, the amount of each investor's investment, the amount of tax credit allowed to the investor and the date on which the investment was made.

(4) Information stating the total capital account of the applicant and how the value has been determined and how the equity portion has been determined for both the period before July 1, 1984 and after.

(5) The form for applying to become a "certified" Louisiana capital company may be obtained from the Office of Commerce and Industry, Finance Division, Box 94185, Baton Rouge, Louisiana 70804-9185 and shall be filed at the same address.

(6) The time and date of filings shall be recorded at the time of filing in the office of the Finance Division and shall not be construed to be the date of mailing.

(7) The secretary of Commerce shall cause all applications to be reviewed by the department and designate those he determines to be complete. In the event that an application is deemed to be incomplete in any respect, the applicants will be notified within 15 days of receipt. An incomplete application shall be resubmitted, either in a partial manner or totally, as deemed necessary by the department.

(8) The submission of any false or misleading information in the application documents will be grounds for rejection of the application and denial of further consideration.

Rule 8. Requirements For Continuance Of Certification

The secretary shall conduct an annual review of each

“certified” Louisiana capital company to determine the company’s compliance with the requirements for continuance of certification.

The company will receive notice of the annual review 45 days in advance. A review fee of \$100 must be returned and received 15 days prior to the appointment date of the annual review.

C. No investment in equity may be made at a cost to a “certified” capital company of greater than 25 percent of the total assets under management of the “certified” capital company at the time of investment.

Rule 9. Decertification

(Delete the last sentence of paragraph (A) “The cost of the annual review. . .”)

Public comments on the proposed rules will be heard at the Board of Commerce and Industry meeting on August 26, 1986, in the Mineral Board Hearing Room, Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. The board meeting begins at 1:30 p.m. and the hearing on the rules will commence after the Board of Commerce and Industry completes its regularly scheduled business. Written comments may be submitted until September 8, 1986, to Robert Paul Adams, Box 94185, Baton Rouge, LA 70804-9185.

Robert Paul Adams
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Louisiana Capital Companies
Tax Credit Program**

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

Implementation cost and administration will require two new positions which will be funded by the fees generated. The two positions, plus operating services and supplies, and equipment are detailed on the 10 Year Program Fiscal Impact Statement. There will be no fiscal impact to local governmental units.

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

No applications have been received for this program to date. The 1986 Legislative Session passed Act 695 which changed the capitalization and investment requirements. It is expected that this program will become very active. However, since there has been no activity, no projection was made. There will be no fiscal impact to local government units.

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

The fees schedule will generate revenue from advance notification, application, and annual review, paid by the business establishment applying for and benefiting from the incentive program applied for. Fees will be used to offset administration of the various incentive programs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

All business which comply with the program rules for the Louisiana Capital Companies Tax Credit Program are eligible. The incentive programs administered by the Finance Division of the Office of Commerce and Industry are designed

to encourage economic development and to create new employment.

Robert Paul Adams
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Office of Commerce and Industry**

Restoration Tax Abatement Program
R.S. 47:4311-4319

The Finance Division of the Office of Commerce and Industry advertises its intent to adopt the following changes to the rules for administering the Restoration Tax Abatement Program. The proposed rules implement the fee schedule authorized by Act 684 of the 1986 Legislative Session.

Rule 1. Time Limits for Filing Application

(a) The applicant shall submit an “Advance Notification” on the prescribed form 90 days prior to the beginning of construction. An advance notification fee of \$100 shall be submitted with the advance notification form.

(b) Application for tax exemption must be filed with the Office of Commerce and Industry, Box 94185, Baton Rouge, Louisiana, 70804-9185 on the form prescribed within a minimum of six months after the beginning of construction and/or not later than three months before completion of construction or the beginning of operations, whichever occurs first.

The phrase “beginning of construction” shall mean the first day on which foundations are started, or, where foundations are unnecessary, the first day on which installation of the facility begins.

(c) An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of final cost to the applicant if the estimated exemption or the fee submitted are incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of final cost which have been accepted, will not be refundable.

Rule 10. Affidavit of Final Cost

Within six months after construction has been completed, an “affidavit of final cost” showing complete cost of the exempted project shall be filed on the prescribed form together with a fee of \$100 for the inspection which will be conducted by the Office of Commerce and Industry.

Public comments on the proposed rules will be heard at the Board of Commerce and Industry meeting on August 26, 1986 in the Mineral Board Hearing Room, Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. The Board meeting begins at 1:30 p.m. and the hearing on the rules will commence after the Board of Commerce and Industry completes its regularly scheduled business. Written comments may be submitted until September 8, 1986 to Robert Paul Adams, Box 94185, Baton Rouge, LA 70804-9185.

Robert Paul Adams
Director

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

Rule Title: Restoration Tax Abatement

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

Implementation cost and administration will require two new positions which will be funded by the fees generated. The two positions, plus operating services and supplies, and equipment are detailed on the 10 Year Program Fiscal Impact Statement. There will be no fiscal impact to local governing units.

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

A revenue increase to agency self generated funds is estimated at \$5,448 for Fiscal Year 1986-87; \$6,598 for Fiscal Year 1987-88; and \$7,163 for Fiscal Year 1988-89 for the Restoration Tax Abatement Program. There will be no fiscal impact to local government units.

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

The fees schedule will generate revenue from advance notification, application, or affidavit of final cost, paid by the business establishment applying for and benefiting from the incentive program applied for. Fees will be used to offset administration of the various incentive programs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

All businesses which comply with the program rules for Restoration Tax Abatement Program are eligible. The incentive programs administered by the Finance Division of the Office of Commerce and Industry are designed to encourage economic development and to create new employment.

Robert Paul Adams
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Office of Commerce and Industry**

Sales and Use Tax Exemption on Energy Conservation Property
R.S. 47:305.30

The Finance Division of the Office of Commerce and Industry advertises its intent to adopt the following changes to the rules for administering the Sales and Use Exemption on Energy Conservation Property Program. The proposed rules implement the fee schedule authorized by Act 684 of the 1986 Legislative Session.

Rule 8. Time Limits for Filing Application

(a) The applicant shall submit an "advance notification" on the prescribed form 90 days prior to the beginning of construction and the purchase of materials, machinery or equipment for qualifying projects. An advance notification fee of \$100 shall be submitted with the advance notification form.

(b) Application for tax exemption (refund) must be filed with the Office of Commerce and Industry, Box 94185, Baton Rouge, LA, 70804-9185 on the form prescribed within 30 days after the beginning of construction or installation.

The phrase "beginning of construction" shall mean the first day on which foundations are started, or, where foundations

are unnecessary, the first day on which installation of the facility begins.

(c) An application fee shall be submitted with the application based on the following range of taxes estimated to be exempted:

Fee Amount	Range of Taxes to be Exempted
\$200	\$1 to \$15,000
\$300	\$15,001 to \$50,000
\$400	\$50,001 to \$150,000
\$500	over \$150,000

The Office of Commerce and Industry reserves the right to return the advance notification, application, or affidavit of energy saved to the applicant if the fee submitted is incorrect. The document may be resubmitted with the correct fee. The document will not be considered officially received and accepted until the appropriate fee is submitted. Processing fees, for advance notifications, applications, or affidavits of energy saved which have been accepted, will not be refundable.

(d) After approval by the Board of Commerce and Industry, the effective date of the exemption (refund) shall be the date the advance notification form was received in the Office of Commerce and Industry.

(e) A cutoff date for processing applications to be considered for a particular board meeting is four weeks prior to that board meeting.

Rule 11. Affidavit of Energy Saved

Not later than 12 months after completion of a modification or replacement described in Rule 3(a), the applicant shall submit an Affidavit of Energy Saved on the prescribed form together with a fee of \$100 and such evidence as the board, in consultation with the Department of Natural Resources, shall require to establish to the satisfaction of the board that property on which sales and use tax has been exempt (refunded) is energy conservation property.

Public comments on the proposed rules will be heard at the Board of Commerce and Industry meeting on August 26, 1986, in the Mineral Board Hearing Room, Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. The board meeting begins at 1:30 p.m. and the hearing on the rules will commence after the Board of Commerce and Industry completes its regularly scheduled business. Written comments may be submitted until September 8, 1986, to Robert Paul Adams, Box 94185, Baton Rouge, LA 70804-9185.

Robert Paul Adams
Director

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

**Rule Title: Sales and Use Tax Exemption
on Energy Conservation**

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

Implementation cost and administration will require two new positions which will be funded by the fees generated. The two positions, plus operating services and supplies, and equipment are detailed on the 10-year program fiscal impact statement. There will be no fiscal impact to local governing units.

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

A revenue increase to agency self-generated funds is estimated at \$29,964 for fiscal year 1986-87: \$27,218, for fis-

cal year 1987-88; and, \$29,546, for fiscal year 1988-89 for the Sales and Use Tax Exemption on Energy Conservation Program. There will be no fiscal impact to local government units.

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

The fees schedule will generate revenue from advance notification, application, or affidavit of energy saved, paid by the manufacturing establishment applying for and benefiting from the incentive program applied for. Fees will be used to offset administration of the various incentive programs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

All manufacturers which comply with the program rules for the Sales and Use Tax Exemption on Energy Conservation Program are eligible. The incentive programs administered by the Finance Division of the Office of Commerce and Industry are designed to encourage economic development and to create new employment.

Robert Paul Adams
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Advanced Piano Instruction with Independent Studio Teachers

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 revised guidelines for high school credit for advanced piano instruction with independent studio teachers (Amendment to Bulletin 741). Complete text of the guidelines may be seen in the Office of the State Register or the office of the State Board of Elementary and Secondary Education.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., October 8, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Independent Instruction in Piano

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

Cost to State—\$400. To print guidelines; a one-time cost.

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

There will be no effect on revenue collections of state or local governmental units as a result of this rule change.

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

Examiners who meet the qualifications prescribed in the proposed rules will collect a \$10 fee from the student applying for high school credit for private instruction in piano at the end of a year's work.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment as a result of this rule change.

Joseph F. Kyle
Deputy Superintendent
for Management and Finance

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to 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:

Under System Policies, add Standard 1.105.00 to read:

"1.105.00 Each LEA shall adopt a written policy pertaining to the awarding of one-half unit of credit for all one-unit courses listed in the academic and vocational course offerings. Add in a procedural block "This policy shall be included in the Pupil Progression Plan of the LEA."

Under School Policies, reword procedural Block under Standard 2.105.00 to read:

"One-half unit of credit may be awarded by the school for all one-unit courses listed in the academic and vocational course offerings in accordance with the LEA policy."

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., October 8, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

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

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Amend Bulletin 741 Standard 2.105.00 and 1.105.00

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

There will be no costs involved in implementing this policy.

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

There will be no effect on revenue collections by implementing this policy.

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

There are no estimated cost or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Joseph F. Kyle
Deputy Superintendent
for Management and Finance

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amend Bulletin 1706, Part B, II-A

In accordance with R.S. 49:950 et. seq., The Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education suspended for one year, Part B, II-A Teacher Aides, in Bulletin 1706 (Regulations implementing R.S. 17-1941, et. seq. - Act 754) until such time as revisions in the regulations are proposed or funds are appropriated for this purpose.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., October 8, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Amend Bulletin 1706 Part B II-A

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

The Minimum Foundation Program (MFP) Equalization Distribution as presently approved includes the salary of one teacher aide for each gifted teacher in self-contained classrooms justified in Part B, I-A of Bulletin 1706. If the aides' positions in gifted self-contained classrooms are eliminated from the formula, the resulting savings to the MFP could be approximately \$668,000 (salaries and benefits). If Local Education Agencies eliminate these positions, the local salary supplement would not be paid. The 1986-87 MFP was reduced \$613,000 to eliminate funding for gifted teacher aides.

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

There would be no effect on revenue collections of state government. LEAs would not receive MFP funding for gifted teacher aides.

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

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Approximately 102 gifted teacher aides would not be funded through the MFP. LEAs would either provide local funding or eliminate the positions.

Joseph F. Kyle
Deputy Superintendent
for Management and Finance

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bus Transportation to
Vocational-Technical Schools

In accordance with R.S. 49:950 et. seq., The Administrative Procedure Act, notice is hereby given that the Board of Ele-

mentary and Secondary Education directed that if vocational-technical schools under its jurisdiction are going to supply bus transportation to students, the students will be charged an appropriate amount to cover all costs of operating a bus, effective July 15, 1986. (Also adopted as an emergency rule.)

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., October 8, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Bus Transportation for Vo-tech Students

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

There will be no implementation costs or savings as all revenue will be self generated.

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

There will be self-generated revenues of approximately \$165,000 collected from students riding 30 busses.

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

The only cost will effect students paying for their transportation.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Will have an effect on competition for employment for it is felt that many people will not be trained to enter the labor market.

Joseph F. Kyle
Deputy Superintendent
for Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Revised Curriculum Guides on
English Language Arts and Mathematics

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 revised Curriculum Guides on English Language Arts and Mathematics for K-12 and the revised Grade Level Standards as presented by the State Department of Education. Copies of the Guides and Standards may be seen at the Office of the State Register and at the State Board of Elementary and Secondary Education.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., October 8, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Standards and Curriculum
Guides for English Language Arts K-12
and Mathematics K-8**

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

The estimated cost for developing, piloting, printing, and implementing the three curriculum guides is as follows:

- 1986-87 - \$27,050 (printing of mathematics and English language arts standards and guides)
- \$26,750 (implementation workshop [5 regions])
- \$26,750 (reimbursement for meals and mileage)
- \$ 400 (coffee-\$16.00 per gallon, 5 gallons per workshop)

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 goal of the Competency-Based Education Program is to ensure that every student in the public elementary and secondary schools of the State has an opportunity to attain and to maintain skills that are considered essential to further learning and social functioning.

Costs involved include funds required to print standards and four curriculum guides for mathematics and English language arts.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on competition and employment in the public and private sectors is anticipated as a result of this rule.

Joseph F. Kyle
Deputy Superintendent
for Management and Finance

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Fees for Driver Education

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 will require the local school systems (public and nonpublic) to reimburse the State Department of Education for the overall costs of administering driver education courses. School systems will be assessed \$14.60 per student enrolled in driver education. This action is required by House Bill No. 372 (1986).

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., October 8, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Driver Education Reimbursement**

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

The 1986-87 budget for Driver Safety Education is \$338,201. Based on the projected number of participating students (22,508), the cost per student to be reimbursed by Local Education Agencies (LEAs) is estimated at \$14.60 per student.

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

If 22,508 students participate in driver education courses and the LEAs are assessed \$14.60 per student, then state revenue collections should increase approximately \$328,000.

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

LEAs may charge students participating in the program either all or part of the \$14.60 per student reimbursement.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment.

Joseph F. Kyle
Deputy Superintendent
for Management and Finance

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Elementary School Program of Studies
and Minimum Time Requirements

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 proposes to adopt the Interim Schedule for the Elementary Program of Studies and Minimum Time Requirements as follows:

Elementary School Program of Studies
and Minimum Time Requirements

Grades 1 through 8 shall adhere to the following minimum time requirements per subject area regardless of the organizational pattern of the school.

	GRADES 1, 2, and 3		REFER TO BULLETIN:
	PERIODS PER WEEK	MINIMUM TIME	
LANGUAGE ARTS	5	165	1588
MATHEMATICS	5	60	1609
SCIENCE AND SOCIAL STUDIES	5	45	1613 1601
HEALTH AND PHYSICAL EDUCATION	5	30	1596 1597
MUSIC, ARTS AND CRAFTS	5	30	1586 1591

330 minutes

English as a Second Language may be offered as a part of Language Arts.

The optional state funded foreign language program may be offered for a maximum of 30 minutes per day in the subject area(s) designated by the local school system.

An articulated elementary foreign language program for 30 minutes daily in Grades 4 through 6 shall be required for academically able students and shall be optional for all others.

An academically able student is defined as one who is functioning at grade level as determined by the local school system. For special education students identified in accordance with Bulletin 1508, Pupil Appraisal Handbook, the I.E.P. Committee shall determine the student's eligibility to receive foreign language instruction, provided the student is performing at grade level.

Implementation of the articulated foreign language program in grades 4 through 6 shall begin with grades 4 in school year 1985-86 and extend upward at least one grade each year.

GRADES 4, 5, and 6

	PERIODS PER WEEK	MINIMUM TIME	REFER TO BULLETIN:
LANGUAGE ARTS	5	120	1588
MATHEMATICS	5	60	1609
SOCIAL STUDIES	5	45	1601
SCIENCE	5	45	1613
HEALTH AND PHYSICAL EDUCATION	5	30	1596 1597
MUSIC, ARTS AND CRAFTS	5	30	1586 1591

330 minutes

English as a Second Language may be offered as a part of Language Arts.

The mandated foreign language program at grade 4 shall be offered for 30 minutes per day in the subject area(s) designated by the local school system, unless a waiver has been granted by the State Board of Elementary and Secondary Education.

The optional state funded foreign language program may be offered for a maximum of 30 minutes per day in the subject area(s) designated by the local school system.

An articulated elementary foreign language program shall be required in grades 7 and 8 for 150 minutes per week as a part of the Language Arts time for all academically able students, and shall be optional for all others.

An academically able student is defined as one who is functioning at grade level as determined by the local school system. For special education students identified in accordance with Bulletin 1508, Pupil Appraisal Handbook, the I.E.P. Committee shall determine the student's eligibility to receive foreign language instruction, provided the student is performing at grade level.

Implementation of the articulated foreign language program in grades 7 and 8 shall begin with grade 7 in 1987-88 and grade 8 in 1988-89.

**GRADES 7 and 8
(6-Period Day Option)**

	PERIODS PER WEEK	MINIMUM TIME	REFER TO BULLETIN:
LANGUAGE ARTS	5	110	1589
MATHEMATICS	5	55	1609
SOCIAL STUDIES (American Studies, Grade 7: La. Studies, Grade 8)	5	55	1604 1605
SCIENCE	5	55	1614 1643
HEALTH AND PHYSICAL EDUCATION OR HEALTH AND PHYSICAL EDUCA- TION AND ELECTIVES	5	55	1596 1597

330 minutes

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., October 8, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Schedule for Elementary
Program of Studies**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No implementation costs to state or local governmental units is anticipated.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No impact on state and local revenues would result.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
No costs and/or economic benefits is anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No estimated effects on competition and employment is anticipated.

Joseph F. Kyle
Deputy Superintendent
for Management and Finance

David W. Hood
Legislative Fiscal Analyst

**NOTICE OF INTENT
Board of Elementary and Secondary Education**

Extend Policy 3.01.70.v(37)

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 extended through July 1, 1987, Policy 3.01.70.v(37) for hiring full-time/part-time noncertified school personnel with the exception of speech, language and hearing specialists. (Also adopted as an Emergency Rule.)

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., October 8, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

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

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No implementation cost to the Department of Education is anticipated.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

(Summary)

This policy will have no effect on revenue collections.

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

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on employment and competition among certified teachers since the employing superintendent must verify that no certified teacher is available to fill the vacant position.

Joseph F. Kyle
Deputy Superintendent
for Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Extend Policy 3.01.70.v(22)

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 extended for the 1986-87 school year, Policy 3.01.70.v(22) for issuance of the Temporary Employment Permit. (Also adopted as an Emergency Rule)

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., October 8, 1986 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

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

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

**Rule Title: Extended Temporary Employment Policy
3.01.70.v(22)(2)**

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

The adoption of this policy will cost the Dept. of Education approximately \$25 for printing the temporary employment permits.

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

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

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

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Since many local school systems are experiencing difficulty in filling all vacancies in their schools, this should have

no effect on competition among teachers across the State.

Joseph F. Kyle
Deputy Superintendent
for Management and Finance

Mark C. Drennen
Legislative Fiscal Officer

**NOTICE OF INTENT
Division of Administration
State Purchasing**

In accordance with the provisions of R.S. 39:1561, the Division of Administration, State Purchasing, is hereby giving notice of its intention to adopt the following vendor subscription fees.

A yearly subscription fee of \$50 will be charged all vendors to become eligible to bid to the State of Louisiana. The fee covers the fiscal year period June through July and will not be prorated. Any fee paid where there is less than three months prior to expiration of current fiscal year will be carried over and given full year credit.

The \$50 fee entitles the vendor to be on the bid list for one fiscal year, automatically receive all State Purchasing bid solicitations in selected commodity categories, receive a "How to do Business With the State of Louisiana" Book and includes registration fees for Vendor Seminars.

Comments on the proposed rule should be forwarded in writing to Mr. Hugh M. Carleton, C.P.P.O., C.P.M., Director of State Purchasing, Box 94095, Baton Rouge LA. 70804-9095. Comments will be accepted until the close of business at 5 p.m. on September 19, 1986.

Stephanie Alexander
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: 39:1561**

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

There will be no implementation costs to any state or local governments. Existing staff will assume additional workload.

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

The proposed vendor subscription fee will generate an estimated \$330,000 annually. The funds will be used to furnish vendors a How to Do Business with the State of Louisiana Guide; fund vendor seminar registration and defray partial costs of the purchasing functions.

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

Currently there are 11,000 vendors on the bid list with State Purchasing. Projecting that 60 percent of these vendors would pay the \$50 Vendor Subscription Fee and remain bidders to the State funds will be generated in the

amount of \$330,000 annually. Should the percentage decrease or increase, the annual total will be adjusted accordingly.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition or employment.

Virgie O. LeBlanc
Deputy Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Embalmers and Funeral Directors**

The Department of Health and Human Resources, Board of Embalmers and Funeral Directors, in accordance with R.S. 37:840 gives notice that rulemaking procedures have been initiated to amend LAC 46: XXXVII.2303 to read as follows:

§2303. Penalty

“Whoever violates the provisions of these rules and regulations shall be fined not less than \$500 nor more than \$2,500 for each offense, plus costs of the court reporter and the attorney for the board.

If a firm or association violates the provisions of these rules and regulations, all members of the firm or association who knowingly violate said provisions shall be subject to the penalty. If a corporation violates said provisions, the members of the corporation who knowingly violate said provisions shall be subject to the penalty.”

Interested persons may comment on the proposed regulations in writing before close of business on September 5, 1986. Such comments should be addressed to Lloyd E. Eagan, secretary, State Board of Embalmers and Funeral Directors, Box 8757, Metairie, LA 70011.

Lloyd E. Eagan
Secretary

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

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

There will be no implementation costs (savings).

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

There will be no effect on revenue collections.

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

There will be no costs and/or economic benefits to any affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Lloyd E. Eagan
Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

In accordance with R.S. 49:950 et. seq., the Louisiana Administrative Procedure Act, and pursuant to authority granted under R.S. 37:3001 et. seq., the Louisiana Occupational Therapy Practice Act, the Louisiana State Board of Medical Examiners hereby gives notice of its intent to adopt rules governing the licensing and practice of occupational therapists and occupational therapy assistants in the state of Louisiana. The proposed rules are set forth below.

Interested persons may view and/or submit written comments on the rules to J. Morgan Lyons, M.D., Louisiana State Board of Medical Examiners, 830 Union Street, Suite 100, New Orleans, LA 70112-1499. Written comments must be received by September 15, 1986. These rules may also be viewed at the Office of the State Register, Fifth Floor, Capitol Annex Bldg., Baton Rouge, LA.

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

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

Rule Title: Occupational Therapy Licensing and Practice

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

None. The rules merely formalize an existing program of licensure for occupational therapists.

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

None. The rules will have no effect on revenues currently collected through the licensure of occupational therapists.

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

None. The rules will have no effect on fees currently charged for licensure.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that these rules and regulations, independently of the licensing law which they implement, will have a significant impact on competition or employment in the public or private sector.

Paula M. Mensen
Administrative Assistant

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana State Board of Medical Examiners, within the Department of Health and Human Resources, proposes to adopt, at its October, 1986 meeting, an amendment to its existing rules and regulations governing the licensing of physicians and surgeons. The proposed amendment, as set forth below, would increase annual license renewal fees to \$100 for physicians and surgeons licensed by the board.

§30.12 Annual Renewal

(a) For processing a licensee's annual renewal of a license under §3.43, a fee of \$100 shall be payable to the Board.

The proposed amendment, together with the existing rule which it would affect, will be made available for public inspection between the hours of 10 a.m. and 3 p.m. on working days at the board's offices, Suite 100, 830 Union Street, New Orleans, LA. Interested persons may submit comments, data, views or arguments, in writing, through September 15, 1986, to: J. Morgan Lyons, M.D., Secretary-Treasurer, Louisiana State Board of Medical Examiners, Suite 100, 830 Union Street, New Orleans, LA 70112-1499.

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

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

Rule Title: Physicians and Surgeons Amendments

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
None. The amendment only effects a license renewal fee increase and therefore there are no associated implementation costs (savings).
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The fee increase will increase revenue collections of the board by the following estimated amounts:

Fy 85-86	\$0
Fy 86-87	\$650,000
Fy 87-88	\$670,000
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The amendment will require physicians and surgeons licensed by the board to pay \$50 more for annual license renewal than what is required by existing rules and regulations of the board. The current annual license renewal fee is \$50. The proposed amendment would increase this fee to \$100.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
It is not anticipated that the proposed amendment, independent of the licensing law under which it is authorized, will have a significant impact on competition or employment in the public or private sector.

Paula M. Mensen
Administrative Assistant

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

In accordance with Louisiana Revised Statutes 49:950 et. seq., the Administrative Procedure Act, and pursuant to authority granted under R.S. 37:3351 et. seq., the Louisiana Respiratory Therapists Act, the Louisiana State Board of Medical Examiners hereby gives notice of its intent to adopt rules governing the licensing and practice of respiratory therapists and respiratory therapy technicians in the state of Louisiana. These proposed board rules will be adopted in the October, 1986 Board of Medical Examiners meeting.

Interested persons may view and/or submit written comments on the rules to J. Morgan Lyons, M.D., Louisiana State

Board of Medical Examiners, 830 Union Street, Suite 100, New Orleans, LA 70112, telephone (504) 524-6763. Written comments must be received by September 10, 1986. These rules may also be viewed at the Office of the State Register, 5th Floor, Capitol Annex Building, Baton Rouge, LA.

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

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

Rule Title: Respiratory Therapy

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The implementation of these rules and regulations will cause no additional costs to the Louisiana State Board of Medical Examiners.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rules and regulations will have no significant increase in revenues.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The proposed rules and regulations will have no effect on the estimated costs and/or economic benefits to affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
It is not anticipated that these rules and regulations, independently of the certification law which they implement, will have a significant impact on competition or employment in the public or private sector.

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

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Human Resources
Senior Citizens Trust Fund Board**

The Louisiana Senior Citizens Trust Fund Board proposes to adopt the following rule to establish the by-laws under which the board will function:

BY-LAWS

The Louisiana Senior Citizens Trust Fund Board is established in accordance with Act 847 of the 1984 Legislature.

The purpose of the Louisiana Senior Citizens Trust Fund Board is to determine the eligibility of programs to receive funding to be used solely for legal, medical and social programs designed to prevent the physical abuse and gross neglect of Louisiana residents who are 60 years of age and older. The fund consists of monies appropriated or otherwise made available by the legislature for that purpose, funds received from donations of income tax refunds pursuant to R.S. 47:120:42 and funds received from any other source.

POWERS AND DUTIES

The board, with review and approval of the Joint Legislative Health and Welfare Subcommittee on Oversight, shall:

- Establish rules and regulations for its own procedures.
- Promulgate guidelines and deadlines for the submission of grant applications.
- Appoint review panels for the purpose of evaluating grant applications and making recommendations to the board specifying priorities for funding programs.

- Recommend to the Joint Legislative Committee on the Budget, for its review and approval, the programs which the board has determined to be eligible and appropriate to receive funding.

MEMBERSHIP

Section 1. The board shall be composed of nine members as follows:

- Three members who are 60 years of age or older representing the general public, appointed by the governor.
- One member appointed from a list of three persons, all of whom have experience in dealing with the problem of adult abuse and neglect, nominated by the Louisiana Association of Councils on Aging, appointed by the governor.
- One member appointed from a list of three persons, all of whom have experience in dealing with the problem of adult abuse and neglect, nominated by the Louisiana State Medical Society, appointed by the governor.
- One member who shall be a member of the House of Representatives, appointed by the Speaker of the House.
- One member who shall be a member of the Senate to be appointed by the Senate.
- The secretary of the Department of Health and Human Resources, or his or her designee, shall serve ex-officio as full voting member.
- The executive director of the Office of Elderly Affairs, or his or her designee, shall serve ex-officio as full voting member.

Each appointment by the governor shall be submitted to the Senate for confirmation beginning April, 1986 and again every two years after the initial confirmation.

Section 2. Members shall serve without compensation but shall be reimbursed for travel expenses incurred in attendance at meetings of the board and other expenses incurred in the performance of their duties as members of the board. Expenses shall be reimbursed at rates established for state employees and defined in the travel regulations.

Section 3. A majority of the members shall constitute a quorum for the transaction of all business.

OFFICERS

The board shall elect from among its members a chairman, vice-chairman, and secretary/treasurer.

Section 1. Chairman's duties shall include:

- Preside at all regular and special meetings of the Board.
- Establish agenda for meetings.

Vice-Chairman's duties shall include:

- All duties of the chairman in the event of the absence or inability of the chairman to serve.
- Other duties as the chairman may assign them.

Secretary/Treasurer's duties shall include:

- Keep complete and accurate records of all meetings and actions taken by the board.
- Keep full and accurate financial records and make periodic reports to the board.
- Prepare required reports for the board to be submitted to the Joint Legislative Committee on the Budget.

Section 2. Membership on the Board is the single qualification to hold office except that ex-officio members or their designees may not hold the office of chairman or vice-chairman.

Section 3. The tenure of all officers shall be two years with the provision that any officer may succeed himself in Office.

Interested persons may submit comments to the following address: Louisiana Senior Citizens Trust Fund Board, c/o Lanette Buie, DHHR Executive Officer, Box 3776, Baton Rouge, LA 70821.

Myrtle Pickering
Chairman

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Board Bylaws

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated cost to adopt this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There may be some economic benefits to those persons to whom grants are awarded, however, it is unknown at this time the dollar amount involved in the grants.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition and employment.

Myrtle Pickering
Chairman

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

PROPOSED RULEMAKING

Effective November 1, 1986, AFDC will not be denied to an otherwise eligible child solely because he is legally married or emancipated so long as his parent is responsible for his care and control. If a minor parent up to age 19, even if legally married or emancipated, lives with his/her parent(s) or legal guardians, income must be deemed from the minor parent's parents or legal guardians.

COMMENTS

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

NOTICE OF PUBLIC HEARING

A public hearing on the proposed rule will be held on September 3, 1986, in the Louisiana State Library Auditorium, 760 North Riverside, Baton Rouge, LA beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

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

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of this proposed rule will result in the following savings to the AFDC program: \$198,019 state and

\$380,477 federal in 1986-87; \$297,029 state and \$570,715 federal in 1987-88 and 1988-89.

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

Implementation of this proposed rule will result in a reduction of federal funds of \$380,477 in 1986-87 and \$570,715 in 1987-88 and 1988-89.

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

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT
Department of Health and Human Resources
Office of Family Security

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

SUMMARY

Currently, Early Periodic Screening, Diagnosis and Treatment (EPSDT) services are reimbursed by the Medical Assistance Program based on cost. Circumstances have necessitated the review of reimbursement methodologies for all Medicaid services. As a result, a determination has been made that EPSDT services should be reimbursed on a fee for service basis. This change will enable the Medical Assistance Program to maintain mandatory services at reasonable and adequate reimbursement rates to meet the costs that must be incurred by efficiently and economically operated providers to provide services in conformity with applicable State and Federal laws, regulations and quality and safety standards. This change is in accordance with 42 CFR 447.200 and 447.300. Emergency Rulemaking was invoked effective July 1, 1986, in accordance with R.S. 49:953 B to implement this change in policy.

PROPOSED RULEMAKING

Effective for EPSDT (Early Periodic Screening, Diagnosis and Treatment) services provided July 1, 1986 and after, payment to EPSDT medical/dental contract providers shall be a negotiated fee for screening services. Payment for diagnosis and treatment services will be paid the lower of billed charges or the State's schedule of fees established for these services.

COMMENTS

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge La. 70804-4065. Ms. Stewart is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

NOTICE OF PUBLIC HEARING

A public hearing on this proposed rule will be held on September 3, 1986 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge La, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data,

views or arguments, orally or in writing at said hearing.

REGULATORY EXCEPTION

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

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

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: MAP/EPSDT Reimbursement

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

Implementation of this rule may result in a cost savings to the state in reduced audit costs of the Department. However, the difficulty of provider audits, which affects the cost of annual audits of EPSDT providers, prevents an accurate projection of any significant savings.

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

Revenues are not expected to increase or decrease as a result of this proposed rule.

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

There is no effect on EPSDT recipients resulting from this proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

While some school nurse providers may drop out of the program as a result of this proposed rule, we anticipate enrollment of private medical groups as program providers to offset any decline in providers statewide.

Marjorie T. Stewart
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT
Department of Health and Human Resources
Office of Family Security

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

SUMMARY

Current policy provides for a freeze in inpatient hospital cost per discharge limitations for a one-year period. This proposed rule continues the freeze on the limitation and imposes a freeze on the per diem limitation applicable to certain special care units. Federal regulations (May 6, 1986 *Federal Register*, Vol. 51, No. 87, p. 16786) permitted an inflation factor of only five twenty-fourths of one percent for cost reporting periods beginning October 1, 1985. Currently proposed regulations (June 3, 1986 *Federal Register*, Vol. 106, p. 20033) would allow a further increase of only one half of one percent for cost reporting periods beginning October 1, 1986. The cost per discharge limitation applies only to inpatient operating costs and does not affect pass through costs for capital and education related costs and malpractice costs. Routine and ancillary costs for certain special intensive care units (NICU/PICU/Burn/Transplant) are carved out and reimbursed in accordance with a per diem limita-

tion. Additionally, the provision which permits requests for exceptions to adjust the limitation for changes in case mix and/or other specified circumstances remains as an avenue for incorporating allowable additional costs into the limitation.

Thus, the agency has determined that a continued freeze will not significantly alter reimbursement rates and that these rates remain reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated providers to provide services in conformity with applicable State and Federal laws, regulations, and quality and safety standards. This change is in accordance with 42 CFR 447.250 and 405.463. Emergency rulemaking was invoked effective for cost reporting periods beginning July 1, 1986, in accordance with R.S. 49:953B.

Proposed Rulemaking

Effective for cost reporting periods beginning on or after July 1, 1986, the Medical Assistance Program shall amend its reimbursement methodology for inpatient hospital services to provide that the target rate percentage established by the Health Care Financing Administration (HCFA) as an adjustment factor to the cost per discharge limitation and the per diem limitation for certain special care units (NICU/PICU/Burn/Transplant) shall not be applied. Limitations remain the same as that for fiscal years beginning July 1, 1985 or after for cost per discharge rates and fiscal years beginning October 1, 1985 or after for per diem limitations for specified special care units (NICU/PICU/Burn/Transplant).

Comments

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

Notice of Public Hearing

A public hearing on this proposed rule will be held on September 3, 1986 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Regulatory Exception

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

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Hospital Program Rate Freeze

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

It is projected that the proposed rule will result in a savings to the Medicaid Program of \$335,611 (\$114,880-State/\$220,731-federal) in FY 87-88. Savings in FY 88-89 would be \$527,492 (\$180,561-State/\$346,931-federal). There will be no savings realized in FY 86-87 as the limitations do not apply until cost settlement which will be subsequent to the current fiscal year.

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

Implementation of this rule will result in a reduction of

federal matching funds due to decreased Medicaid expenditures as follows:

FY 86-87: No Impact FY 87-88: \$220,731 FY 88-89: \$346,931

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

The proposed rule will reduce program reimbursement to hospitals statewide in the amount of \$335,611 in FY 87-88, and \$527,492 in FY 88-89. Hospitals with higher Medicaid utilization will be impacted to a greater extent than others but the impact would still be minimal.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

SUMMARY

Current agency policy provides for an application of inflation adjustment factors for nursing home providers of SNF and ICF I and II services. The rate is broken into several components, which are inflated annually based on various consumer price indices.

Following reviews of providers' cost reports and audits of facilities conducted during the past fiscal year, the agency has found that the current rate reasonably and adequately meets the costs which must be incurred by efficiently and economically operated providers to provide services in conformity with applicable rates, regulations and quality and safety standards.

This proposed rule will suspend the application of inflation adjustment factors mandated in the reimbursement methodology. This will have the effect of freezing the rates at FY 85-86 levels for FY 86-87.

This rule is allowable under federal regulations set forth in 42 CFR 447.252-.253 which authorizes the state agency to establish Medicaid Reimbursement rates for Long Term Care services.

Emergency rulemaking was invoked effective July 1, 1986, in accordance with R.S. 49:953B, to implement this rule.

PROPOSED RULE

Effective July 1, 1986, the Inflation Adjustment Factor for the various base rate components of the SNF, ICF/I and ICF/II reimbursement methodology shall be set at zero. The effect of this action will be to freeze rates for providers of those services for one year.

COMMENTS

Interested persons may submit written comments through September 3, 1986, to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

NOTICE OF PUBLIC HEARING

A public hearing on this proposed rule will be held on September 3, 1986, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

REGULATORY EXCEPTION

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

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Rate Freeze Skilled Nursing Facilities and Care Facilities I and II

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

Implementation of this proposed rule will result in a savings to the Medical Assistance Program of \$3,389,996 state and \$6,373,816 federal in 1986-87, plus \$303,832 state and \$583,787 federal in 1987-88.

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

Implementation of this proposed rule will result in a reduction in federal funds of \$6,373,816 for FY 86-87; and \$583,787 for FY 87-88.

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

The impact of this proposed rule on individual Nursing Homes will vary depending upon the number of Medicaid recipients. The proposal will reduce Medicaid reimbursement to Nursing Homes statewide by \$9,763,812 in FY 86-87 and \$887,619 in FY 87-88.

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

There is no known effect on competition and employment.

Marjorie T. Stewart
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

SUMMARY

Currently, non-emergency transportation services are provided by the Medical Assistance Program as a covered service under Title XIX. Circumstances have necessitated the review of all Medicaid services. As a result, a determination has been made that the following change must be made to maintain provision of these services at reasonable and adequate reimbursement rates to meet the costs that must be incurred by efficiently and economically operated providers to provide services in conform-

ity with applicable state and federal laws, regulations and quality and safety standards. These changes are in accordance with 42 CFR 440.170 and 440.230. Emergency rulemaking was invoked effective July 1, 1986, in accordance with R.S. 49:953B.

PROPOSED RULEMAKING

Effective July 1, 1986, the Medical Assistance Program shall amend policy in the non-emergency medical transportation program to require that:

1) transportation providers must notify the parish Office of Family Security of the location of their base and sub-offices at the time of certification and when any changes take place relating to the location of their base or sub-offices; and

2) the transportation provider must notify the state and parish Office of Family Security if he decides to charge mileage from the pick-up point of the recipient in a specified service area in lieu of opening up a sub-office.

COMMENTS

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804-4065. Ms. Stewart is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic statement is available for review in each local Office of Family Security.

NOTICE OF PUBLIC HEARING

A public hearing on this proposed rule will be held on September 3, 1986, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

REGULATORY EXCEPTION

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

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Non-Emergency Medical Transportation Changes

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

There will be no cost or savings to the program as a result of the proposed action and there will be no increase or reduction in workload or paper work.

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

There will be no increase or decrease in revenues as a result of the proposed action.

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

Only medical transportation providers will be affected by the proposed action. There will be no increase or decrease in costs to the group or workload adjustments as a result of the proposed rule.

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

There will be no effect on employment and competition as a result of the proposed rule.

Marjorie T. Stewart
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

Summary

Currently, clinical laboratory services provided by physicians, independent laboratories or outpatient hospital departments are reimbursed the lower of billed charges or the fee for service amount established by the Medicare carrier. The Health Care Financing Administration (HCFA) has notified all state Medicaid agencies that for services provided after July 1, 1986, the reimbursement for clinical laboratory services cannot exceed the National limitation amount established under the Consolidated Omnibus Reconciliation Act of 1985 (P.L. 99-272). Emergency rulemaking was invoked effective July 1, 1986 in accordance with R.S. 49:953 B.

Proposed Rulemaking

Effective for laboratory services provided on or after July 1, 1986 the Medical Assistance Program shall amend its reimbursement methodologies for reimbursement of clinical laboratory services provided by physicians, independent laboratories or outpatient hospital departments to pay the lower of: 1) billed charges; 2) state maximum fee for service; or 3) Medicare maximum fee for service.

Those services not subject to the Medicare fee schedule shall continue to be reimbursed to physicians and independent laboratories, based on reasonable charges or established state maximums; and to outpatient hospital departments based on seventy-two percent of reasonable charges subject to adjustment to cost at year end settlement.

Comments

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804-4065. Ms. Stewart is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic statement is available for review in each local Office of Family Security.

Notice of Public Hearing

A public hearing on this proposed rule will be held on September 3, 1986 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing. Regulatory Exception

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

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

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Reimbursement Change for Clinical Laboratory Services

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

It is estimated that negligible savings may result from this proposed rule as current state maximums for these services are anticipated to generally be lower than the National Limitation Fee amount. However, an exact figure cannot be predicted at this time.

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

Any savings from this proposed rule will result in a concomitant reduction in federal matching funds.

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

Providers of clinical laboratory services may receive a very slight reduction in reimbursement for services to Medicaid recipients. No impact on recipients is anticipated as services will not be reduced.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Marjorie T. Stewart
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

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

Summary

This proposed rule is required to implement the federal regulation in Subtitle B, Section 9503(D) of Title IX of Public Law 99-272 which requires that a person furnishing services under the state plan may not refuse to furnish services to an individual (who is entitled to have payment made under the state plan for the services the person furnishes) because of a third party's potential liability for payment of the service.

Beginning with Medicaid claims involving third party liability processed on or after May 12, 1986, the Office of Family Security had to change its claim payment method for these type claims. Recent amendments by the Health Care Financing Administration to federal regulations contained in 42 CFR 433.139 required that the Office of Family Security abandon the "pay and chase" method of claims payment and substitute a "cost avoidance" method for all claims processed on or after May 12, 1986, where probable third party liability is established at the time the claims are filed. (See Potpourri Notice, Louisiana Register Vol. 12, No. 2, of February 20, 1986.)

Due to this claims payment method change, a provider can no longer receive immediate Medicaid payment on claims where probable third party liability exists, but must instead secure a determination of the amount of third party liability before the agency will process the claim for Medicaid payment determination. According to the Consolidated Omnibus Budget Reconciliation Act, because of the mandatory denial of Medicaid claims for recipients who have other insurance, some providers may be discriminating against Medicaid recipients who carry other health insurance by refusing to provide services to these recipients. This proposed rule is required to prevent such discrimination and to ensure that Medicaid recipients covered by third party insurers shall retain availability to provider services and thus shall receive adequate and proper medical care of the same duration and scope as that afforded to other Medicaid recipients.

Emergency rule making has been invoked to implement this policy effective July 1, 1986. The emergency rule was published in the Louisiana Register, Vol. 12, No. 7, Dated July 20, 1986.

Proposed Rulemaking

Medicaid providers enrolled to participate in the Medical Assistance Program shall not refuse to provide services to any Medicaid recipient because of a third party's potential liability for payment of the service.

COMMENTS

Interested persons may submit written comments through September 3, 1986, to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804. Ms. Stewart is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

NOTICE OF PUBLIC HEARING

A public hearing on this proposed rule will be held on September 3, 1986, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing.

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

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

**Rule Title: MAP Third Party Liability
Provider Mandate**

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

Total state expenditures will not be affected by this proposed rule.

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

State revenue collections will not be affected by this proposed rule.

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

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment resulting from this proposed rule.

Marjorie T. Stewart
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

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

SUMMARY

Currently, non-emergency transportation services are provided by the Medical Assistance Program as a covered service under Title XIX. Circumstances have necessitated the review of all Medicaid services. As a result, a determination has been made that the following change must be made to maintain provision of these services at reasonable and adequate reimbursement rates to meet the costs that must be incurred by efficiently and economically operated providers to provide services in conform-

ity with applicable State and Federal laws, regulations and quality and safety standards. These changes are in accordance with 42 CFR 440.170 and 440.230. Emergency rulemaking was invoked effective July 1, 1986, in accordance with R.S. 49:953B. PROPOSED RULEMAKING

Effective July 1, 1986, Non-Emergency Medical Transportation shall be provided by the least expensive means available, determined by the agency, to be suitable to meet the recipient's needs. In cases where the agency determines more than one least expensive source is available and suitable to meet the recipient's needs, freedom of choice shall be allowed. When freedom of choice is not exercised by recipient in such cases, the agency shall assign providers by rotation.

COMMENTS

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804-4065. Ms. Stewart is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic statement is available for review in each local Office of Family Security.

NOTICE OF PUBLIC HEARING

A public hearing on this proposed rule will be held on September 3, 1986, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, Louisiana, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

REGULATORY EXCEPTION

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

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

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

**Rule Title: Change in Choice of
Transportation Provider**

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

This proposed rule will result in a savings of \$500,000 annually to the Medical Assistance Program. The savings include \$173,600 state and \$326,400 federal in 1986-87 and \$171,150 state and \$328,850 in federal in 1987-88 and 1988-89.

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

The implementation of the proposed action will mean a loss of Federal Matching Funds in the amount of \$326,400 for FY 86-87 and \$328,850 for FY's 87-88 and 88-89.

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

Only Medical Transportation providers will be affected by the proposed action. There will be a loss of revenue for this group of approximately \$500,000 annually.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on employment as a result of the proposed action; however, it will increase competition among providers. Some providers will lower their rates in order that they might get more of the Medicaid business.

Marjorie T. Stewart
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT
Department of Health and Human Resources
Office of Family Security

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

SUMMARY

Currently, non-emergency transportation services are provided by the Medical Assistance Program as a covered service under Title XIX. Circumstances have necessitated the review of all Medicaid services. As a result, a determination has been made that the following change must be made to maintain provision of these services at reasonable and adequate reimbursement rates to meet the costs that must be incurred by efficiently and economically operated providers to provide services in conformity with applicable State and Federal laws, regulations and quality and safety standards. These changes are in accordance with 42 CFR 440.170 and 440.230. Emergency rulemaking was invoked effective July 1, 1986, in accordance with R.S. 49:953B.

PROPOSED RULEMAKING

Effective July 1, 1986, the Medical Assistance Program shall amend its policy in the Non-Emergency Transportation Program to require that providers shall notify the State Office of Family Security of their rates which shall remain in effect for an entire calendar quarter. To change the rates the provider must petition the Office of Family Security for approval prior to the first day of the month before the end of the calendar quarter.

COMMENTS

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804-4065. Ms. Stewart is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic statement is available for review in each local Office of Family Security.

NOTICE OF PUBLIC HEARING

A public hearing on this proposed rule will be held on September 3, 1986, in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

REGULATORY EXCEPTION

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

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

Fiscal and Economic Impact Statement
For Administrative Rules

Rule Title: Change in Transportation Provider Rates

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

There will be no cost or savings to the program as result of the proposed action and there will be no increase or reduction in workload or paper work.

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

There will be no increase or decrease in revenues as a result of the proposed action.

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

Only Medical Transportation providers will be affected by the proposed action. There will be no increase or decrease in costs to the group or workload adjustments as a result of the proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on employment and competition as a result of the proposed rule.

Marjorie T. Stewart
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT
Department of Health and Human Resources
Office of Family Security

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

Summary

The current dispensing fee for pharmacy providers who participate in the Pharmacy program under Medicaid is \$3.67 and is now ranked as fifteenth in the nation.

The legislature has mandated that the pharmacy dispensing fee be reduced to \$3.30 and determined that this rate will maintain reimbursement rates which meet the costs that must be incurred by efficiently and economically operated providers to provide services in conformity with applicable state and federal laws, regulations and quality and safety standards.

Under this rule the Louisiana Pharmacy Program dispensing fee will be reduced to \$3.30 and then will be ranked as the 32nd in the nation.

This rule is allowed under 42 CFR 447.33.

Emergency rulemaking was invoked effective July 1, 1986 in accordance with R.S. 49-953 B.

Proposed Rulemaking

Effective July 1, 1986, the dispensing fee for pharmacies participating in Medicaid shall be \$3.30 per prescription. The dispensing fee shall be utilized by the agency in its determination of the lesser of Estimated Acquisition Cost plus a dispensing fee or the pharmacy's usual and customary charge.

Comments

Interested persons may submit written comments to the following address: Marjorie T. Stewart, Assistant Secretary, Box 94065, Baton Rouge, LA 70804-4065. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic statement is available for review in each local Office of Family Security.

Notice of Public Hearing

A public hearing on this proposed rule will be held on September 3, 1986 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Regulatory Exception

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

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Pharmacy Program Dispensing Fee**

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

Implementation of this proposed rule will result in the following savings to the Medical Assistance Program: \$703,401 state and \$1,322,524 federal in 1986-87; \$786,778 state and \$1,511,726 federal in 1987-88; and \$818,249 state and \$1,572,195 federal in 1988-89.

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

Implementation of this proposed rule will result in a reduction of \$1,322,524 in Federal funds in FY 86/87, \$1,511,726 in FY 87/88 and \$1,572,195 in FY 88/89.

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

Pharmacists who participate in Medicaid reimbursement for prescription drugs will receive \$2,025,925 less in dispensing fees in FY 86/87, \$2,298,504 in FY 87/88, and \$2,390,444 in FY 88/89.

Recipients may experience difficulty in finding pharmacies who are willing to fill prescriptions under Medicaid reimbursement provisions.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Some pharmacy providers currently enrolled in the Pharmacy Program may discontinue participation which may affect competition.

Marjorie T. Stewart
Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

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

The Department of Health and Human Resources, Office of Management and Finance, Division of Policy, Planning and Evaluation proposes to amend the part of the Section 1122 Policies and Guidelines which lists criteria for expedited review. The affected criterion was published as a Rule on January 20, 1986 and is contained in LAC 48:I. 12503.

The amendment will change Number 9 (p. 7) in the list of expedited review criteria to read:

"A site change which is not substantial (i.e. adjacent to the originally proposed site, with the same zoning and within the same parish); or which is a result of expropriation, zoning change or other governmental action restricting the development of the original site and is in the same service area."

Interested persons may submit comments on the proposed change at any time before September 15, 1986 to the following address: Joseph Ross, Administrator; Division of Policy, Planning and Evaluation; 200 Lafayette Street, Suite 406; Baton Rouge, LA 70801. Copies of this Notice may also be obtained at the above address.

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

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Section 1122
Policies and Guidelines Change**

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

No costs or savings to state or local government units are expected.

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

No effect on revenue collections is anticipated.

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

No costs or benefits are predicted.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition or employment estimated.

Sandra L. Robinson, M.D., M.P.H. David W. Hood
Secretary and State Health Officer Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Transportation and Development
Marine Operations**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that, effective October 1, 1986, the Department of Transportation and Development/Marine Operations (DOTD/Marine Operations) intend to impose and adopt the following schedule of tolls for vehicles and pedestrians on the following ferry crossings on the indicated rivers that are owned, operated, and maintained by DOTD/Marine Operations:

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

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

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

FERRY TOLL CLASSIFICATION - RATE SCHEDULE

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

All interested persons so desiring may submit written comments on or before September 10, 1986 to: Thomas E.

Short, Executive Director, DOTD/Marine Operations, Box 7297, New Orleans, LA 70174. Telephone: (504) 361-6565.

Robert G. Graves
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Tolls on Statewide Ferries**

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

Implementation costs include the one-time expense of upgrading each statewide ferry boat and crew to meet Coast Guard standards that apply to a toll vehicle. DOTD ferries have always been free so these rigorous standards have not applied to these vehicles previously. Approximately \$1 million was budgeted for this purpose in 1985-86. MRBA estimates \$250,000 expenditure is needed in 1986-87 to purchase and install toll record keeping equipment on the boats.

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

DOTD estimates that \$975,400 in toll revenues will be collected during the nine-month toll collection period in 1986-87, and that \$1,420,800 will be collected during 1987-88 and \$1,463,500 during 1988-89.

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

Regular users of the ferries could pay as much as \$40 per month for use of the ferries. The benefit to this group is that the ferry will save them the time and expense involved in travelling the nearest alternate route across the river.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Effects cannot be determined.

Robert G. Graves
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that The Mississippi River Bridge Authority within the Department of Transportation and Development ("MRBA") and the Department of Transportation and Development ("DOTD") intend to impose and adopt the following schedule of tolls on the Greater New Orleans Bridge No. 1 ("GNO No. 1") and on the Greater New Orleans Bridge No. 2 ("GNO No. 2") and on the ferry crossings operated by MRBA in the Greater New Orleans area. Tolls will be effective October 1, 1986, and the funds generated will be applied to the constructions, improvements, repairs, maintenance, and operations of MRBA facilities and properties; and will be applied to the payment of the principal of and interest upon the bonds; and will be applied to financing obligations of MRBA, DOTD, and the state of Louisiana for the

financing and construction of GNO No. 1 and GNO No. 2 across the Mississippi River; and will be applied to fulfill the terms and provisions of any agreements made with the purchasers and holders of any of those obligations or any contractual rights pursuant thereto.

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

Legal Authority Requiring Secretary to Impose Tolls

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

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

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

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

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

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

Part 1 - Tolls on Bridges

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

Tolls initially will, on October 1, 1986, be collected from Eastbank bound traffic on GNO No. 1; when Eastbank bound traffic is transferred to GNO No. 2 (now under construction), collections of tolls on GNO No. 1 will cease and collection of tolls on GNO No. 2 will begin.

The tolls are to be payable in cash or through the use of commutation or other tickets of privileges for service based upon frequency or volume, and shall be collectible at the toll collection facilities located on the Westbank of the Mississippi River at the entranceway to the bridge structures. Each vehicle, its

owner or operator, and all occupants of such vehicle shall be jointly and solidarily liable for the payment of the toll in order to cross the bridge(s).

The Mississippi River Bridge Authority
 Bridge Toll Classification - Rate Schedule
 Collectible at Toll Booths
 From Traffic Going from the Westbank Side
 to the Eastbank Side of the Mississippi River

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

The commutation or other tickets of privileges for service based upon frequency of volume are applicable to Class 1 vehicles and will be obtainable in advance from MRBA at a cost of \$0.70 for each such ticket which shall be used as a credit for full payment of and instead of the \$1.00 cash toll for Class 1 vehicles.

Part 2 - Tolls on Ferries

Tolls will be collected on ferry vehicular and pedestrian traffic beginning October 1, 1986.

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

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

FERRY TOLL CLASSIFICATION - RATE SCHEDULE
 VEHICLES

Collectible at Toll Booths
 Only From Traffic Going from the Westbank Side
 to the Eastbank Side of the Mississippi River

Class Description of Vehicle	Axles	Toll
1 Auto-Taxi-Van-RV-MC-Pickup	2	\$ 1.00
2 Auto-Van-RV	3	1.50
2 Auto-Van-RV + 1 Extra Axle	4	2.00
2 Auto-Van-RV + 2 Extra Axle	5	2.50
3 Truck - Single Unit	2	1.00
4 Truck - Single Unit or Combination	3	1.50

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

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

FERRY TOLL CLASSIFICATION - RATE SCHEDULE
 PEDESTRIANS

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

All interested persons so desiring may submit written comments before September 2, 1986, to: Thomas E. Short, Executive Director, The Mississippi River Bridge Authority, Box 6297, New Orleans, LA 70174. Telephone: (504) 361-6565.

A public hearing will be held at 7 p.m. September 5, 1986, to afford all interested persons reasonable opportunity to submit data, views, or arguments, orally, or in writing which submissions shall be fully considered by the Department of Transportation at: School Auditorium of O. Perry Walker School, 2832 General Mayer Avenue, (Algiers) New Orleans, LA 70114.

Robert G. Graves
 Secretary

**Fiscal and Economic Impact Statement
 For Administrative Rules
 Rule Title: Tolls on GNO No. 1 and 2**

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

One-time implementation costs are \$552,000 to prepare GNO No. 1 for tolls. Annualized expenditure related to collection of tolls on the bridge and New Orleans ferries is \$1.05 Million in 1986-87 and \$1.36 Million in 1987-88 and each year thereafter.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

A total of \$11,220,000 in toll collections are projected in 1986-87 for the users of GNO No. 1 and the New Orleans ferries, (9 month collection period). This figure is projected to increase to \$15,514,000 in 1987-88, and \$16,458,000 in 1988-89.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Regular commuters using the bridge will pay between \$175 and \$250 per year in tolls depending on the extent of

bridge use and degree of participation in the commuter discount tickets.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

None - except work pattern changes, the effect of which cannot be determined.

Robert G. Graves
Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

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

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend its rules to require that all persons who elect to continue accident and health coverage with the State Employees Group Benefits Program pursuant to the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), P.L. 99-272 be required to pay 102 percent of the applicable premium rate for the class of coverage sought to be continued as follows:

Class of Coverage	Employee Share	Total
Single Party-Employee Only		
Without Medicare	\$ 80.62	\$ 80.62
With Medicare	\$ 42.06	\$ 42.06
Two Party-Employee & One Dependent		
Without Medicare	\$139.86	\$139.86
One With Medicare	\$ 99.86	\$ 99.86
Two With Medicare	\$92.20	\$ 92.20
Family-Employee & Two or More Dependents		
Without Medicare	\$185.54	\$185.54
One With Medicare	\$139.68	\$139.68
Two With Medicare	\$129.28	\$129.28

Those persons continuing coverage pursuant to COBRA in an approved health maintenance organization (HMO) will also be required to pay 102 percent of that organization's current premium rates.

Comments or objections will be accepted, in writing, by the Executive Director of the State Employees Group Benefits Program until 4:30 p.m. on Tuesday, October 7, 1986, at the following address:

Dr. James D. McElveen
Executive Director
State Employees Group Benefits Program
Box 44036
Baton Rouge, LA 70804

HEALTH INSURANCE PREMIUMS: COBRA - 102% WITH NO STATE MATCH

PLAN	SINGLE PARTY		TWO-PARTY COVERAGE			FAMILY COVERAGE		
	NO MEDIC.	ONE MEDIC.	NO MEDIC.	ONE MEDIC.	TWO MEDIC.	NO MEDIC.	ONE MEDIC.	TWO MEDIC.
GROUP BENEFITS:								
HEALTH CODE	2	2	3	3	3	4	4	4
TOTAL PREMIUM	80.62	42.06	139.86	99.86	92.20	185.54	139.68	129.28
MEMBER SHARE	80.62	42.06	139.86	99.86	92.20	185.54	139.68	129.28
MAXICARE (N.O.):								
HEALTH CODE	D	D	E	E	E	F	F	F
TOTAL PREMIUM	83.68	54.30	166.04	138.14	105.54	254.06	224.48	191.84
MEMBER SHARE	83.68	54.30	166.04	138.14	105.54	254.06	224.48	191.84
OCHSNER (N.O.):								
HEALTH CODE	G	G	H	H	H	I	I	I
TOTAL PREMIUM	98.44	98.44	164.38	164.38	164.38	220.96	220.96	220.96
MEMBER SHARE	98.44	98.44	164.38	164.38	164.38	220.96	220.96	220.96
HEALTHAMERICA:								
HEALTH CODE	J	J	K	K	K	L	L	L
TOTAL PREMIUM	84.70	85.02	151.16	151.16	170.00	213.12	215.50	234.34
MEMBER SHARE	84.70	85.02	151.16	151.16	170.00	213.12	215.50	234.34
WHITTAKER (N.O.):								
HEALTH CODE	M	M	N	N	N	O	O	O
TOTAL PREMIUM	74.12	47.94	140.76	122.06	95.88	214.20	188.00	161.80
MEMBER SHARE	74.12	47.94	140.76	122.06	95.88	214.20	188.00	161.80
CIGNA (SHRV):								
HEALTH CODE	P	P	Q	Q	Q	R	R	R
TOTAL PREMIUM	79.38	54.78	156.06	131.44	106.52	232.60	207.98	183.38
MEMBER SHARE	79.38	54.78	156.06	131.44	106.52	232.60	207.98	183.38
MAXICARE (LAF.):								
HEALTH CODE	S	S	T	T	T	U	U	U
TOTAL PREMIUM	84.70	55.32	167.02	139.16	106.56	255.08	225.50	192.86
MEMBER SHARE	84.70	55.32	167.02	139.16	106.56	255.08	225.50	192.86
AV MED (N.O.):								
HEALTH CODE	V	V	W	W	W	X	X	X
TOTAL PREMIUM	80.62	80.62	158.10	158.10	158.10	209.18	209.18	209.18
MEMBER SHARE	80.62	80.62	158.10	158.10	158.10	209.18	209.18	209.18

James D. McElveen
Executive Director

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

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

State or Local Governmental Units, other than the State Employees Group Benefits Program will not experience any implementation costs as a result of this rule change.

The State Employees Group Benefits Program will experience implementation costs in the form of data processing programming costs.

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

The revenue collections of the State Employees Group Benefits Program, derived from premium collections of plan members electing coverage under the provisions of COBRA, will increase by approximately 2 percent. According to the Martin E. Segal Company, Consultant Actuary, the 2 percent increase in health and accident will generate an average of \$2.44 per month per COBRA plan member in additional premium revenues. This additional premium revenue will be used to defray increased administrative costs which this agency will experience due to the implementation of the provisions of COBRA.

The revenue collections of state and local governmental units, other than the State Employees Group Benefits Program, will not be impacted.

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

The estimated cost to directly affected persons will be the additional average premium increase of \$2.44 per month per COBRA participant.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY-

MENT (Summary)

This rule change will not effect competition or employment.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

Potpourri

POTPOURRI
Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Apiary Law

NOTICE OF QUARANTINE
HONEYBEE TRACHAEL MITE

In accordance with the authority of the state entomologist under the provisions of R.S. 3:2304 and LAC 7:XXI.11915, notice is hereby given that the state entomologist for the Department of Agriculture and Forestry has confirmed the presence of the highly contagious honeybee trachael mite in the State of Louisiana and has established a quarantine to prevent the spread of the mite.

Extensive sampling and testing have confirmed the mite's presence in a certain geographically restricted area. Effective July 18, 1986, the state entomologist imposed a quarantine against any and all movement of restricted material, except by special permit, out of the following areas in order to protect the apiary industry:

1. Iberia Parish - that portion of Iberia parish lying west of the west shoreline of Lake Fausse Pointe excluding the island of Marsh Island.

2. St. Martin Parish - that portion of St. Martin parish in T11S, R6E, and R7E bounded by the Iberia-St. Martin parish line on the south side and further bounded by a line beginning at the intersection of the St. Martin-Iberia parish line and Hwy. 182; proceeding northwest on Hwy. 182 approximately $\frac{1}{4}$ mile to the intersection of Parish Road 102, known as Lady of the Lake Road; proceeding northeast on Lady of the Lake Road (Parish Road 102) to the intersection of Hwy. 31; then northward on Hwy. 31 to its intersection with Hwy. 92; then east on Hwy. 92 to its intersection with Hwy. 347; then south on Hwy. 347 approximately $\frac{3}{4}$ mile to Hwy. 680; following Hwy. 680 in a southeasterly direction to the St. Martin-Iberia parish line.

Restricted articles include colonies of bees, nuclei, comb or combless packages of bees, queens, used or secondhand beekeeping fixtures or equipment, and anything that has been used in operating an apiary.

Under the authority of R.S. 3:2304, the state entomologist, his agents, and employees shall inspect the above mentioned restricted articles for the purpose of ascertaining if any bees are infected with honeybee trachael mites and may require the destruction of any bees or beekeeping fixtures or equipment that may be infected.

Bob Odom
Commissioner
John W. Impson
Assistant Commissioner and
State Entomologist

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

The Louisiana Forestry Commission and the Louisiana Tax Commission will hold a meeting on Tuesday, September 9, 1986, at 10 a.m., at the Office of Forestry office located at 5150 Florida Boulevard, Baton Rouge, LA, for the purpose of compiling data regarding stumpage values to be used in determining the severance tax computations for 1987.

Interested parties will be afforded reasonable opportunity to present views and comments at the meeting. Written comments may be submitted to Michael P. Mety, State Forester, Office of Forestry, Box 1628, Baton Rouge, LA 70821.

Interested persons should attend the hearing or submit written comments by September 5, 1986.

Michael P. Mety
State Forester

POTPOURRI
Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Horticulture Commission

The next retail floristry examinations will be given at 10 a.m. daily at the University Conference Center in Alexandria, Louisiana on October 7-10, 1986. The deadline for getting in application and fee is September 19, 1986.

Further information concerning examinations may be obtained from Craig Roussel, Director, Horticulture Commission, Box 44517, Capitol Station, Baton Rouge, LA 70804, phone (504) 925-7772.

Bob Odom
Commissioner

POTPOURRI
Department of Health and Human Resources
Board of Embalmers
and Funeral Directors

The Louisiana State Board of Embalmers and Funeral Directors will give a Funeral Director and the National Board exam on Tuesday, September 23, 1986 at Delgado Community College, 615 City Park Avenue, New Orleans.

Interested persons may obtain further information from the Louisiana State Board of Embalmers and Funeral Directors, Box 8757, Metairie, LA 70011, (504) 483-4684.

Dawn Scardino
Administrative Assistant

POTPOURRI
Department of Labor
Office of Employment Security

Pursuant to Act No. 583 of the Regular Session of the 1975 Louisiana Legislature, the state's average weekly wage upon which the maximum workmen's compensation weekly benefit amount will be used effective September 1, 1986, has been determined by the Louisiana Department of Labor to be \$347.65.

Oliver S. Robinson, III
Director

POTPOURRI
Department of Natural Resources
Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56:700.1 through 56:700.5, and regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980, notice is given that 104 claims amounting to \$129,189.68 were received during the month of July, 1986. During the same month 46 claims amounting to \$45,022.16 were paid.

The following claims are the subjects of public hearings to be held at the locations indicated:

Wednesday August 27, 1986, at 10 a.m., in the Vermilion Parish Extension Office, 1105 West Port Street, Abbeville, Louisiana

CLAIM NO. 85-2332 (RESCHEDULED)

Frank E. Mock, of Cameron, LA, while trawling on the vessel "LITTLE VELMA," in the Gulf of Mexico, 1/2 mile west of Calcasieu Pass, at approximate LORAN-C readings of 26,601.0 and 46,975.0, Cameron Parish, encountered an unidentified submerged obstruction on March 2, 1985. Causing damage and/or loss. Amount of Claim: \$1,200.

CLAIM NO. 85-2751 (RESCHEDULED)

Harold V. Dressendorfer, of New Iberia, LA, while enroute to Delcambre on the vessel, "GWEN DOE," in the Intracoastal Waterway, West of Bayou Petite Anse, Vermilion Parish, encountered an unidentified submerged obstruction on September 18, 1985. Causing damage and/or loss. Amount of Claim: \$1,283.25.

CLAIM NO. 85-2762 (RESCHEDULED)

Roland Guidry, of Brusly, LA, while trawling on the vessel, "MISS BRINA," in Vermilion Bay, 1/4 mile Northeast of Mico Tower, St. Mary Parish, encountered an unidentified submerged obstruction on September 14, 1985. Causing damage and/or loss. Amount of Claim: \$156.

CLAIM NO. 85-2918

Howard J. DeRouen, of Howard Boat Company, Inc., New Iberia, LA, while trawling on the vessel, "SEA BREEZE," in the Gulf of Mexico, entering the Freshwater Bayou Channel, Vermilion Parish, encountered an unidentified submerged obstruction on November 7, 1985. Causing damage and/or loss. Amount of Claim: \$3,689.47

CLAIM NO. 86-3106

Judy Deville, of Hackberry, LA, while trawling on the vessel, "LA 8602 AH," in Calcasieu Ship Channel, about 150' South of Beacon 84, Cameron Parish, encountered a submerged piece of dredge pipe on December 26, 1985. Causing damage and/or loss. Amount of Claim: \$5,000.

CLAIM NO. 86-3144

Ronald Laviolette, Inc. of Abbeville, LA, while trawling

on the vessel, "MISS LORI ANN," in Joseph Harbor, at approximate LORAN-C readings of 26,992.1 and 46,949.5, Cameron Parish, encountered an unidentified submerged obstruction on December 9, 1985. Causing damage and/or loss. Amount of Claim: \$2,000.

CLAIM NO. 86-3173

Jessie Daigle, of Breaux Bridge, LA, while trawling on the vessel, "GRACE," in Vermilion Bay, between Cypemore Point and Marsh Island, Vermilion Parish, encountered an unidentified submerged obstruction on December 28, 1985. Causing damage and/or loss. Amount of Claim: \$5,000.

CLAIM NO. 86-3195

Floyd Stanley, of Vinton, LA, while trawling on the vessel, "LYDIA GAIL," in Salt Ditch, due south of the Intracoastal Canal, Calcasieu Parish, encountered a submerged power line on October 18, 1985. Causing damage and/or loss. Amount of Claim: \$742.21

CLAIM NO. 86-3210

Ellis J. Schouest, Jr., of Franklin, LA, while trawling on the vessel, "CAPT. MICHEAL," in the Gulf of Mexico, east Shell Keys, at approximate LORAN-C readings of 27,462.2 and 46,916.5, St. Mary Parish, encountered an unidentified submerged obstruction on March 24, 1986. Causing damage and/or loss. Amount of Claim: \$829.31

CLAIM NO. 86-3215

John Andre Bergeron, of Lake Charles, LA, while trawling on the vessel, "SYLVIA," in the Gulf of Mexico, 3/4 miles off beach, at approximate LORAN-C readings of 26,629.9 and 46,978.9, Cameron Parish, encountered an unidentified submerged obstruction on March 27, 1986. Causing damage and/or loss. Amount of Claim: \$1,642.

CLAIM NO. 86-3220

Perry P. Landry of Perry Landry, Inc., Delcambre, LA, while trawling on the vessel, "LITTLE TONEY," in Vermilion Bay, about three miles north of Vermilion Channel, Vermilion Parish, encountered an unidentified submerged obstruction on March 17, 1986. Causing damage and/or loss. Amount of Claim: \$2,292.41

CLAIM NO. 86-3247

Bart Holloway, of Sulphur, LA, while trawling on the vessel, "LA 2946 AX," in the northeast corner of West Cove, Calcasieu Lake, Cameron Parish, encountered an unidentified submerged obstruction on April 20, 1986. Causing damage and/or loss. Amount of Claim: \$4,671.31

CLAIM NO. 86-3252

David K. Willis, of Pat & Jack, Inc., Bell City, LA, while trawling on the vessel, "M/V PAT & JACK," in the Gulf of Mexico, approximately two miles east of Holly Beach, Cameron Parish, encountered an unidentified submerged obstruction on April 7, 1986. Causing damage and/or loss. Amount of Claim: \$850

CLAIM NO. 86-3282

John Mialjevich, of Delcambre, LA, while enroute home after a shrimping trip on the vessel, "TEE JOHN," in Vermilion Bay, 1/2 mile south of Channel Marker, Iberia Parish, encountered an unidentified submerged obstruction on April 25, 1986. Causing damage and/or loss. Amount of Claim: \$1,118.01

CLAIM NO. 86-3311

Jimmie Mallett, of Lake Charles, LA, while trawling on the vessel, "MISS GLORIA," in Southwest Pass, between Vermilion Bay and the Gulf of Mexico, Vermilion Parish, encountered a submerged piling on May 17, 1986. Causing damage and/or loss. Amount of Claim: \$1,476.70

CLAIM NO. 86-3203

Jimmy Dyson, of Cameron, LA, while trawling on the vessel, "CAPT. VINCENT," in the Gulf of Mexico, west of the Calcasieu Jetties, Cameron Parish, encountered an unidentified

submerged obstruction on January 14, 1986. Causing damage and/or loss. Amount of Claim: \$1,191.32

CLAIM NO. 85-2783 (RESCHEDULED)

Clyde Peltier, of Breaux Bridge, LA, while trawling on the vessel, "MIS HUN," in East Cote Blanche Bay, Iberia Parish, encountered an unidentified submerged obstruction on September 20, 1985. Causing damage and/or loss. Amount of Claim: \$50.88

CLAIM NO. 85-2784 (RESCHEDULED)

Clyde Peltier, of Breaux Bridge, LA, while trawling on the vessel, "MIS HUN," in East Cote Blanche Bay, Iberia Parish, encountered an unidentified submerged obstruction on September 29, 1985. Causing damage and/or loss. Amount of Claim: \$53.20

CLAIM NO. 85-3008 (RESCHEDULED)

Jimmie P & Carl Lee Leger, of Voyager Marine, Inc., Erath, LA., while trawling on the vessel, "BROTHERS PRIDE," in the Gulf of Mexico, at approximate LORAN-C readings of 26,553.0 and 46,975.5, Cameron Parish, encountered an unidentified submerged obstruction on November 19, 1985. Causing damage and/or loss. Amount of Claim: \$294.68

CLAIM NO. 86-3199

Jimmie Leger & Carl Leger, of Voyager Marine, Inc., Erath, LA, while trawling on the vessel, "BROTHERS PRIDE," in the Gulf of Mexico, East of Shell Keys, Vermilion Parish, encountered an unidentified submerged obstruction on March 3, 1986. Causing damage and/or loss. Amount of Claim: \$325.23

CLAIM NO. 85-3040

Wallace Styron, of Cameron, LA, while trawling on the vessel, "GAMBLER," in the Gulf of Mexico, 2-1/4 miles off beach, South of Holly Beach, Cameron Parish, encountered an unidentified submerged obstruction on November 27, 1985. Causing damage and/or loss. Amount of Claim: \$1,400.

CLAIM NO. 85-3041

Wallace Styron, of Cameron, LA, while trawling on the vessel, "GAMBLER," in the Gulf of Mexico, two miles from beach, off Holly Beach, Cameron Parish, encountered an unidentified submerged obstruction on November 27, 1985. Causing damage and/or loss. Amount of Claim: \$400

CLAIM NO. 85-3042

Wallace Styron, of Cameron, LA, while trawling on the vessel, "GAMBLER," in the Gulf of Mexico, 1-1/2 mile off tank on west side of Cameron Jetties, Cameron Parish, encountered an unidentified submerged obstruction on November 26, 1985. Causing damage and/or loss. Amount of Claim: \$185

CLAIM NO. 86-3166

Daniel C. LeBlanc, of Vinton, LA, while trawling on the vessel, LA 2009 BC, in Alkali Ditch, 4-1/2 miles southwest of Ellender Bridge in Cameron Parish, encountered an unidentified submerged obstruction on November 28, 1985. Causing damage and/or loss. Amount of Claim: \$806.32

CLAIM NO. 86-3167

Daniel C. LeBlanc, of Vinton, LA, while trawling on the vessel, "LA 2009 BC," in Kelso Bayou, 4-1/2 miles West of Kelso Bayou Bridge, Cameron Parish, encountered a submerged tree trunk and limbs on November 21, 1985. Causing damage and/or loss. Amount of Claim: \$720.96

CLAIM NO. 86-3200

Doyle Taylor, of Cameron, LA, while trawling on the vessel, "LADY CHERYL," in the Gulf of Mexico, at approximate LORAN-C readings of 26,609.7 and 46,980.0, Cameron Parish, encountered an unidentified submerged obstruction on January 2, 1986. Causing damage and/or loss. Amount of Claim: \$525

CLAIM NO. 86-3201

Doyle Taylor, of Cameron, LA, while trawling on the ves-

sel, "LADY CHERYL," in the Gulf of Mexico, at approximate LORAN-C readings of 26,754.3 and 46,976.5, Cameron Parish, encountered an unidentified submerged obstruction on January 27, 1986. Causing damage and/or loss. Amount of Claim: \$550

CLAIM NO. 86-3230 (RESCHEDULED)

Danny Segura of Delcambre, LA, while trawling on the vessel, "MARY CAROLYN," in the Gulf of Mexico, 1/2 miles from beach, at approximate LORAN-C readings of 26,976.3 and 46,956.1, Vermilion Parish, encountered an unidentified submerged obstruction on April 4, 1986. Causing damage and/or loss. Amount of Claim: \$998.55

CLAIM NO. 86-3231 (RESCHEDULED)

Danny Segura, of Delcambre, LA, while trawling on the vessel, "MARY CAROLYN," in the Gulf of Mexico, 1-1/2 miles from beach, at approximate LORAN-C readings of 26,988.6 and 46,951.2, Vermilion Parish, encountered an unidentified submerged obstruction on April 7, 1986. Causing damage and/or loss. Amount of Claim: \$474.

CLAIM NO. 86-3218 (RESCHEDULED)

Danny Segura of Delcambre, LA, while trawling on the vessel, "MARY CAROLYN," in the Gulf of Mexico, at the mouth of Freshwater Bayou, Vermilion Parish, encountered a submerged piling on November 10, 1985. Causing damage and/or loss. Amount of Claim: \$3,772.94

CLAIM NO. 86-3410

Kevin Dooley, of D & C Trawlers, Inc., Delcambre, LA, while trawling on the vessel, "THREE SISTERS," in the Gulf of Mexico, three miles from Freshwater Bayou, encountered an unidentified submerged obstruction on June 5, 1986. Causing damage and/or loss. Amount of Claim: \$2,414.37

Friday September 5, 1986, at 2 p.m., in the St. Bernard Police Jury Office, 8201 West Judge Perez Drive, Chalmette, LA:

CLAIM NO. 85-2549

Kerby Jones, of Empire, LA, while trawling on the vessel "PAULETTA-ANN," in Breton Sound, two miles off Rattlesnake Bayou, Plaquemines Parish, encountered an unidentified submerged obstruction on July 11, 1985. Causing damage and/or loss. Amount of Claim: \$1,250

CLAIM NO. 85-3093

Hugh Johnson, of St. Bernard, LA, while trawling on the vessel, "SAILOR'S JOY," in Breton Sound, north side of rocks Beacon 58, St. Bernard Parish, encountered an unidentified submerged obstruction on December 18, 1985. Causing damage and/or loss. Amount of Claim: \$1,158.44

CLAIM NO. 86-3108

James Dean Tisdale, of Slidell, LA, while trawling on the vessel "WHISKEY RIVER," in the Rigolets, St. Tammany Parish, encountered an unidentified submerged obstruction on December 9, 1985. Causing damage and/or loss. Amount of Claim: \$1,074

CLAIM NO. 86-3118

August Bertoniere, of Metairie, LA, while trawling on the vessel, "PONTCHARTRAIN PRINCESS," in Lake Pontchartrain, east of Lakefront Airport, Orleans Parish, encountered an unidentified submerged obstruction on December 18, 1985. Causing damage and/or loss. Amount of Claim: \$672

CLAIM NO. 86-3121

Roland G. Navarro, of St. Bernard, LA, while trawling on the vessel, "VALLEY LIGHT," in Southwest Pass, Vermilion Parish, encountered a submerged piling on November 29, 1985. Causing damage and/or loss. Amount of Claim: \$921.78

CLAIM NO. 86-3134

Norman J. Couture, of Chalmette, LA, while dredging for oysters on the vessel, "CHERYL LYNN," in Black Bay, north

side of Ship Channel Bayou LaMar, St. Bernard Parish, encountered an unidentified submerged obstruction on December 30, 1985. Causing damage and/or loss. Amount of Claim: \$2,424.20
CLAIM NO. 86-3160

Bruce Guerra, Sr., of St. Bernard, LA, while trawling on the vessel, "MR. FABRICIANO," in Three Mile Bay, 450 feet south of the point, St. Bernard Parish, encountered an unidentified submerged obstruction on December 18, 1985. Causing damage and/or loss. Amount of Claim: \$723
CLAIM NO. 86-3169

Benjamin S. Johnson, of St. Bernard, LA, while trawling on the vessel, "LADY HAZEL," off Southwest Pass at approximate LORAN-C readings of 28,740.5 and 46,758.1, about ³/₄ mile from Sea Buoy, Plaquemines Parish, encountered an unidentified submerged obstruction on January 15, 1986. Causing damage and/or loss. Amount of Claim: \$2,723.17
CLAIM NO. 86-3175

John Martinez, Jr., of St. Bernard, LA, while hauling crab traps on the vessel, "SAN PEDRO," in the Mississippi River Gulf Outlet, St. Bernard Parish, encountered a submerged wooden crate on January 29, 1986. Causing damage and/or loss. Amount of Claim: \$1,045.04
CLAIM NO. 85-3083

Joseph P. Nunez, of St. Bernard, LA, while trawling on the vessel, "DOTTIE JOE," in Chandeleur Sound, right side of Point Comfort, St. Bernard Parish, encountered a sunken boat on December 12, 1985. Causing damage and/or loss. Amount of Claim: \$675
CLAIM NO. 86-3157

E. J. DeJean, Jr., of Chalmette, LA, while trawling on the vessel, "MARY-DOT," in Breton Sound, at approximate LORAN-C readings of 28,965.3 and 46,921.7, St. Bernard Parish, encountered an unidentified submerged obstruction on December 19, 1985. Causing damage and/or loss. Amount of Claim: \$988
CLAIM NO. 86-3158

E. J. DeJean, Jr., of Chalmette, LA, while trawling on the vessel, "MARY-DOT," in Breton Sound, at approximate LORAN-C readings of 28,957.6 and 46,885.7, St. Bernard Parish, encountered an unidentified submerged obstruction on December 20, 1985. Causing damage and/or loss. Amount of Claim: \$1,188
CLAIM NO. 86-3177

E. J. DeJean, Jr., of Chalmette, LA, while trawling on the vessel, "BRIGHT STAR," in the Gulf of Mexico, at approximate LORAN-C readings of 27,405.8 and 46,905.0, St. Bernard Parish, encountered an unidentified submerged obstruction on January 27, 1986. Causing damage and/or loss. Amount of Claim: \$488
CLAIM NO. 86-3178

Roland R. Ronquille, of LaPlace, LA, while trawling on the vessel, "LA 3434 BH," in Buttermilk Bend, ³/₄ of a mile west of Southeast Pass, Plaquemines Parish, encountered an unidentified submerged obstruction on January 5, 1986. Causing damage and/or loss. Amount of Claim: \$1,309.90
CLAIM NO. 86-3179

Roland R. Ronquille, of LaPlace, LA, while trawling on the vessel, "LA 3434 BH," ¹/₂ mile off of Main Pass Flat, Plaquemines Parish, encountered a submerged cable spool on November 30, 1985. Causing damage and/or loss. Amount of Claim: \$489.95
CLAIM NO. 86-3185

Frederick J. Seither, Jr., of Metairie, LA, while trawling on the vessel, "DREAMBOAT," in Chef Pass at mouth of Lake Pontchartrain, Orleans Parish, encountered an unidentified sub-

merged obstruction on December 18, 1985. Causing damage and/or loss. Amount of Claim: \$1,508.95
CLAIM NO. 86-3187

Gerard Lewis, of Arabi, LA, while trawling on the vessel, "ST. JUDE," in Lake Borgne, between Proctor Point and Alligator Point, Orleans Parish, encountered an unidentified submerged obstruction on February 6, 1986. Causing damage and/or loss. Amount of Claim: \$973.80
CLAIM NO. 85-2514

Bertrand R. Hutchinson of Empire, LA, while trawling on the vessel, "CAPT. BERTRAND," in Breton Sound, at approximate LORAN-C readings of 28,967.9 and 46,901.3, Plaquemines Parish, encountered an unidentified submerged obstruction on June 14, 1985. Causing damage and/or loss. Amount of Claim: \$1,150
CLAIM NO. 85-2515

Bertrand R. Hutchinson of Empire, LA, while trawling on the vessel, "CAPT. BERTRAND," in Lake Borgne, north of Proctor Point, encountered an unidentified submerged obstruction on July 1, 1985. Causing damage and/or loss. Amount of Claim: \$1,150
CLAIM NO. 85-2527

Cultus O. Pearson, Jr., of Lacombe, LA, while trawling on the vessel, "LIL PEG," in Lake Pontchartrain, south of Lacombe Bayou, St. Tammany Parish, encountered an unidentified submerged obstruction on June 10, 1985. Causing damage and/or loss. Amount of Claim: \$32
CLAIM NO. 85-2528

Cultus O. Pearson Jr. of Lacombe, LA, while trawling on the vessel, "LIL PEG," in Lake Pontchartrain, 2 miles southwest of Flatpoint, St. Tammany Parish, encountered an unidentified submerged obstruction on June 11, 1985. Causing damage and/or loss. Amount of Claim: \$250
CLAIM NO. 86-3109

George France, of Slidell, LA, while trawling on the vessel, "LA BRINA JO," in Saw Mill Pass, Orleans Parish, encountered an unidentified submerged obstruction on December 8, 1985. Causing damage and/or loss. Amount of Claim: \$720
CLAIM NO. 86-3110

George France, of Slidell, LA, while trawling on the vessel, "LA BRINA JO," in the Rigolets toward Lake Borgne, Orleans Parish, encountered an unidentified submerged obstruction on December 12, 1985. Causing damage and/or loss. Amount of Claim: \$608
CLAIM NO. 86-3193

Norbert J. Guerra, of Violet, LA, while trawling on the vessel, "CAPTAIN BERT," in Pass between Bay Lafourche and Grand Point Bay, Plaquemines Parish, encountered an unidentified submerged obstruction on December 10, 1985. Causing damage and/or loss. Amount of Claim: \$630.40
CLAIM NO. 86-3194

Norbert J. Guerra of Violet, LA, while trawling on the vessel, "CAPTAIN BERT," in Bayou Boue, Plaquemines Parish, encountered an unidentified submerged obstruction on December 16, 1985. Causing damage and/or loss. Amount of Claim: \$561.32
CLAIM NO. 86-3130

Daniel Charpentier, of Joan of Arc, Inc. Cut Off, LA, while trawling on the vessel, "JOAN OF ARC," in Breton Sound, at approximate LORAN-C readings of 28,978.5 and 46,902.9, Plaquemines Parish, encountered a sunken barge on December 13, 1985. Causing damage and/or loss. Amount of Claim: \$5,000
CLAIM NO. 86-3131

Daniel Charpentier, of Joan of Arc, Inc., Cut Off, LA, while trawling on the vessel, "JOAN OF ARC," in Chandeleur

Sound, at approximate LORAN-C readings of 29,058.4 and 46,931.8, St. Bernard Parish, encountered an unidentified submerged obstruction on December 14, 1985. Causing damage and/or loss. Amount of Claim: \$2,696.54
CLAIM NO. 86-3129

Daniel Charpentier, of Joan of Arc," Inc., Cut Off, LA, while trawling on the vessel, "JOAN OF ARC," in the Gulf of Mexico, at approximate LORAN-C readings of 28,163.9 and 46,831.2, Terrebonne Parish, encountered an unidentified submerged obstruction on December 12, 1985. Causing damage and/or loss. Amount of Claim: \$1,378.11
CLAIM NO. 86-3163

Maria and Zoran Nikolovski, of Empire, LA, while in Breton Sound at 10 p.m. and about to enter the Mississippi River Gulf Outlet, the vessel, "MISS L & A," became disabled and was thrown against the rocks which line the Outlet, Plaquemines Parish. Causing damage and/or loss. Amount of Claim: \$5,000

Wednesday, September 10, 1986, at 10 a.m., in the Louisiana State University Cooperative Extension Service Office, 511 Roussel Street, Houma, LA.:
CLAIM NO. 85-2974

Johnny Trosclair, Jr., of Houma, LA, while trawling on the vessel, "LA 955 YF," between Grand Caillou Bayou and Bayou Petit Caillou, Terrebonne Parish, encountered an unidentified submerged obstruction on November 22, 1985. Causing damage and/or loss. Amount of Claim: \$1,763.66
CLAIM NO. 85-3039

Sidney Dupre, of Chauvin, LA, while trawling in the vessel, "LIL CECIL," in Terrebonne Bay, approximately 2.5 miles east of the Navigation Canal and about 2.5 miles SE of Pass LA Graisse, Terrebonne Parish, encountered an unidentified submerged obstruction on December 2, 1985. Causing damage and/or loss. Amount of Claim: \$535.87
CLAIM NO. 86-3180

Joseph H. Verdin, of Houma, LA, while trawling on the vessel, "MR. PERRY," between Oyster Bayou Table and Taylor Bayou Table, Terrebonne Parish, encountered an unidentified submerged obstruction on January 29, 1986. Causing damage and/or loss. Amount of Claim: \$2,645.62
CLAIM NO. 86-3204

Milton A. Matherne, Sr., of Houma, LA, while trawling on the vessel, "MISS LOLA," in the Gulf of Mexico, 1-1/2 mile west of Grand Caillou Bayou, Terrebonne Parish, encountered an unidentified submerged obstruction on March 16, 1986. Causing damage and/or loss. Amount of Claim: \$2,198.10
CLAIM NO. 86-3208

Hugh P. Valure, of H. P. Valure Trawling Co., Inc., Houma, LA, while trawling on the vessel "SPILEN," in the Gulf of Mexico, about 1/2 mile from Oyster Bayou Light, at approximate LORAN-C readings of 27,816.9 and 46,869.3, Terrebonne Parish, encountered a submerged tree on March 18, 1986. Causing damage and/or loss. Amount of Claim: \$575
CLAIM NO. 86-3211

Percy Boudwin, Jr., of Houma, LA, while trawling on the vessel, "POKEY & CHERYL," in the Gulf of Mexico, off of Shell Keys, at approximate LORAN-C readings of 27,492.6 and 46,918.9, St. Mary Parish, encountered submerged cement and pipe on March 24, 1986. Causing damage and/or loss Amount of Claim: \$1,227.99
CLAIM NO. 86-3219

Louis J. Collins, of Chauvin, LA, while trawling on the vessel, "APRIL LOVE," 1/2 mile off beach between New Cut and Joseph Harbor, at approximate LORAN-C readings 26,898.2 and 46,964.7, Cameron Parish, encountered an unidentified submerged obstruction on March 15, 1986. Causing damage

and/or loss. Amount of Claim: \$750
CLAIM NO. 86-3226

Roxanne Marie Sevin, of Chauvin, LA, while trawling on the vessel, "SAND DOLLAR," in Last Island, Whiskey Pass, Lake Pelto Area, Terrebonne Parish, encountered an unidentified submerged obstruction on March 6, 1986. Causing damage and/or loss. Amount of Claim: \$5,000
CLAIM NO. 86-3244

Jessie Luke, of Houma, LA, while trawling on the vessel, "LUKE'S PRIDE," in the Gulf of Mexico, east of Oyster Bayou, at approximate LORAN-C readings 27,839.4 and 46,863.6, Terrebonne Parish, encountered an unidentified submerged obstruction on April 6, 1986. Causing damage and/or loss. Amount of Claim: \$1,100
CLAIM NO. 86-3249

John Verdin, Jr., of Houma, LA, while trawling on the vessel, "MR. JOHN," in the Gulf of Mexico, west outside Blue Point Tank, one mile from the beach, Terrebonne Parish, encountered an unidentified submerged obstruction on April 19, 1986. Causing damage and/or loss. Amount of Claim: \$3,987.62
CLAIM NO. 86-3280

Joseph Lodrigue, Jr., of Dulac, LA, while trawling on the vessel, "MR. JUNE," in Gulf of Mexico, east of Shell Keys, at approximate LORAN-C readings of 27,523.5 and 46,922.7, St. Mary Parish, encountered an unidentified submerged obstruction on April 24, 1986. Causing damage and/or loss. Amount of Claim: \$2,107.50
CLAIM NO. 86-3300

Wayne Boudwin, of Houma, LA, while trawling on the vessel, "CAPT. WAYNE," in the Gulf of Mexico, along Cat Island Channel, at approximate LORAN-C readings of 28,671.0 and 46,870.0, Terrebonne Parish, encountered an unidentified submerged obstruction on May 9, 1986. Causing damage and/or loss. Amount of Claim: \$402.80
CLAIM NO. 86-3301

Dwayne Boudwin, of Houma, LA, while trawling on the vessel, "BAYOU BELLE," in the Gulf of Mexico, outside of Last Island, east of Wine Island Pass, Terrebonne Parish, encountered an unidentified submerged obstruction on May 10, 1986. Causing damage and/or loss. Amount of Claim: \$740
CLAIM NO. 86-3315

Houston Trahan, of Chauvin, LA, while trawling on the vessel, "REBECCA LYNN," in Terrebonne Bay, Lake Felicity, Terrebonne Parish, encountered a submerged piling on May 20, 1986. Causing damage and/or loss. Amount of Claim: \$1,137.83
CLAIM NO. 86-3344

Adam J. Fitch, of Dulac, LA, while trawling on the vessel, "VIOLA B," in Breton Sound, near Bird Island, St. Bernard Parish, encountered a submerged sunken boat on May 19, 1986. Causing damage and/or loss. Amount of Claim: \$4,988
CLAIM NO. 86-3371

Larry J. Nettleton, of Montegut, LA, while trawling on the vessel, "LA 1936 BA," in Madison Bay Area, Terrebonne Parish, encountered a submerged crab cage on May 26, 1986. Causing damage and/or loss. Amount of Claim: \$1,731.06
CLAIM NO. 86-3416

Donald J. Normand, of Montegut, LA, while trawling on the vessel, "MELANIE ANN," in Terrebonne Bay, at approximate LORAN-C readings of 28,171.1 and 46,856.5, Terrebonne Parish, encountered an unidentified submerged obstruction on June 13, 1986. Causing damage and/or loss. Amount of Claim: \$447.58
CLAIM NO. 86-3445

Cecil P. Authement, of Montegut, LA, while trawling on

the vessel, "PINGO," in Lake Barre, Terrebonne Parish, encountered an unidentified submerged obstruction on June 12, 1986. Causing damage and/or loss. Amount of Claim: \$795
CLAIM NO. 86-3278

Charles E. Verdin, of Montegut, LA, while trawling on the vessel, "CAPT. DICKIE V.," in the Gulf of Mexico, at approximate LORAN-C readings of 28,135.4 and 46,829.1, Terrebonne Parish, encountered submerged cement sacks on April 25, 1986. Causing damage and/or loss. Amount of Claim: \$980

CLAIM NO. 86-3288

Charles Verdin, of Montegut, LA, while trawling on the vessel, "CAPT. DICKIE V.," in the Gulf of Mexico, at approximate LORAN-C readings of 28,118.7 and 46,830.4, Terrebonne Parish, encountered an unidentified submerged obstruction on May 1, 1986. Causing damage and/or loss. Amount of Claim: \$980

CLAIM NO. 86-3250

Ronnie Ledet, of Houma, LA, while trawling on the vessel, "DIXIE BELLE," in the Gulf of Mexico, off of Grand Isle, Lafourche Parish, encountered a submerged log on April 23, 1986. Causing damage and/or loss. Amount of Claim: \$371

CLAIM NO. 86-3284

Ronnie Ledet, of Houma, LA, while trawling on the vessel, "DIXIE BELLE," in the Gulf of Mexico, in Grand Isle, Lafourche Parish, encountered a submerged log on May 7, 1986. Causing damage and/or loss. Amount of Claim: \$366.26

CLAIM NO. 86-3190

Ray J. Boudwin, Sr., of Houma, LA, temporarily ceased trawling activities on the vessel, "LIL PEOPLE," in the South Point Area East of Marsh Island, St. Mary Parish, and while enroute to render aid to a vessel on January 27, 1986, caught a gill net in his wheel. Amount of Claim: \$1,726.43

CLAIM NO. 86-3191

Ray J. Boudwin, Sr., of Houma, LA, temporarily ceased trawling activities on the vessel, "CAPT. SQUEAK," in the South Point Area, East of Marsh Island, St. Mary Parish, and while enroute to render aid to a vessel on January 27, 1986, caught a gill net in his wheel. Amount of Claim: \$1,460.80

CLAIM NO. 86-3145

Percy Boudwin, Sr., of Houma, LA, while trawling on the vessel, "SEA LADY," in the Gulf of Mexico, at approximate LORAN-C readings of 27,992.0 and 46,827.0, Terrebonne Parish, encountered an unidentified submerged obstruction on January 9, 1986. Causing damage and/or loss. Amount of Claim: \$3,410.16

CLAIM NO. 86-3161

Percy Boudwin, Sr., of Houma, LA, while trawling on the vessel, "SEA LADY," in the Gulf of Mexico, at approximate LORAN-C readings of 27,563.0 and 46,917.0, St. Mary Parish, encountered an unidentified submerged obstruction on January 14, 1986. Causing damage and/or loss. Amount of Claim: \$874.47

CLAIM NO. 86-3257

Percy Boudwin, Sr., of Houma, LA, while trawling on the vessel, "SEA LADY," in the Gulf of Mexico, at approximate LORAN-C readings of 28,481.8 and 46,848.0, Jefferson Parish, encountered an unidentified submerged obstruction on April 23, 1986. Causing damage and/or loss. Amount of Claim: \$1,655.20

CLAIM NO. 86-3258

Percy Boudwin, Sr., of Houma, LA, while trawling on the vessel, "BAYOU BELLE," in the Gulf of Mexico, 1/2 mile off beach near the water tower at Grand Isle, Jefferson Parish, encountered an unidentified submerged obstruction on April 24, 1986. Causing damage and/or loss. Amount of Claim:

\$1,343.02

CLAIM NO. 86-3285

Percy Boudwin, Sr., of Houma, LA, while trawling on the vessel, "SEA LADY," in the Gulf of Mexico, at approximate LORAN-C readings of 28,071.0 and 46,826.0, Jefferson Parish, encountered an unidentified submerged obstruction on May 3, 1986. Causing damage and/or loss. Amount of Claim: \$827.60

CLAIM NO. 86-3298

Percy Boudwin, Sr., of Houma, LA, while trawling on the vessel, "SEA LADY," in the Gulf of Mexico, at approximate LORAN-C readings of 28,669.3 and 46,870.0, Terrebonne Parish, encountered an unidentified submerged obstruction on May 9, 1986. Causing damage and/or loss. Amount of Claim: \$834

CLAIM NO. 86-3299

Percy Boudwin, Sr., of Houma, LA, while trawling on the vessel, "SEA LADY," in the Gulf of Mexico, outside of Grand Isle, at approximate LORAN-C readings 28,459.1 and 46,845.3, Jefferson Parish, encountered an unidentified submerged obstruction on May 6, 1986. Causing damage and/or loss. Amount of Claim: \$2,856

Friday, September 12, 1986, at 10 a.m. in the Lafitte Town Hall, Lafitte, LA.:

CLAIM NO. 85-2626

Julius J. Moll, of Lafitte, LA, while trawling on the vessel, "LADY DANIELLE," in the Gulf of Mexico, west of Barataria Pass, at approximate LORAN-C readings of 28,550.0 and 46,260.0, Jefferson Parish, encountered an unidentified submerged obstruction on August 2, 1985. Causing damage and/or loss. Amount of Claim: \$515

CLAIM NO. 85-2692

Herbert Schultz, Jr., of Lafitte, LA, while trawling on the vessel, "LADY SARAH," in the Gulf of Mexico, north of North Pass, at approximate LORAN-C readings of 29,101.4 and 46,835.8, Plaquemines Parish, encountered an unidentified submerged obstruction on August 9, 1985. Causing damage and/or loss. Amount of Claim: \$285

CLAIM NO. 85-2696

Larry L. Mooty, of Lafitte, LA, while trawling on the vessel, "FISHERMAN," in the Gulf of Mexico, south of East Constance Bayou, at approximate LORAN-C readings 27,052.1 and 46,947.6, Vermilion Parish, encountered an unidentified submerged obstruction on August 28, 1985. Causing damage and/or loss. Amount of Claim: \$3,226.07

CLAIM NO. 86-3283

Allen Wiseman, of Iron Horse, Inc., Marrero, LA, while trawling on the vessel, "MIDNIGHT SPECIAL," in the Gulf of Mexico, at approximate LORAN-C readings of 28,581.9 and 46,850.0, Jefferson Parish, encountered an unidentified submerged obstruction on April 25, 1986. Causing damage and/or loss. Amount of Claim: \$1,909.78

CLAIM NO. 86-3291

William N. Rojas, of Lafitte, LA, while trawling on the vessel, "MARINE LEGEND," in the Gulf of Mexico, at Four Bayou on the beach by Bay Ronquille Cut, Plaquemines Parish, encountered an unidentified submerged obstruction on May 12, 1986. Causing damage and/or loss. Amount of Claim: \$65

CLAIM NO. 86-3310

Lester C. Arcement, of Lafitte, LA, while trawling on the vessel, "CHARLIE'S ANGELS" in Calliou Bay, Grand Key Channel, encountered an unidentified submerged obstruction on May 12, 1986. Causing damage and/or loss. Amount of Claim: \$210

CLAIM NO. 86-3351

Ronald Thomassie, of Lafitte, LA, while trawling on the vessel, "CHRIS-RON-ED," in Barataria Grand Isle Pass, Jeffer-

son Parish, encountered an unidentified submerged obstruction on May 24, 1986. Causing damage and/or loss. Amount of Claim: \$1,300

CLAIM NO. 86-3427

Alexie Hebert, of Westwego, LA, while trawling on the vessel, "LA 5015 BM," in the Gulf of Mexico, 600 yards south of Shell Island, Plaquemines Parish, encountered an unidentified submerged obstruction on May 28, 1986. Causing damage and/or loss. Amount of Claim: \$450

CLAIM NO. 86-3279

Dale Belsome of Master Dale, Inc., Lafitte, LA, while trawling on the vessel, "MASTER DALE," in Belle Pass, at approximate LORAN-C readings 28,335.4 and 46,826.5, Lafourche Parish, encountered an unidentified submerged obstruction on November 9, 1985. Causing damage and/or loss. Amount of Claim: \$1,700

CLAIM NO. 86-3353

Dale Belsome, of Master Dale, Inc., Lafitte, LA, while trawling on the vessel, "MASTER DALE," in the Gulf of Mexico, the Ship Channel, at approximate LORAN-C readings of 28,552.4 and 46,868.9, Jefferson Parish, encountered an unidentified submerged obstruction on May 28, 1986. Causing damage and/or loss. Amount of Claim: \$5,000

CLAIM NO. 86-3323

Joseph Rogers, Jr., of Lafitte, LA, while trawling on the vessel, "L & A," in Pass Abel, Grand Terre Islands, Jefferson Parish, encountered an unidentified submerged obstruction on May 18, 1986. Causing damage and/or loss. Amount of Claim: \$492

CLAIM NO. 86-3324

Joseph Rogers, Jr., of Lafitte, LA, while trawling on the vessel, "L & A," in Four Bayou Pass, Jefferson Parish, encountered an unidentified submerged obstruction on May 10, 1986. Causing damage and/or loss. Amount of Claim: \$150

CLAIM NO. 86-3233

Malcolm J. LeBlanc, Sr., of M. J. LeBlanc Trawlers, Inc., Lafitte, LA, while trawling on the vessel, "BAYOU CHAMP," in the Gulf of Mexico, at approximate LORAN-C readings of 28,132.4 and 46,809.7, Terrebonne Parish, encountered an unidentified submerged obstruction on December 19, 1985. Causing damage and/or loss. Amount of Claim: \$877.75

CLAIM NO. 86-3234

Malcolm J. LeBlanc, Sr., of Southern Nights Trawlers, Inc., Lafitte, LA, while trawling on the vessel, "SOUTHERN NIGHTS," in the Gulf of Mexico, at approximate LORAN-C readings of 27,740.8 and 46,852.8, Terrebonne Parish, encountered a submerged large pipe on December 7, 1985. Causing damage and/or loss. Amount of Claim: \$2,955.10

CLAIM NO. 86-3235

Malcolm J. LeBlanc, Sr., of Southern Nights Trawlers, Inc., Lafitte, LA, while trawling on the vessel, "SOUTHERN NIGHTS," in the Gulf of Mexico, at approximate LORAN-C readings of 26,375.9 and 46,963.5, Cameron Parish, encountered an unidentified submerged obstruction on September 18, 1985. Causing damage and/or loss. Amount of Claim: \$5,000

CLAIM NO. 86-3236

Malcolm J. LeBlanc, Sr., of Southern Nights Trawlers, Inc., Lafitte, LA, while trawling on the vessel, "SOUTHERN NIGHTS," in the Gulf of Mexico, at approximate LORAN-C readings of 26,879.3 and 46,954.0, Vermilion Parish, encountered an unidentified submerged obstruction on October 18, 1985. Causing damage and/or loss. Amount of Claim: \$1,383.61

CLAIM NO. 86-3248

Malcolm J. LeBlanc, Sr., of M. J. LeBlanc Trawlers, Inc., Lafitte, LA, while trawling on the vessel, "BAYOU CHAMP," in

the Gulf of Mexico, at approximate LORAN-C readings of 28,555.1 and 46,846.3, Jefferson Parish, encountered an unidentified submerged obstruction on March 8, 1986. Causing damage and/or loss. Amount of Claim: \$2,232.46

CLAIM NO. 86-3155

Louis J. Parria, Jr., of Lafitte, LA, while trawling on the vessel, "PARRIA BROS.," in Grand Isle Pass, at approximate LORAN-C readings of 28,565.3 and 46,862.6, Jefferson Parish, encountered an unidentified submerged obstruction on January 4, 1986, at approximately 2 p.m., causing loss of two 40 foot trawls. Amount of Claim: \$1,930.

CLAIM NO. 86-3171

Louis J. Parria, Sr., of Lafitte, LA, while trawling on the vessel, "DARREN DENISE," in Grand Isle Pass, Jefferson Parish, encountered an unidentified submerged obstruction on January 9, 1986, at approximately 8:30 a.m., causing loss of two 40 foot trawls, boards, and chain. Amount of Claim: \$2,407.50

Friday September 26, 1986, at 2:30 p.m. in the L.S.U. Cooperative Extension Service Office, Greater Lafourche Port Commission Building, Highway 308, Galliano, LA.:

CLAIM NO. 86-3212

Ernest A. Plaisance, of Lockport, LA, while trawling on the vessel, "DORIS MARIE," in the Gulf of Mexico, at approximate LORAN-C readings of 27,327.3 and 46,942.7, Vermilion Parish, encountered an unidentified submerged obstruction on March 26, 1986. Causing damage and/or loss. Amount of Claim: \$5,000

CLAIM NO. 86-3241

Jeff J. Toups, of Cut Off, LA, while trawling on the vessel, "TEE BAYOU L'OURS," in Breton Sound, at approximate LORAN-C readings of 28,978.4 and 46,902.5, Plaquemines Parish, encountered an unidentified submerged obstruction on December 1, 1985. Causing damage and/or loss. Amount of Claim: \$1,683.51

CLAIM NO. 86-3242

Terry Cheramie, of Cut Off, LA, while trawling on the vessel, "BILLY BOY," in the Gulf of Mexico, Tiger Shore, at approximate LORAN-C readings of 27,413.5 and 46,929.6, Iberia Parish, encountered an unidentified submerged obstruction on April 1, 1986. Causing damage and/or loss. Amount of Claim: \$785.60

CLAIM NO. 86-3243

Melvin Vanacor, Sr., of Des Allemands, LA, while trawling on the vessel, "LA 1724 BM," in the Pen east of Lafitte Big Lake, Jefferson Parish, encountered an unidentified submerged obstruction on March 27, 1986. Causing damage and/or loss. Amount of Claim: \$823.90

CLAIM NO. 86-3259

Isadore Dardar, of Golden Meadow, LA, while trawling on the vessel, "MISS LENA," in the Gulf of Mexico, between Penrod and Bird Island, Lafourche Parish, encountered an unidentified submerged obstruction on April 22, 1986. Causing damage and/or loss. Amount of Claim: \$951.30

CLAIM NO. 86-3260

Anthony P. Galliano, of Lady Debra, Inc., Galliano, LA, while trawling on the vessel, "LADEY DEBRA," in the Gulf of Mexico, Shell Keys, at approximate LORAN-C readings of 27,443.4 and 46,916.5, Iberia Parish, encountered an unidentified submerged obstruction on April 20, 1986. Causing damage and/or loss. Amount of Claim: \$1,306.58

CLAIM NO. 86-3272

Jason J. Guidry, of Cut Off, LA, while trawling on the vessel, "CAPTAIN JASON," in Belle Pass, just inside the rocks at Belle Pass, Lafourche Parish, encountered an unidentified submerged obstruction on April 25, 1986. Causing damage and/or loss. Amount of Claim: \$778.52

CLAIM NO. 86-3273

Norbert Dardar, of Capt. Joe, Inc., Golden Meadow, LA, while trawling on the vessel, "CAPT. JOE," in the Gulf of Mexico, east of Belle Pass, at approximate LORAN-C readings of 28,366.6 and 46,823.9, Lafourche Parish, encountered an unidentified submerged obstruction on April 20, 1986. Causing damage and/or loss. Amount of Claim: \$1,830.01

CLAIM NO. 86-3275

Leonard F. Billiot, Jr., of Golden Meadow, LA, enroute to a shrimping area on the vessel, "GULF COAST I," in Belle Pass-Bayou Lafourche, Lafourche Parish, encountered plastic rope on April 20, 1986. Causing damage and/or loss. Amount of Claim: \$5,000

CLAIM NO. 86-3290

Jerry J. Ledet, of Lockport, LA, while trawling on the vessel, "COON POWER," in the Gulf of Mexico, at approximate LORAN-C readings of 27,895.7 and 46,861.7, Terrebonne Parish, encountered a sunken boat on May 9, 1986. Causing damage and/or loss. Amount of Claim: \$1,168

CLAIM NO. 86-3293

Raleigh Lasseigne, of Grand Isle, LA, while trawling on the vessel, "LADY KAY," in the Gulf of Mexico, west side of Grand Isle, Jefferson Parish, encountered an unidentified submerged obstruction on May 10, 1986. Causing damage and/or loss. Amount of Claim: \$1,055.72

CLAIM NO. 86-3297

Timmy Guidry, of Capt. Timmy Inc., Galliano, LA, while trawling on the vessel, "CAPT. TIMMY," in the Gulf of Mexico, One Island Pass, at approximate LORAN-C readings of 28,134.7 and 46,828.9, Terrebonne Parish, encountered an unidentified submerged obstruction on May 7, 1986. Causing damage and/or loss. Amount of Claim: \$1,606.54

CLAIM NO. 86-3302

Henry Charpentier, of Capt. Henry, Inc., Cut Off, LA, while trawling on the vessel, "CAPT. HENRY," in Barataria Pass, at approximate LORAN-C readings of 28,561.1 and 46,822.7, Jefferson Parish, encountered an unidentified submerged obstruction on May 12, 1986. Causing damage and/or loss. Amount of Claim: \$146.51

CLAIM NO. 86-3303

Elmo Guidry, of Cut Off, LA, while trawling on the vessel, "D & G," in the Gulf of Mexico, approximately one mile SE of Belle Pass, Lafourche Parish, encountered an unidentified submerged obstruction on May 4, 1986. Causing damage and/or loss. Amount of Claim: \$1,131.07

CLAIM NO. 86-3304

Alvin and Daniel Charpentier, of Joan of Arc, Inc., Cut Off, LA, while trawling on the vessel, "JOAN OF ARC," in Barataria Pass, at approximate LORAN-C readings of 28,564.1 and 46,861.7, Jefferson Parish, encountered an unidentified submerged obstruction on May 12, 1986. Causing damage and/or loss. Amount of Claim: \$1,590.80

CLAIM NO. 86-3306

Kerry Guidry, of Larose, LA, while trawling on the vessel, "LA 2330 AM," in Caminada Pass, Jefferson Parish, encountered an unidentified submerged obstruction on May 15, 1986. Causing damage and/or loss. Amount of Claim: \$5,000

CLAIM NO. 86-3308

Joseph A. Cheramie, of MIV Cathy Cheramie, Inc., Cut Off, LA, while trawling on the vessel, "CATHY CHERAMIE," in the Gulf of Mexico, Grand Isle, at approximate LORAN-C readings of 28,566.5 and 46,861.2, Lafourche Parish, encountered an unidentified submerged obstruction on May 15, 1986. Causing damage and/or loss. Amount of Claim: \$837.40

CLAIM NO. 86-3318

Dennis J. Terrebonne, of Dennis J. Terrebonne Inc., Gal-

liano, LA, while trawling on the vessel, "MASTER D," in Tambalier Bay, Lafourche Parish, encountered an unidentified submerged obstruction on May 19, 1986. Causing damage and/or loss. Amount of Claim: \$720.56

CLAIM NO. 86-3335

Calvin Johnfroe, of Cut Off, LA, while trawling on the vessel "LA 168 TL," in the Gulf of Mexico, one mile east of Belle Pass, Lafourche Parish, encountered a unidentified submerged obstruction on May 14, 1986. Causing damage and/or loss. Amount of Claim: \$570.50

CLAIM NO. 86-3337

Clannis Esponge, of Esponge Boat Company, Inc., Galliano, LA, while trawling on the vessel, "WILD CHILD," in Rattlesnake Bayou, Plaquemines Parish, encountered an unidentified submerged obstruction on May 20, 1986. Causing damage and/or loss. Amount of Claim: \$2,141.38

CLAIM NO. 86-3360

Linton Gisclair, of Golden Meadow, LA, while trawling on the vessel, "BIG WADE," in the Gulf of Mexico, at approximate LORAN-C readings of 28,316.6 and 46,829.0, Lafourche Parish, encountered an unidentified submerged obstruction on May 16, 1986. Causing damage and/or loss. Amount of Claim: \$1,765.35

CLAIM NO. 86-3366

Gary Terrebonne, of Larose, LA, while trawling on the vessel, "SOLID GOLD," in Timbalier Bay, Lafourche Parish, encountered an unidentified submerged obstruction on June 1, 1986. Causing damage and/or loss. Amount of Claim: \$609.75

CLAIM NO. 86-3388

Jules Bellanger, of Grand Isle, LA, while trawling on the vessel, "WARRIOR," in Barataria Bay, Jefferson Parish, encountered an unidentified submerged obstruction on May 28, 1986. Causing damage and/or loss. Amount of Claim: \$517.35

CLAIM NO. 86-3240

Mervin Ledet, Jr., of Rudy-Joe, Inc., Lockport, LA, while trawling on the vessel, "RUDY JOE," in the Gulf of Mexico, offshore of Atchafalaya Bay, at approximate LORAN-C readings of 27,641.1 and 46,803.3, St. Mary Parish, encountered an unidentified submerged obstruction on April 4, 1986. Causing damage and/or loss. Amount of Claim: \$288.36

CLAIM NO. 86-3277

Mervin Ledet, Jr., of Rudy-Joe, Inc., Lockport, LA, while trawling on the vessel, "RUDY JOE," in the Gulf of Mexico, east of Atchafalaya River, at approximate LORAN-C readings of 27,735.8 and 46,884.5, Lafourche Parish, encountered an unidentified submerged obstruction on April 26, 1986. Causing damage and/or loss. Amount of Claim: \$141.82

CLAIM NO. 86-3261

Douglas A. Lafont, of F/V Tee Tigre', Inc., Cut Off, LA, while trawling on the vessel, "TEE TIGRE'," in the Gulf of Mexico, at approximate LORAN-C readings of 27,810.2 and 46,865.8, Terrebonne Parish, encountered an unidentified submerged obstruction on April 15, 1986. Causing damage and/or loss. Amount of Claim: \$951.30

CLAIM NO. 86-3262

Douglas A. Lafont, of F/V Tee Tigre', Inc. Cut Off, LA, while trawling on the vessel, "TEE TIGRE'," in the Gulf of Mexico, at approximate LORAN-C readings of 27,743.6 and 46,879.0, Terrebonne Parish, encountered an unidentified submerged obstruction on April 18, 1986. Causing damage and/or loss. Amount of Claim: \$951.30

CLAIM NO. 86-3269

Ted Melancon, of Cut Off, LA, while trawling on the vessel, "TEE TED," in the Gulf of Mexico, at approximate LORAN-C readings of 27,461.0 and 46,918.6, Iberia Parish, encountered an unidentified submerged obstruction on April 20,

1986. Causing damage and/or loss. Amount of Claim: \$821.62
CLAIM NO. 86-3270

Ted Melancon, of Cut Off, LA, while trawling on the vessel, "TEE TED," in the Gulf of Mexico, at approximate LORAN-C readings of 27,415.8 and 46,936.3, Iberia Parish, encountered an unidentified submerged obstruction on April 23, 1986. Causing damage and/or loss. Amount of Claim: \$518
CLAIM NO. 86-3358

Reed Galjour, of Galliano, LA, while trawling on the vessel, "T-REED," in the Gulf of Mexico, at approximate LORAN-C readings of 27,867.0 and 46,821.9, Terrebonne Parish, encountered an unidentified submerged obstruction on May 21, 1986. Causing damage and/or loss. Amount of Claim: \$134.17
CLAIM NO. 86-3359

Reed Galjour, of Galliano, LA, while trawling on the vessel, "T-REED," in the Gulf of Mexico, at approximate LORAN-C readings of 27,867.0 and 46,821.9, Terrebonne Parish, encountered an unidentified submerged obstruction on May 22, 1986. Causing damage and/or loss. Amount of Claim: \$2,197.78

Any person may submit evidence or make objections in person at the hearings. Written comments can be mailed to: Administrator, Fishermen's Gear Compensation Fund, Box 94396, Capitol Station, Baton Rouge, LA 70804, and must be postmarked no later than seven days after the hearing(s).

B. JIM PORTER
SECRETARY

POTPOURRI
Department of Revenue and Taxation
Tax Commission

The Louisiana Tax Commission will be conducting a public hearing on Wednesday, August 27, 1986, at 10 a.m., in the Tax Commission Hearing Room, 923 Executive Park Avenue, Baton Rouge, LA.

The purpose of this hearing is to receive input/information on updating the Tax Commission Rules and Regulations. Those desiring to be heard will be given reasonable opportunity to make their presentation.

Jamar W. Adcock
Chairman

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