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# Executive Orders

## EXECUTIVE ORDER EWE 86-2

Paragraph 12 of Executive Order EWE 85-92, dated December 23, 1985, is hereby corrected to read as follows:

Said executive order is further amended to reduce the allocation to the LPFA for the Acadiana Medical Ventures, Ltd. Project from \$2,000,000 to \$1,200,000.

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

Edwin Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

## EXECUTIVE ORDER EWE 86-3

WHEREAS, the Supreme Court of the State of Louisiana, in the proceeding entitled "In the Matter of Rollins Environmental Services, Inc.," bearing Number 8 - CC - 2050 on the docket of said court, ordered the recusal of the secretary of the Department of Environmental Quality from the hearing requested by Rollins Environmental Services under R.S. 30:1072; and

WHEREAS, said court mandated the appointment by the governor of a member pro tem to sit in place of the secretary in said proceeding;

NOW THEREFORE I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me pursuant to the Constitution and applicable laws of the State of Louisiana and the mandate of the Supreme Court, do hereby appoint John Koury, assistant secretary of the office of solid and hazardous waste, to sit as member pro tem in place of the secretary of the Department of Environmental Quality in the above referenced proceeding.

John Koury is authorized to exercise and perform all of the powers and duties which may have been exercised and performed by the secretary in said proceeding as provided by law, and in his capacity as member pro tem may, in his discretion, continue the appointment of the hearing officer appointed by the secretary prior to her recusal; may revoke said appointment and appoint another hearing officer; or may revoke said appointment and hear and decide the case himself.

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 January, 1986.

Edwin Edwards  
Governor of Louisiana

ATTEST BY  
THE GOVERNOR  
Jim Brown  
Secretary of State

# Emergency Rules

## DECLARATION OF EMERGENCY

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

Pursuant to the authority granted under R.S. 3:3306, the Structural Pest Control Commission has exercised the emergency provision of the Administrative Procedure Act [R.S. 49:953(B)] to amend the rules detailed below. These emergency rules were adopted by the Structural Pest Control Commission on January 21, 1986 and shall become effective on March 31, 1986.

Add LAC 7:14116 to the rules and regulations for the Structural Pest Control Commission:

#### **§14116. Wood Infestation Report**

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

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

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

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

Add LAC 7:14143, 14145, 14147, 14149 and 14151 to the rules and regulations for the Structural Pest Control Commission:

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

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

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

B. Handling Spills by Commercial Applicators

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

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

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

A. Storage Areas for Full or Partially Full Pesticide Containers

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

2. Pesticide containers must be free of leaks.

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

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

C. Metal, Glass and Plastic Containers

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

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

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

c. Repeat the above procedure three times.

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

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

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

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

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

D. Paper and Plastic Bags

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

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

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

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

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

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

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

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

3. by disposal in a permitted hazardous waste facility.

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

**§14149. Containment System**

A. Containment Tanks

1. Different containment tanks must be installed for differ-

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

2. Each containment tank shall meet the following requirements:

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

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

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

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

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

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

B. Containment Tank Foundation

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

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

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

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

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

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

C. Storage Requirements

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

D. Location of Requirements; Submission of Preliminary Site Plans

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

E. Requirements for Final Approval of Containment Systems

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

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

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

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

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

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

4. any other methods approved by the commission.

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

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

Bob Odom  
Commissioner

#### **DECLARATION OF EMERGENCY**

##### **Department of 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. 56:22, the Louisiana Wildlife and Fisheries Commission hereby declares that increased fishing pressure on paddlefish (*Polyodon spathula*) for its roe during spawning season may be detrimental to the perpetuation of this species. The spawning season is currently in progress, therefore an emergency rule is necessary for the immediate cessation of fishing for this species.

This fish is a primitive species that has specific habitat requirements and spawn only after they become large and old. Females must reach an age of seven to 14 years before becoming sexually mature and the scientific literature reports that female paddlefish do not spawn every year but probably spawn at intervals of two or more years.

An intense interest in paddlefish eggs (roe) as a source product for the production of caviar has developed. This interest has been brought about with the loss of foreign import markets of caviar, especially from Iran and Iraq, and the high price reported paid for paddlefish eggs (\$40-50/pound) used for caviar production.

Populations of this fish nationwide have been dwindling during the past decade due to the loss of habitat and many states now have the fish listed as being of special concern with some states having lost populations entirely and others with the fish on endangered and/or threatened lists. The literature also reports that this fish can be easily exploited by intense commercial fishing. Louisiana is one of the few states that has good populations of paddlefish remaining. The habitat requirements, biological life history data and extent of the population is imperfectly known by the biological personnel of the department.

The Louisiana Wildlife and Fisheries Commission desires to protect this unique primitive species and gather biological data in order to promulgate upgraded regulations for the utilization of this species. Therefore, the Louisiana Wildlife and Fisheries Commission hereby establishes the closure of fishing for paddlefish statewide for a period of 120 days to begin February 6, 1986 and

extending through June 5, 1986. This prohibition shall not apply to the incidental snagging and possession of one paddlefish by recreational fishermen using a single line and hook.

J. Burton Angelle  
Secretary

## **Rules**

### **RULE**

#### **Department of Agriculture Office of Agricultural and Environmental Sciences Advisory Commission on Pesticides**

Pursuant to the notice of intent published on September 20, 1985 and in accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:3203, the commissioner for the Department of Agriculture and the Advisory Commission on Pesticides has adopted the amendment detailed below.

LAC 7:XXIII.1313(E)(2) should be amended to read as follows:

2. Filing a certificate of insurance, in the form prescribed by the commissioner, in the same amount as required for a surety bond. Such insurance shall be payable to the benefit of persons proven to have suffered damages as a result of the actions of the owner-operator or any of his employees and shall provide for 30 days written notice to the commissioner. Such insurance shall not be applied to damages or injury to agricultural crops, plants, or land being worked upon by the commercial applicator. An owner-operator shall not change the amount of such insurance during the period of the license without the prior written approval of the commissioner.

Bob Odom  
Commissioner

### **RULE**

#### **Department of Commerce Board of Certified Public Accountants**

Notice is hereby given that the State Board of Certified Public Accountants of Louisiana pursuant to the authority vested in Section 75 of the Louisiana Revised Statutes, Title 37, Chapter 2, has adopted effective February 20, 1986, the following rules:

1. LAC 46:XIX.105 (formerly LAC 11-9:3.1) (R.S. 37:73) Amends Section to change the address of the board to: State Board of Certified Public Accountants of Louisiana, Suite 1515 World Trade Center, 2 Canal Street, New Orleans, LA 70130.

2. LAC 46:XIX.301 (formerly LAC 11-9:4.1) (R.S. 37:75) Amends Section to change the word "president" to "chairman."

3. LAC 46:XIX.305 (formerly LAC 11-9:4.3) (R.S. 37:75) Amends Section to change the word "president" to "chairman."

4. LAC 46:XIX.1301.D (formerly LAC 11-9:9.1.4) (R.S. 37:78) Amends Section to correct spelling of word "allotted."

5. LAC 46:XIX.1503.B (formerly LAC 11-9:10.2.2) (R.S. 37:78) Amends to add "or on the professional staff of a certified public accounting firm."

6. LAC 46:XIX.2301.A (formerly LAC 11-9:14.1.1) (R.S. 37:81) Amends Section to change the word "president" to "chairman."

7. LAC 46:XIX.2903 (formerly LAC 11-9:17.2) (R.S. 37:84) Amends Section to change the word "president" to "chairman."

Rules

**LAC 46:XIX.105**

The principal office and official address of the board to which communications should be sent is: State Board of Certified Public Accountants of Louisiana, Suite 1515, World Trade Center, 2 Canal Street, New Orleans, LA 70130.

**LAC 46:XIX.301**

The officers shall be chairman, secretary and treasurer. The duties of the respective officers shall be the usual duties assigned to the respective office. The newly elected officers shall assume the duties of their respective offices at the conclusion of the meeting at which elected.

**LAC 46:XIX.305**

Any meeting may be called by the chairman or by joint call of at least two of its members, to be held at the principal office of the board, or at such other place as may be fixed by the board. Regularly scheduled board meetings are usually held on the last working day of January, March, July and September.

**LAC 46:XIX.1301.D**

All examinations shall be in writing and must be completed in the time allotted by the board. The use of calculating equipment is prohibited.

**LAC 46:XIX.1503.B**

The provisions of the above rule notwithstanding, if an applicant for a reciprocal certificate holds a certificate issued by the state of original certification prior to September 1, 1975 or has been in practice as a certified public accountant or on the professional staff of a certified public accounting firm for four years in the ten years immediately prior to the date of submitting the application, he will not be required to possess a baccalaureate degree.

**LAC 46:XIX.2301.A**

When an applicant has met all the requirements for certification, the board shall issue to him a certificate that he is a certified public accountant in the State of Louisiana. All such certificates shall be valid only when signed by the chairman and secretary of the board. The issuance of the certificate does not qualify the candidate to practice public accounting in the State of Louisiana.

**LAC 46:XIX.2903**

All charges shall be referred to the member of the board or other person designated as the investigating officer, who is to be appointed annually by the chairman of the board.

Mildred M. McGaha, CPA  
Executive Director

**RULE**

**Department of Culture, Recreation and Tourism  
Division of Black Culture**

**Title 25**

**Cultural Resources**

**Part I: Office of Cultural Development**

**Subpart 1. Division of Black Culture**

**Chapter 7. Guidelines for Grant Program**

**§701. Purpose**

This program is designed to provide financial, referral and/or technical assistance to Louisiana residents for the promotion and development of Louisiana black culture in accordance with Act 796 of 1984.

**§703. Funding Amount**

Generally, the maximum amount of a grant award is

\$5,000; however, the commission reserves the right to fund proposals in excess of that amount.

**§705. Eligibility**

Organizations requesting funding to conduct a black culture program or project must be certified as tax-exempt under 501 (c) (3) of the IRS Code; sponsored by a 501 (c) (3) tax-exempt organization; or be certified by the State of Louisiana as a Chapter II non-profit organization and have the representation of a practicing attorney for the completion of expenses form. A copy of IRS determination letter of non-profit status certificate from the Louisiana Secretary of State must accompany your application.

**§707. Matching Requirements**

All grants must be matched dollar-for-dollar in cash and/or in-kind donations.

**§709. Limitations**

Only one program/project per organization per State fiscal year may be funded. All programs/projects must be implemented and completed no later than June 30, 1986. Grant funds may not be used for costs related to hospitality (i.e. food, beverages, banquets, receptions, etc.)

**§711. How to Apply**

Request application in writing from the Division of Black Culture, Post Office Box 44247, Baton Rouge, LA 70804. Due Date: All applications due in the office of the division by 4:30 p.m. on October 30, annually.

**§713. Evaluation Criteria**

A. The program/project should fulfill some specific, identified community need and should be justified in the description of the proposed project.

B. The program/project should be designed to have its primary focus on the cultural development of blacks. Programs developed on various themes regarding Louisiana blacks are preferred.

C. The program/project must be accessible to the general public.

D. Applications will be reviewed in the following areas: program/project need, community involvement and plans/implementation of program/project.

E. Completeness of application and appropriateness of proposed budget.

**§715. Grant Award Notification**

The Louisiana Black Culture Commission will determine recipients at its first meeting following the deadline. Recipients will be notified no later than 90 days after deadline.

**§717. Reporting Requirements**

A. Grantee must submit a final report which includes a complete financial statement reflecting actual income and expenditures of the program/project.

B. Grantee must submit a written statement evaluating the project.

C. Grantee must submit a copy of printed program which includes credit as follows: "This program/project funded (or funded in-part) by the Louisiana Black Culture Commission/Division of Black Culture, Office of Cultural Development, Department of Culture, Recreation and Tourism."

D. Copies of promotional material, media announcements/articles, programs and black and white photographs of program/project must be included in the final report.

E. The final report must be prepared by the recipient and submitted to the Division of Black Culture, no later than 30 days following completion of the funded project.

F. Members of the Louisiana Black Culture Commission and the staff of the Division of Black Culture shall be permitted to

attend programs funded through the Division of Black Culture, free of charge, for review purposes.

G. Grantee must submit Black Culture survey forms.

Robert B. DeBlieux  
Assistant Secretary

## RULE

### Department of Culture, Recreation and Tourism Office of State Museums

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act and R.S. 25:345, notice is hereby given that the Office of State Museums adopted the rule as follows:

Title 25

Cultural Resources

Part IV: Louisiana State Museum

#### Chapter 3. Accessions/Deaccessions/Loan Policy §303. Deaccession of Museum Collection Items

It is the purpose of the deaccession policy and procedure of the Louisiana State Museum to dispose of material in the State Museum's collection that for reasons of subject matter or condition may not be appropriate to the purposes of the Louisiana State Museum. Appropriateness can also be based on the condition of the collection materials.

A. POLICY: The Louisiana State Museum is a historical agency established to collect, preserve, and present original historical materials relative to the development and current life of Louisiana and the Louisiana Territory. The appropriateness of collection materials in the museum collections will be measured as to how the materials meet the subject purposes of the Louisiana State Museum. Appropriateness can also be based on the condition of the collection materials.

B. PROCEDURE:

1. Proposals to deaccession collection materials shall be presented to the Museum Board's Accessions Committee on cases of material culture collections and to the Historical Center Committee in cases of printed works or historical manuscripts.

2. The Accessions Committee or Historical Center Committee, after careful review, shall make a recommendation to the Louisiana State Museum Board relative or deaccessioning a collection item.

3. The Louisiana State Museum Board shall vote to accept or reject the recommendation, of the committee. Acceptance of the recommendation will require a unanimous vote of those board members voting.

4. If the board votes to deaccession a collection item, the following steps will be taken:

a. The item will be offered back to the donor or to their heirs, if such heirs can be located.

b. If the heirs cannot be located through use of information in the Louisiana State Museum's records, the following procedure is used to attempt to locate the heirs: (This Section was taken directly from R.S. 25:345, Section C)

i. Any property which has been deposited with the Louisiana State Museum, by loan or otherwise, and which has been held by the museum for more than 10 years, and to which no person has made claim shall be deemed to be abandoned and, notwithstanding the provisions of Chapter 1 of Title XII of Book III of the Louisiana Civil Code, shall become the property of the museum, provided that the museum has complied with the following provisions:

ii. At least once a week for two consecutive weeks, the museum shall publish in at least one newspaper of general circulation in the parish in which the particular museum facility is lo-

cated a notice and listing of the property. The notice shall contain:

(a) the name and last known address, if any, of the last known owner or depositor of the property;

(b) a description of the property; and

(c) a statement that if proof of claim is not presented by the owner to the museum and if the owner's right to receive such property is not established to the satisfaction of the museum within 65 days from the date of the second published notice, the property will be deemed to be abandoned and shall become the property of the museum.

iii. If no valid claim has been made to the property within 65 days from the date of the second published notice, title to the property shall vest in the museum free from all claims of the owner and all persons claiming through or under him.

c. If the donor or heirs decline to accept the items, the museum will offer the items in trade or sale to another museum.

d. If the item cannot be traded or sold to another museum, the Louisiana State Museum will place the item on consignment with a dealer selected by the State Museum Board.

e. If the item cannot be sold through a dealer or if the item, because of condition, is unusable, the museum will destroy the item.

This is the museum's current policy and makes void any conflicting rule.

Noelle LeBlanc  
Secretary

## RULE

### Department of Culture, Recreation and Tourism Office of State Museums

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act and R.S. 25:343-25:344, notice is hereby given that the Office of State Museums adopted the rule as follows:

Title 25

Cultural Resources

Part IV: Louisiana State Museum

#### Chapter 1. Public Access

##### §103. Admission Fees

The admission fees for the Louisiana State Museum's New Orleans buildings: The Cabildo, Presbytere, 1850 House, Madame John's Legacy and the Old U.S. Mint are \$2 for adults and \$1 for students over 12 and persons over age 65. Children less than 12 years of age are admitted free. Fees are charged for admission to each building separately. This is the current policy and makes void any conflicting rule.

Noelle LeBlanc  
Secretary

## RULE

### Department of Culture, Recreation and Tourism Office of State Parks

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq. and pursuant to the notice of intent published on December 20, 1985, the Office of State Parks adopted the following revisions of its rules which were published in L.R. 8:12 (December 20, 1982). These rule changes had no economic impact or benefit and did not affect revenues collected by this office. These rules were designed to provide the proper atmosphere for the enjoyment and protection of park facilities and safety of visitors. These adopted rules addressed the policies and procedures regarding (1) salaries and fees; (2) operating units; (3) grants; (4) projects; (5) restoration or preservation of historic structures; (6) employee facilities; (7) application preparation, review and selection process; (8) property; (9) donations; (10) signs; (11)

compliance, audit and documentation requirements; (12) pro-  
curement standards; (13) records; (14) inspections; (15) etc.

A copy of these rules may be obtained in their entirety from  
Gerald F. Guidroz, Assistant Secretary, Office of State Parks,  
Drawer 1111, Baton Rouge, LA 70821, (504) 925-3830.

Noelle LeBlanc  
Secretary

## RULE

### Department of Culture, Recreation and Tourism Office of State Parks

In accordance with the provisions of the Administrative  
Procedure Act, R.S. 49:950, et seq., and pursuant to the notice of  
intent published on December 20, 1985, the Office of State Parks  
adopted the following revisions of rules and regulations which have  
an economic impact or benefit. These revisions refer to rules pre-  
viously published in L.R. 8:12 (December 20, 1982) and L.R.  
11:13 (March 20, 1985).

#### PROCEDURES AND FEES

2.2.4 (Deleted)

2.2.4.1 (Deleted)

2.2.4.2 (Deleted)

2.4.2 (Amended and Replaced 2.3.2 - 2.3.4)

Boats with three life jackets and two paddles are available  
at a rental rate of \$8 per boat per day. Additional life jackets are  
available at a rental fee of \$1 each per day.

2.4.3 (Amended and Replaced 2.3.2 - 2.3.4)

A refundable deposit of \$10 per boat is required at the time  
of rental. This deposit will be forfeited if the boat and its accesso-  
ries are not returned in the same condition as rented.

2.6.1 (Amended and Replaced 2.5.1 - 2.5.3)

A fishing pier extending into the Gulf of Mexico is located  
at Grand Isle East State Park. This structure is leased to a conces-  
sionaire and a fee is charged for day or night fishing on the pier in  
addition to the regular day-use or overnight-use fees.

2.8 (New)

#### Group Rental Shelters

2.8.1 (New)

Group rental shelters are available at Lake Bistineau SP,  
Lake Fausse Pointe SP, Cypremort Point SP, Chemin-A-Haut SP  
and North Toledo Bend SP for a daily rental fee of \$30. Such shel-  
ters, when rented, are reserved exclusively for the use of the group  
or individual who is permitted for such use.

2.8.2 (New)

Reserved shelters will be posted, indicating the name of the  
party and date of use. When such shelters are not so posted or re-  
served, they are available to the park user on a first come, first  
served basis as any other non-reserved park shelter. Group rental  
shelters are not available for reservation on Memorial Day, July 4,  
or Labor Day.

2.8.3 (New)

Exclusive use of such a shelter can only be made by a rental  
permit and payment of a rental fee. These group shelters can be  
reserved in advance with a deposit to confirm the reservation.

2.8.4 (New)

In addition to the rental fee, users of the reserved group  
shelters will also be charged the normal day-use entrance fee to  
the park.

2.10.1.2 (New)

Senior citizens on bus tours may apply for exemption of the  
bus entrance fee. To be eligible for this exemption, at least 50 per-  
cent of the bus passengers must be 62 or older. To obtain this ex-  
emption, the tour organizer must submit a list of passenger names

and their ages to the assistant secretary and receive from him writ-  
ten approval for the senior citizen discount and exemption of the  
bus entrance fee.

3.2.1 (Amended)

A \$30 advance deposit is required to confirm a reservation,  
which will be applied to the first night or day's use.

3.2.2 (Amended)

#### Fees

3.2.2.1 (Amended and Replaced 3.2.2)

A fee of \$30 per night is assessed to the group for the ex-  
clusive use of the area and an additional \$7 per unit per night is  
charged to each individual camper rig occupying the area.

3.2.2.2 (New)

The day-use fee for a rally campground is \$30 per day for  
the group, and in addition the standard day-use entrance fee is  
charged per vehicle.

3.5.1 (Replaced and Amended 3.5.1 and 3.5.2)

#### Cabins

Cabin Classification and Park Location Type I	Overnight Rate and Required Deposit	Bedding Accommodations	Maximum Capacity
Lake Bistineau SP	\$50	6 persons-Deluxe	8
Type II Lake Bistineau SP Chicot SP Sam Houston Jones SP	\$45	6 persons-Standard	8
Type III Chemin-A-Haut SP	\$40	4 persons-Deluxe	6
Type IV Chemin-A-Haut SP Chicot SP	\$35	4 persons-Standard	6

In each case where the bedding accommodations are spec-  
ified, the maximum overnight occupancy of the cabin cannot be  
more than two people over the lodging accommodation number.  
Bedding accommodations will vary and may include a combina-  
tion of double beds, single beds, bunk beds or sofa sleepers. Vis-  
itors must contact the park for information regarding specific bed-  
ding arrangements and accommodations.

3.6.1 (Amended)

Minimum overnight rate is based on 50 percent capacity of  
the facility. Rate is \$3 per person per night for each person over  
the 50 percent capacity.

Noelle LeBlanc  
Secretary

## RULE

### Department of Culture, Recreation and Tourism Office of State Parks

In accordance with the provisions of the Administrative  
Procedure Act, R.S. 49:950, et seq. and pursuant to the notice of  
intent published on December 20, 1985, the Office of State Parks  
adopted the repromulgation of all existing rules and regulations in  
a comprehensive version which meets the guidelines for publica-  
tion in the *Louisiana Administrative Code*.

Noelle LeBlanc  
Secretary

## 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  
November 20, 1985 and under the authority contained in Loui-



siana State Constitution (1974), Article VIII, Section 3; Act 455 of the Regular Session; amended by Act 800 of the 1979 Regular Session, adopted as policy, the rule listed below:

Rule 3.01.70.v(37)

Interim Emergency Policy for Hiring Full-time/Part-time  
Noncertified School Personnel

In an effort to assist local education agencies experiencing extreme difficulty in providing certified personnel for the classroom, the following interim emergency policy is proposed:

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

This documentation shall include the following:

1. a signed affidavit by the local school superintendent that the position could not be filled by a certified teacher;
2. documentation that efforts for recruitment for certified teachers have been made (e.g. newspaper advertisement, letters, contacts with colleges and so forth);
3. submission of names, educational background, subject matter and grade level being taught as an addendum to the annual school report; and,
4. copies of transcripts showing the degree earned.

In addition:

5. It is required that these teachers take the NTE at the earliest date that it is offered in their geographical area; and
6. these individuals must have a minimum of a baccalaureate degree from a regionally accredited institution.
7. To be re-employed under this policy, an individual must have earned at least six semester hours toward completion of a teacher education program or six semester hours appropriate to the area of the NTE (general knowledge, professional knowledge, communication skills, specialty area) in which the score was not achieved.

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

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

This interim emergency policy will remain in effect until July 1, 1986.

James V. Soileau  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

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

Rule 3.01.70.11

Amendment to Certification Requirements  
for School Librarians

Under item 3, page 36 of Bulletin 746, School Library Service, add: "Persons who have already served three years as full-time school librarians and have completed all library science courses except "Elementary and Secondary School Library Practice" may satisfy this requirement by a minimum one-year, on-the-job in-

ternship with supervision provided by the Library Science faculty in the College of Education (six semester hours of credit)."

James V. Soileau  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

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

Requirements for Certification in  
Severe/Profound Impairments  
Specialized Academic Education

A minimum of 36 semester hours of credit is required. The work must be taken in the six areas listed below:

1. General Knowledge—6 semester hours
  - a. Introduction to Exceptional Children ..... 3 semester hours
  - b. Introduction to Education of the Severe/Profound ..... 3 semester hours
2. Instructional Strategies—6 semester hours, including 90 contact hours of field experiences
  - a. Curriculum for Severe/Profound ..... 3 semester hours
  - b. Instructional strategies for Severe/Profound ..... 3 semester hours
3. Learning and Classroom Behavior Principles of Severe/Profound—3 semester hours, including 30 contact hours of field experiences
4. Assessment and Evaluation—6 semester hours
  - a. Test and Measurements ..... 3 semester hours
  - b. Practicum in Tests and Measurements (emphasizing informal testing) ..... 3 semester hours
5. Methods of Working with Paraprofessionals and Medical and Related Service Personnel/Health and Safety Procedures—3 semester hours, including at least 30 contact hours of field experience.
6. Parent, Family, and Community Involvement—3 semester hours, including 30 contact hours of field experience
7. Communication Strategies for Severe/Profound ..... 3 semester hours
8. Electives—6 semester hours.

Effective date—September 1, 1987 for all incoming college freshmen.

James V. Soileau  
Executive Director

**RULE**

**Board of Elementary and Secondary Education**

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

Rule 4.03.48

Fees for Louisiana Residents Enrolled  
in Vocational Technical Schools

1. Persons who attend classes or programs for which the

school does not claim enrollment credit will NOT be charged registration or tuition fees.

2. Louisiana high school students and incarcerated persons will likewise not be charged.

3. For enrollment and fee purposes, students of Louisiana high schools and military personnel stationed in Louisiana under active duty orders, and their dependents, are deemed to be Louisiana residents.

4. Part-time courses of instruction shall include:

a. extension programs which are offered in the evening, or on weekends;

b. programs totaling less than 150 hours; and,

c. a continuing full-time training program in which the student is enrolled for less than six hours a day comprising less than 30 hours per week.

5. Students fee payments, or acceptable evidents of indebtedness, shall be due upon registration, as part of the enrollment process. These fees are non-refundable, and are to be based upon the state's accounting fiscal year.

6. Acceptable evidence of indebtedness shall include written correspondence requesting enrollment of someone from:

a. employer

b. school board central office

c. other public agency

d. private industry council, or

e. other evidence acceptable to the school director.

7. Students being "carried over" into another fiscal year shall pay fees on the first day of class in the new fiscal year. Those continuing training into other payment periods shall pay the appropriate fee by the end of the preceding month.

8. Each school will establish internal fiscal and accounting procedures to collect the appropriate fees according to anyone, or all, of the following schedules:

a. annual, b. quarter, c. term, d. month.

9. In compliance with Act 16 of 1985 the following fee schedule is adopted for the vocational technical schools of Louisiana for fiscal year 1985-86:

	RESIDENT TUITION			
	Annual	Quarter	Term	Month
Full-Time	\$50	\$12.50	\$10	\$5
Part-Time	25	6.25	5	2.50
Program Length				
149-75 hours	25	N/A	N/A	N/A
74-36 hours	12.50	N/A	N/A	N/A
35- 1 hours	6.25	N/A	N/A	N/A

NOTES: (1) Students who do not pay timely will be dropped from enrollment.

(2) Fees effective January 1, 1986. For FY 86 maximum annual fees are \$25 per person, per school.

10. Special Recommendation: An attorney general's opinion should be requested concerning the possible legal consequences of closing classes or programs after collecting tuition; and also, denying high school students a chance to earn credit by closing a class in the middle of a semester.

James V. Soileau  
Executive Director

## RULE

### Office of the Governor Commission on Law Enforcement and Administration of Criminal Justice

Juvenile Justice and Delinquency Prevention  
Funding Guidelines for Fiscal Year 1986

The following guidelines will apply to federal grant funds

received under the 1984 Justice Assistance Act, P.L. 98:473, Part B, Subpart I, Juvenile Justice and Delinquency Prevention Act.

1. Equipment requests should be generally discouraged and carefully scrutinized.

2. The following equipment will not be eligible:

(a) Automobiles/law enforcement vehicles

(b) Boats

(c) Recreation equipment

(d) Tractors and implements/lawnmowers

(e) Fences

(f) Storage sheds

(g) Maintenance equipment/supplies

(h) Communication equipment/base antennas

(i) Kitchen/cooking equipment/utensils

(j) Barbecue/picnic equipment/supplies

3. Repairs to structures, plumbing repairs, drainage/culvert work, fire escapes, roofs, driveways, etc. will not be eligible.

4. Renovations for bonafide program expansion components will be allowed. Cosmetic renovation will not be allowable.

5. An approved juvenile justice agency which has juveniles in residence (either local government or private non-profit) will be eligible for 50 percent of the cost for a one-time only purchase of a van for the use of transporting juveniles; such purchase may be at a time the agency begins operation or when a new program component is added.

6. Replacement of used or worn out equipment not allowable.

7. Brand new programs and component expansions with requests for "equipment essential to the program" will be considered. "Essential equipment" should be carefully reviewed.

8. The use of other funding sources should be encouraged as much as possible; i.e., Jaycee purchase of kitchen items for group homes. Consider requiring a percentage of community support for programs requesting Juvenile Justice and Delinquency Prevention (JJDP) funds. No program will be funded if it is to rely solely on JJDP funds.

9. Agencies are encouraged to:

(a) Exchange items or advertise equipment needs through newsletters, Louisiana Association of Child Care Agencies network, etc.

(b) Use state/federal surplus equipment, where feasible.

10. Exceptions to equipment only grants shall be considered; i.e., in the area of use of deobligated funds with a life of six months or less.

11. Only law enforcement agencies will be eligible for child abuse/sexual abuse programs (excluding training).

12. Previously adopted delinquency prevention program guidelines and computer acquisition guidelines remain in effect.

Michael A. Ranatza  
Executive Director

## RULE

### Office of the Governor Division of Administration Property Assistance Agency

Title 34

GOVERNMENT CONTRACTS, PROCUREMENT  
AND PROPERTY CONTROL

Part VII. Property Control

## Chapter 1. General Provisions

### §101. Definitions

A. Agency means any state office, department, board, commission, institution, division, officer, or other person, or func-

tional group, heretofore existing or hereafter created, which is authorized to exercise, or that does exercise any function of the government of the state, excluding, however, any governing body or officer of any local government or subdivision of the state or any parochial officer who exercises functions coterminous with the municipality in which he performs those functions.

B. *Commissioner* means the commissioner of the Division of Administration.

C. *Division* means the Division of Administration.

D. *Property* means all tangible non-consumable moveable property owned by an agency with the exception of property specifically exempted by the commissioner. The commissioner hereby designates that state owned timber should be considered to be moveable and state owned pecans shall be considered to be non-consumable for purposes of the Louisiana Property Control Law (R.S. 39:321 et seq.). Timber and pecans are considered moveable and non-consumable for the purpose of sales and are not to be included in the agency's inventory of moveable property.

E. *Louisiana Property Assistance Agency Director* means the individual in the Louisiana Property Assistance Section of the Division of Administration who has been designated by the commissioner as the person responsible to the commissioner for the administration of the State Property Control regulations.

F. *State Surplus Property director* means the individual in the Louisiana Property Assistance Section of the Division of Administration who has been designated by the Louisiana Property Assistance Agency director as the program manager responsible for directing the operations of the State Surplus Property Unit.

G. *State auto delivery/maintenance/operations director* means the individual in the Louisiana Property Assistance Section of the Division of Administration who has been designated by the Louisiana Property Assistance Agency director as the program manager responsible for directing the operations of the State Auto Delivery/Maintenance/Operations Unit.

H. *Head of the agency* means the individual responsible for the administration and operations of the agency.

I. *Agency property manager* means the officer or employee designated by the head of the agency as property manager for the agency.

J. *Surplus property* means any moveable state property which is deemed to be of no further use to an agency.

K. *Educational, charitable, or religious organization* means any organization chartered for the purpose of providing educational, charitable, or religious services to those persons seeking them as opposed to a private undertaking for profit.

### **§103. Inventory Classification Codes**

A. A listing of items of state property alphabetized by their commonly used names will be developed and maintained by the Louisiana Property Assistance Agency director or his designee. The code number representing each item will always be a seven digit number. These codes and only these codes are mandated for use in inventorying moveable property by all state agencies subject to the provisions of Title 39 of the Louisiana Revised Statutes.

B. The agency property manager shall use the mandated classification code when completing the classification code field on the Louisiana Property Control Transmittal Form (columns 18-24) according to §311.B.6 and the classification code section of the BF-11 Form according to §503.D.6.

C. When an item has not been assigned an inventory classification code, the agency property manager must contact the Louisiana Property Assistance Agency for assignment of a new code number before submitting the Louisiana Property Control Transmittal form. Do not use '9999999', leave the field blank, or use any invalid classification code.

## **Chapter 3. State Property Inventory Regulations**

### **§301. Appointment of Property Managers**

A. The head of the agency shall designate one of its officers or employees as agency property manager. In cases where an agency owns a large amount of property situated in more than one location, the Louisiana Property Assistance Agency director or his designee may authorize the appointment of more than one agency property manager within an agency. This authorization shall be in writing and granted only upon the request of the head of the agency. The head of the agency shall notify the commissioner, through the Louisiana Property Assistance Agency director or his designee, in writing, of the appointment of each agency property manager, giving his name and domicile. The agency property manager's signature shall be placed on this letter.

B. The head of the agency shall notify the Louisiana Property Assistance Agency director or his designee in writing prior to the date any agency property manager ceases to function in that position. The Louisiana Property Assistance Agency director or his designee shall conduct an examination of the property inventory records under the jurisdiction of the agency property manager. On the basis of the report of this examination and the next accepted certification of moveable property inventory by the agency, the Louisiana Property Assistance Agency director or his designee shall approve the release of the agency property manager from responsibility and liability or shall make a written report of any defects in the records or damage to or shortages of property. In cases of damage to or shortages of property, the commissioner shall take steps as necessary to satisfy the claims of the state, as provided by R.S. 39:330.

### **§303. Faithful Performance of Duty Bond**

Each agency property manager shall file with the Louisiana Property Assistance Agency director or his designee a copy of the paid annual invoice to the insurer of the state's blanket policy for faithful performance. This shall be filed annually with the agency's certification of moveable property inventory. This coverage is for \$25,000 and serves as a guarantee or indemnity that the agency property manager will faithfully perform his duties under the provisions of these regulations. Where the Louisiana Property Assistance director or his designee has approved the appointment of more than one property manager within an agency, each property manager shall be covered by the premium paid by the agency (exhibit 1).

### **§305. Responsibility for Property**

A. Each agency property manager shall be the custodian of and shall be responsible for all the property within his agency until his release from responsibility is approved by the Louisiana Property Assistance Agency director or his designee.

B. Each agency property manager shall maintain for three years past, the following files:

1. Copies of all transmittals submitted for which no record of acceptance has yet been received. (§311.B.)

2. Annual printout of inventory used for certification. (§313.C. and § 313.G.2)

3. Letters of certification of moveable property inventory and subsequent letters of acceptance or rejection. (§313.F.11 and §313.G.12)

4. Sequentially dated copies of all property acquisition/change transaction listings received. (§317.A)

5. Sequential copies of BF-11s submitted, and responses received. (§503.)

C. When any property is entrusted to any other officer or employee of the agency, the agency property manager shall secure a receipt for such property from the person receiving the property, and in such event, the agency property manager shall be relieved of responsibility for the property but shall continue to

maintain accountability for the property. Upon the return of the property to the agency property manager, he shall return the person's receipt or issue acknowledgement of the return of the property and resume responsibility.

D. Whenever an agency property manager has knowledge or reason to believe that any property of the agency is lost, stolen, damaged, or destroyed through vandalism, fire, wind-storm, or other acts of God, he shall immediately notify the head of his agency. The head of the agency shall immediately notify the commissioner, through the Louisiana Property Assistance Agency director or his designee and follow up with a written report. The Louisiana Property Assistance Agency director or his designee shall make an investigation and take necessary action as provided for in R.S. 39:330.

E. The agency property manager and each person to whom property is entrusted and receipted for as provided in these regulations shall be liable for the payment of damages whenever his wrongful or grossly negligent act or omission causes any loss, theft, disappearance, damage to or destruction of property of his agency for which he is responsible as provided herein, and such damages shall be recoverable in a civil suit therefore prosecuted on behalf of the state by the attorney general.

F. The head of the agency shall allow the agency property manager(s) the necessary time and provide them with the necessary supplies and assistance for performance of their duties under these regulations, and the head of the agency shall be responsible for seeing that the provisions of these regulations are carried out.

### **§307. Items of Property to be Inventoried**

A. All items of moveable property having an "original" acquisition cost when first purchased by the State of Louisiana of \$100 or more, and all gifts and other property having a fair market value (§307.C.) of \$100 or more, with the exception of items specifically excluded in §307.F and §307.G, must be placed on inventory. The term "moveable" distinguishes this type of equipment from equipment attached as a permanent part of a building and structure. The term "property" distinguishes this type of equipment from "supplies," with supplies being consumable through normal use in no more than one year's time. All acquisitions of qualified items must be tagged within 10 days of acquisition with a uniform State of Louisiana identification tag approved by the commissioner of administration and all pertinent inventory information must be forwarded to the Louisiana Property Assistance Agency director or his designee within one month after receipt of the items.

B. The head of the agency, at his discretion, may include such items as electronic calculators, chairs, desks, file cabinets, tables, and other property having an acquisition cost of less than \$100 in the inventory.

C. Gifts of moveable property must be given a fair market value as agreed upon between the donor and head of the receiving agency and recorded in the inventory if the fair market value is \$100 or more.

D. Agencies manufacturing moveable property for use within the agency must determine the estimated cost based on the cost of labor and materials and include such items in the inventory provided that estimated cost is \$100 or more.

E. Agencies which are eligible to receive federal surplus property must place on inventory all items acquired from Federal Surplus which would ordinarily be classified as moveable property and which have an acquisition cost of \$100 or more. The acquisition date will be the date of acquisition by the state agency and the acquisition cost will be the actual cost incurred by the state agency. NOTE: There are federal regulations regarding accountability for federal surplus property. If not familiar with these contact: Director, Federal Surplus Property Agency, Box 44351, Baton Rouge, LA 70804-9095.

F. Livestock acquired for breeding, dairy, and experimental purposes are classified as property and, with the exception of chickens and small rodents, must be recorded in the inventory regardless of the value per animal. Animals acquired for slaughter need not be placed on inventory. When an agency acquires livestock by birth and determination is made that such animals will be used for breeding, dairy, or experimental purposes, the animals shall be included in the inventory and noted as having been acquired by birth and given an appraised fair market value. At each annual inventory, the value of livestock acquired by birth and used for breeding, dairy, or experimental purposes will be re-appraised by the agency property manager and the acquisition cost will be adjusted on the inventory in accord with current fair market value. When an agency acquires livestock by birth and determination is made that such animals will be slaughtered for food, the animals shall not be included in the inventory.

G. Computer software may be included on inventory but it is not mandatory to do so, regardless of acquisition cost.

### **§309. Marking and Identifying Items of Property on Inventory**

A. Each item which meets the definition of items of property to be inventoried, §307, must be identified with an identification tag approved by the commissioner of administration which shall bear a unique identification number.

B. Agencies shall submit their release order requisitions for State of Louisiana identification tags directly to the company(ies) holding state contracts for the issuance of said tags. A copy of the release order so issued will be forwarded to the Louisiana Property Assistance Agency director.

C. The agency property manager shall be responsible for the tagging of property, location, identification of property, and maintenance of property identification tags as prescribed in these regulations.

D. Livestock may be tagged in the ear with a metal tag provided that tag number is set aside. If there is any type of identification mark or tag already on the animal, such as bangs, brucellosis, etc., then the last five numbers of such identification shall be entered as the tag number provided the number has not been used before. Use the complete number if it is five digits or less.

E. If the item cannot have a State of Louisiana identification number placed on it for physical reasons, the identification number should be set aside and the identification number written on the item with indelible ink (in case of items of cloth), or the number inscribed on the item with a small engraving tool. Authorization must be given in writing by the Louisiana Property Assistance Agency director or his designee for any inventoriable item which does not have a state identification mark due to extenuating circumstances.

### **§311. Inventory of Property**

A. The agency property manager shall establish and maintain a property location index. This index may have up to four numbers or alphabetical characters and shall be used to keep track of the location of property of the agency.

EXAMPLE:

CODE	LOCATION
0100	605 Main Street - Room 100
0101	605 Main Street - Room 101
0200	615 Main Street - Room 45
A101	Administration - First Floor

The agency property manager shall keep the property location index for the agency current and shall submit to the Louisiana Property Assistance Agency director or his designee an up-to-date index each time a change or modification is made in the index.

B. The agency property manager shall submit all pertinent

inventory information on items acquired by the agency and defined in these regulations as items to be inventoried. The means of submitting the information shall be the Louisiana Property Control Transmittal Form (Form DA 206; revised 1-85; - exhibit 2). These forms may be obtained from the Forms Management Section of the Division of Administration. This form shall be sent monthly to the Louisiana Property Assistance Agency director or his designee listing the transactions of the agency for the month. The data submitted on the transmittal form will be forwarded to the Baton Rouge Computer Center by the Louisiana Property Assistance Agency director or his designee, where it will be key-punched into the agency's inventory master file. The agency property manager shall submit information on the transmittal form in the following manner:

1. Action Code (Column 2) Required for all Entries

The agency property manager shall fill in the appropriate action code for:

- 1—Acquisition.
- 2—Change in existing inventory record.

2. Agency No. and Sub-No. (Column 6-10) Required for All Entries

This five digit number shall be filled in with the number assigned to the Louisiana Property Assistance Agency director or his designee. This same number is the first five digits on all of the agency's State of Louisiana identification tags. NOTE: All five digits, including zeroes, must be entered in proper sequence. Requests for new or additional agency number should be directed to the Louisiana Property Assistance Agency director or his designee.

3. Tag Number (Columns 11-15) Required for All Entries

The agency property manager shall record the tag number (last group of numbers appearing on the State of Louisiana identification tag) which is placed on the acquired item. NOTE: All five digits must be entered, including zeroes, and in proper sequence.

4. To record changes in existing inventory records, the agency property manager must, from this point on, only record the desired changes in all remaining columns on the transmittal form.

The recorded items will replace what formerly appeared in the respective column on the inventory record. However, for acquisitions, certain further information, as noted in the remainder of §311.B.5 and following, will be required.

5. Acquisition Code (Column 17) Required for All Acquisition Entries

The agency property manager shall fill in the appropriate acquisition code for those items acquired as described in §307.

0 = ACQUIRED NEW—This is for items acquired new by the agency regardless of the source of funds.

1 = ACQUIRED BY TRANSFER—This is for items acquired by permanent interagency transfer from another state agency - (not including State Surplus Property).

2 = ACQUIRED BY BIRTH—This is for livestock which, at birth, becomes state owned property, as defined in §307.F.

3 = ACQUIRED FROM FEDERAL SURPLUS—This is for items acquired or transferred to the agency from Federal Surplus Property.

4 = ACQUIRED BY DONATION—This is for items acquired by the agency through donation, regardless of the source. See §307.C.

5 = AGENCY MANUFACTURE—This is for items manufactured by the agency where the material and labor cost for an item equal or exceeds \$100.

6 = LOANED IN—This is to be used when items are in the possession of the agency on a temporary basis by reason of loan from some source outside of State government.

NOTE: Items already listed in the master inventory listing of another state agency should not be inventoried a second time.

7 = ACQUIRED FROM STATE SURPLUS PROPERTY—This is for items acquired or transferred to the agency from Surplus Property.

6. Classification Code (Columns 18-24) Required for All Acquisition Entries with Acquisition Code of 0, 2, 3, 4, 5 or 6

The agency property manager shall fill in the appropriate seven digit number which describes the item to be inventoried (§103). When an item has not been assigned an inventory classification code number, the agency property manager must contact the Louisiana Property Assistance Agency director or his designee for assignment of a new code number. NOTE: All seven digits of the appropriate classification code must be entered.

7. Location Code (Column 25-28) Required for all Acquisition Entries

The agency property manager shall fill in the property location code from the property location index, (§311.A), which describes where the item is located within the agency. If the characters are less than four, the column(s) to the left must be left blank.

8. Tag Location (Column 29) Required for All Acquisition Entries

The agency property manager shall use the single digit code number which most closely describes the location of the tag on the item.

0 = UNDER COVER—The tag is placed under the housing of the item or when written permission has been granted by the Louisiana Property Assistance Agency director or his designee not to put a state identification mark on the item due to extenuating circumstances. See §309.E.

1 = TOP—Tag is placed on the item and faces the ceiling.

2 = BOTTOM—The tag is placed on the item and faces the floor.

3 = BACK—Tag is visible only from behind the item.

4 = LEFT SIDE—The tag is placed on the item and is on the left side when facing the item.

5 = RIGHT SIDE—The tag is placed on the item and is on the right side when facing the item.

6 = DOOR POST—The tag is placed on the door post, such as the door post of a vehicle.

7 = DESK PANEL—The tag is placed on the inside panel, such as the upper, front part of the right inside panel.

8 = LEG—Tag is placed on the leg of an item.

9 = FRONT—The tag is placed on an item so it is visible when facing the front of the item.

9. Agency Use (Columns 30-34) Optional

The agency property manager may use alpha or numeric characters in these five columns to classify property in any manner he deems necessary (e.g. federal funding, further breakdown of locations, by program, etc.).

10. BF-11 Number (Columns 35-42) Required and Allowed Only for All Acquisition Entries with Acquisition Code of 1 or 7

The agency property manager shall fill in the BF-11 number (and where applicable, the BF-11 sub-number) of the BF-11 Form approved by the Louisiana Property Assistance Agency director or his designee which serves as the instrument of transfer for the property being entered with acquisition code of 1 or 7. Only one item of property may be transferred with each BF-11 number. Transfer of more than one item per BF-11 will necessitate the use of sub-numbers to distinguish between items. If the BF-11 number contains less than eight digits, the additional spaces to the right in this column are to be left blank.

11. Serial Number (Columns 43-64) Optional

The agency property manager shall fill in the entirety of the manufacturer's serial number, up to 22 characters. Alphabetical

characters may be used with numbers. If there is no serial number on the item, leave all spaces blank. Do not leave blanks between the numbers. Entry may be either to the right or left of the columns for serial numbers of less than 22 characters.

**12. Acquisition Cost (Dollars Only) (Columns 65-74) Required for All Acquisition Entries**

The agency property manager shall fill in the item's acquisition cost rounded off to the nearest dollar. Do not fill in cents or "00" for cents. If the dollars are less than six digits, leave the column(s) to the left blank.

EXAMPLE			
ACQUISITION COST	ACQUISITION COST	ACQUISITION COST	ACQUISITION COST
\$99.00	\$527.51	\$1,269.80	\$52,600.35
9   9	5   2   8	1   2   7   0	5   2   6   0   0

For items with an acquisition code of 1 or 7, use the original acquisition cost and date to the State of Louisiana as on the BF-11 authorizing transfer of the item.

**13. Purchase Order Number (Columns 77-89) Optional**

The agency property manager may wish to enter the original purchase order number for an acquisition, if it is known. Entries may be made and blank spaces may be left either to the left or right of the column.

**14. Acquisition Date (Columns 90-95) Required for All Acquisition Entries**

The agency property manager shall complete the month, day, and last two digits of the year on and in which the item was acquired by the agency, regardless of the source. For items transferred from another state agency or state surplus property, the original date of acquisition by the state as noted on the approved BF-11 instrument of transfer shall be used. If the month or day cannot be exactly established, an estimate will be satisfactory. Entry of "01" for the day is acceptable. If the month or day is only one digit, place a zero in the column to the left of the one digit. All columns must be completed. Do not enter double zero for month or day. Example: May, 1976 = 05/01/76.

**15. Make (Columns 96-110) Optional**

The agency property manager may wish to enter the make and/or some other identifying factor for an acquisition. Entries may be made and blank spaces may be left either to the left or right of the column.

**16. Model (Columns 111-125) Optional**

The agency property manager may wish to enter the manufacturer's model and/or some other identifying factor for an acquisition. Entries may be made and blank spaces may be left either to the left or right of the column.

**17. Model Year (Columns 126-127) Optional**

The agency property manager may wish to enter the model year for an acquisition. Entries in this column must be numeric.

**18. The agency property manager shall place his signature and the date of completion in the upper right corner of each completed DA206 Form.**

**§313. Annual Inventory Requirements**

A. The agency property manager shall conduct a complete physical inventory of the property owned by the agency each fiscal year and not more than 12 calendar months since the last physical inventory. The agency property manager is responsible for recording the true and actual results of the physical inventory.

B. The agency property manager shall notify the commissioner through the Louisiana Property Assistance Agency director in writing 30 days prior to the date(s) inventory is to begin (exhibit 3). Agencies inventorying on a rotation basis shall submit their schedule and shall notify the commissioner through the Louisiana

Property Assistance Agency director of any changes to be made in that schedule. The commissioner, Louisiana Property Assistance director, or their representatives, may supervise or observe all or any part(s) of any inventory.

C. Each agency property manager whose head of the agency elects to use Inventory Procedure I (§313.F.) shall utilize the second half of the Notification of Inventory/Request for Printout (exhibit 3 to also request an annual printout of the agency's inventory master file. NOTE: This request is the only acceptable form for an agency to request a printout of their state master listing of inventory and the signature of the property manager is required on this form. Agencies may request two such printouts annually without charge. Additional requests will result in the assessment of a fee to cover costs.

D. The commissioner shall cause periodic observations of inventories and examinations of records to be made and shall cause reports submitted to the Louisiana Property Assistance Agency to be compared periodically with records of the agencies and with the physical property of the agencies for the purpose of testing the completeness and accuracy of inventories, records, and reports.

E. The head of the agency shall determine which of the two methods of inventory shall be used by the agency property manager in the annual physical inventory of the agency's property. The agency property manager shall be responsible for using the method determined by the head of the agency to be the best for the operations of his agency. Any procedure used other than the ones prescribed in these regulations (§313.F. and § 313.G.) must have prior written approval of the Louisiana Property Assistance Agency director or his designee.

**F. Inventory Procedure I**

1. The agency property manager shall, under the direction of the head of the agency, select the date(s) most convenient to the operations of the agency, but not more than 12 months since the last annual physical inventory.

2. The agency property manager shall complete and submit to the Louisiana Property Assistance Agency director or his designee the Notification of Inventory/Request for Printout (exhibit 3) at least 30 days prior to the date(s) inventory is taken.

3. The agency property manager, under direction of the head of the agency, shall designate the personnel who will conduct the inventory by areas indicated in the agency's property location index (§311.A.).

4. A copy of the property location index shall be provided to each of the persons participating in the physical inventory. It shall describe the areas and the property location code each is to inventory.

5. The agency property manager shall provide each person participating in the physical inventory a copy of the state master file listing printout of inventory for the agency covering the area or location to be inventoried.

6. The agency property manager shall instruct the persons participating in the inventory on the method to be used to: a) identify and mark on the inventory listing the items located, b) mark clearly on the inventory listing the items not located, and c) conspicuously mark and report to the agency property manager those items found without a property tag. The agency property manager shall make a determination that the items should or should not be tagged and submitted to the state master file listing of inventory for the agency based on these regulations.

7. The physical inventory shall be taken on the date(s) pre-selected. The agency property manager shall notify Louisiana Property Assistance Agency director or his designee if, for some unforeseen reason, it is necessary to alter the date(s).

8. The agency property manager shall compile the true results of the physical inventory and shall submit a discrepancy re-

port, (if applicable), to the Louisiana Property Assistance Agency director or his designee with a copy to the legislative auditor, containing all exceptions or discrepancies found in relating physical inventory results with the state master file listing of inventory for the agency.

9. The discrepancy report shall list each of the missing items by agency, tag number, description, location, acquisition date and acquisition cost, along with an explanation of what is believed to have happened to the items not located. The commissioner may cause an investigation to be made upon receipt of a discrepancy report, according to §301.B. of these regulations.

10. Items not located during inventory for which there is no explanation available as to their disappearance must be retained on inventory and placed in a dummy location for three years. The location must indicate the year in which the item was first not located, (e.g. "9984"). During these three years, efforts must continue to locate the missing items. If items are relocated, the proper location is to be transmitted for inventory purposes. If after the third year missing items are still not located, a request to remove from inventory as "not located" may be submitted on a DABF-11 Form, (§503).

11. The agency property manager shall submit the Certification of Annual Property Inventory (exhibit 4) to the Louisiana Property Assistance Agency director or his designee with a copy to the legislative auditor, after the physical inventory and the state master file listing of inventory for the agency have been reconciled according to the regulations.

#### G. Inventory Procedure II

1. The agency property manager shall, under the direction of the head of the agency, select the date(s) most convenient to the operations of the agency, but not more than twelve months since the last annual physical inventory.

2. The agency property manager shall complete and submit to the Louisiana Property Assistance Agency director or his designee the Notification of Inventory/Request for Printout (exhibit 3) of the state master file listing of agency inventory at least 30 days prior to the date(s) inventory is to be taken.

3. The agency property manager, under the direction of the head of the agency, shall designate the personnel who will conduct the inventory by areas indicated in the agency's property location index (§311.A.).

4. A copy of the property location index shall be provided to each of the persons participating in the physical inventory. It shall describe the areas and the property location code each is to inventory.

5. The agency property manager shall provide each of the persons participating in the inventory with the Inventory Procedure II Form (exhibit 5) and instruct each concerning its use.

6. The agency property manager shall also instruct those persons participating in the inventory on the method to be used to enter the agency number, tag number, and property location number of each item of property physically located and to conspicuously mark and report to the agency property manager those items found without a property tag. The agency property manager shall make a determination that the item should or should not be tagged and submitted to the state master file listing of inventory based on these regulations.

7. The physical inventory shall be taken on the date(s) selected. The Louisiana Property Assistance Agency director shall be notified by the agency property manager if, for some unforeseen reason, it is necessary to alter the dates.

8. The agency property manager shall reconcile each of the completed true results on the Inventory Procedure II Forms with the state master file listing of inventory for the agency.

9. The agency property manager shall submit a discrepancy report (if applicable) to the Louisiana Property Assistance Agency director or his designee with a copy to the legislative auditor, containing all exceptions or discrepancies found in relating physical inventory results with the state master file listing of inventory for the agency.

10. The discrepancy report shall list each of the missing items by agency tag number, description, location, acquisition date, and acquisition cost, along with an explanation of what is believed to have happened to the items not located. The commissioner may cause an investigation to be made upon receipt of a discrepancy report, according to §301.B. of these regulations.

11. Items not located during inventory for which there is no explanation available as to their disappearance must be retained on inventory and placed in a dummy location for three years. The location must indicate the year in which the item was first not located, (e.g. "9984"). During these three years, efforts must continue to locate missing items. If items are relocated, the proper location is to be transmitted for inventory purposes. If after the third year missing items are still not located, a request to remove from inventory as "not located" may be submitted on a DABF-11 Form (§503.).

12. The agency property manager shall submit to the Louisiana Property Assistance Agency director or his designee the Certification of Annual Property Inventory (exhibit 4) after the physical inventory results and state master file listing of inventory for the agency have been reconciled in accordance with these regulations. The agency property manager shall submit a copy of the certification of annual property inventory to the legislative auditor.

#### §315. Card File Requirements

Each time an item is properly submitted into the state master file listing of inventory for an agency, a copy of the information submitted will be sent to the agency property manager on a file card (BF-13; exhibit 6). These cards are in addition to the monthly report of property acquisition/change transactions for the agency.

There will be an individual card for each item that is acquired. Maintenance of BF-13 cards is now an optional feature to be used at the agencies' discretion.

#### §317. Reports From Louisiana Property Assistance Agency

A. The agency property manager submits the Louisiana Property Control Transmittal Form each month to the Louisiana Property Assistance Agency listing the transactions for the month. At least once each month, the agency property manager will receive from Louisiana Property Assistance Agency a report listing the property acquisitions and changes submitted for the month (if any). Eventually, this report will also include a listing of property dispositions recorded for the agency on the state master file listing for the respective month. This monthly report will show the change in total acquisition value of inventory accomplished for the agency by accepted transactions. The presence of the words "NO ERR" to the right of an item indicates the item was accepted as shown into the master listing. The presence of any of the following error messages to the right of an item indicates, as stated below, either that no action is required or that the item was not accepted as transmitted and must be resubmitted by the agency property manager:

ERROR CODE	ERROR MESSAGE	MEANING	ACTION REQUIRED
PM06E	REFERENCED PROP REC NOT FOUND	The property record referenced by the agency code and tag number for any PMS transaction screen cannot be found in property table.	Either the agency code and tag number were entered incorrectly or the record has been deleted from the property table. If it has been deleted, it will have to be reentered. If they are incorrect, make the appropriate change and reenter the transactions.
PM07E	PROPERTY RECORD INACTIVE	An attempt has been made to update the property record that has its inactive flag set to "Y."	If the status of the property record is correct, discard the transaction. If the status is incorrect, contact Louisiana Property Assistance and request that the inactive flag be removed.
PM09E	INVALID CLASS CODE	A transaction has been submitted with a classification code that could not be found in the classification code table.	Enter a valid classification code into the field and reenter the transaction, or contact Louisiana Property Assistance to update the classification code table.
PM18E	INVALID AGENCY CODE	A transaction has been entered with a five digit agency code that does not exist on the property control agency table (PCAG).	If the agency code is correct reenter the agency code and resubmit the transaction. If it is incorrect, correct the agency code and resubmit the transaction.
PM20E	BF-11 RECORD NOT FOUND	A warehouse acquisition or property transfer transaction has been entered with a BF-11 number that does not correspond to a record on the BF-11 table.	If the BF-11 number is incorrect make appropriate corrections. If it is correct, contact Louisiana Property Assistance so that a BF-11 add transaction can be submitted to the system before you resubmit the property acquisition.
PM21E	BF-11 FINAL DISP ALREADY POSTED	A transaction has been submitted that attempts to post activity to a BF-11 record that has already gone through a complete disposition cycle (i.e., property has already been disposed of).	If BF-11 number is correct, contact Louisiana Property Assistance. If not, enter the correct BF-11 number and resubmit the transaction.
PM31E	PURCHASE COST NOT NUMERIC	A transaction has been submitted to the system with a non-numeric character in the purchase cost field.	Reenter the number in the purchase cost field and resubmit the transaction.
PM32E	INVALID PURCHASE DATE	A transaction has been submitted with an invalid date in the purchase date field of the transaction screen.	Reenter the purchase date field correctly and resubmit the transaction.
PM33E	MODEL YEAR NOT NUMERIC	A transaction has been entered containing non-numeric characters in the model year field of the transaction screen.	Type a valid year into the model year field and resubmit the transaction.
PM35E	BF-11 INIT DISP ALREADY POSTED	A property transfer or warehouse acquisition transaction has been submitted against a BF-11 record against which an initial disposition transaction has already been posted.	Verify that the BF-11 number is correct and that the transaction has not been submitted previously. If the problem persists, contact Louisiana Property Assistance.
PM36E	PROP FINAL DISP ALREADY POSTED	A transaction is attempting to modify the status of a property record that has already gone through a final disposition process.	Verify that property control agency code and tag number on the report is correct and that this specific transaction has not been entered previously. If the condition persists, notify Louisiana Property Assistance.
PM38E	BF-11 RECORD DOES NOT EXIST	A transaction has been submitted with a BF-11 number that does not reference any record on the BF-11 table.	Verify the BF-11 number. If it is correct, contact Louisiana Property Assistance.
PM56E	INVALID ACQUISITION CODE	A property acquisition (P1) transaction has been submitted with an acquisition code that does not match an entry on the fixed asset acquisition disposition method table (FADM).	Verify the acquisition method on the report received. If the acquisition code entered is incorrect, correct and resubmit. If it is correct, contact Louisiana Property Assistance.
PM57E	ACQUISITION CODE IS REQUIRED	A property acquisition transaction has been submitted with the acquisition code field left blank.	Type in a valid acquisition code and resubmit the transaction.



ERROR CODE	ERROR MESSAGE	MEANING	ACTION REQUIRED
PM58E	TAG NUMBER REQUIRED	A property acquisition, change, or transfer action has been submitted with the tag number field left blank.	Enter the tag number of the property being affected by the transaction and resubmit.
PM59E	TAG NUMBER NOT NUMERIC	The tag number field on the transaction input screen contains non-numeric characters.	Type in a correct numeric tag number for the item and resubmit the transaction.
PM60E	DUPLICATE TAG NUMBER	A property acquisition transaction (P1) is attempting to create a new property record on the Property Table using a tag number assigned to an already existing record.	Verify that the property control agency code and tag number on the input form are correct. If they are, assign a new tag number to the item before resubmitting. If they are not correct, resubmit with correct information.
PM61W	CLASSIFICATION CODE REQUIRED	A classification code was entered on a transaction which references an already existing property record. The classification code is therefore not needed.	No action required.
PM62E	CLASSIFICATION CODE REQUIRED	A property acquisition transaction (P1) was entered with the classification code field left blank.	Enter the appropriate classification code for the required item and resubmit.
PM63E	BF-11 NUMBER NOT ALLOWED	A BF-11 number was entered on a property acquisition transaction and the acquisition code did not specify a transaction between state agencies.	Verify that the acquisition code is correct. If the transfer of property is not involved, leave the BF-11 field blank and resubmit.
PM64E	BF-11 NUMBER IS REQUIRED	A property Acquisition Transaction was entered with an acquisition code indicating a transfer of property between agencies and the BF-11 number authorizing the transfer was not entered into the screen.	Verify the acquisition code. If the item was transferred, enter the BF-11 number authorizing the transfer and resubmit the transaction.
PM65E	BF-11 REC SHOWS WA OR WD	A transaction involving a direct transfer of property between two state agencies references a BF-11 number that has had some kind of warehouse activity posted against it.	Verify that the BF-11 number is correct. If it is, then the property was incorrectly entered into a warehouse under this BF-11 number. Notify Louisiana Property Assistance so that appropriate adjustments to the database can be made.
PM66E	WD NOT YET POSTED	An agency has submitted a property acquisition transaction to indicate the receipt of property from the state property warehouse and the warehouse has not yet posted the appropriate warehouse disposition transaction.	Contact Louisiana Property Assistance so that warehouse disposition transaction may be entered.
PM67E	PROP RECORD STILL ACTIVE	An agency has submitted a property acquisition transaction indicating a transfer of property from one agency directly to another; the appropriate property transfer has not yet been entered into the system.	Contact Louisiana Property Assistance about entering the appropriate property transfer (PT) transaction.
PM68E	FA STATUS CANNOT BE CHANGED	An attempt is being made to change the classification code on a property record in a way that would affect the fixed asset accounting sub-system improperly.	Notify Louisiana Property Assistance. This error should not show until the property/fixed asset interface is activated.
PM71E	TAG LOCATION IS REQUIRED	A property acquisition transaction (P1) was submitted with a blank in the tag location field.	Enter the appropriate tag location code into the tag location field and resubmit the transaction.
PM72E	LOCATION IS REQUIRED	A property acquisition transaction was submitted with spaces in location code field.	Enter the correct location code in the location field and resubmit the transaction.
PM73E	PURCHASE DATE REQUIRED	A property acquisition transaction was submitted with blanks in the purchase date field.	Enter the date on which the item was purchased or acquired into the purchase date field. If the date is unknown, make a reasonable approximation.

ERROR CODE	ERROR MESSAGE	MEANING	ACTION REQUIRED
PM74E	PURCHASE COST REQUIRED	A property acquisition transaction was submitted with the purchase cost field left blank.	Enter the purchase cost or the acquisition cost into the purchase cost field. If the cost of the item was zero, enter zero and resubmit the transaction.
PM77E	LAST ACQ COST NOT NUMERIC	The property table is being updated directly by the property record screen and the last acquisition cost field contains non-numeric data.	Contact Louisiana Property Assistance about entering the correct numeric value into the last acquisition cost field, and resubmit.
PM78E	LAST ACQ COST REQUIRED	The property table is being updated directly by the property record screen and the last acquisition cost fields have been left blank.	Contact Louisiana Property Assistance about entering the most recent acquisition cost or zero, and resubmit the transaction.
PM79E	LAST ACQ DATE REQUIRED	The property table is being updated directly from the property record screen and the last acquisition date field has been left blank.	Contact Louisiana Property Assistance about entering a valid date into the last acquisition data field, and resubmit.
PM97E	AGENCY CODE IS REQUIRED	The input screen contains blanks in the agency code field.	Enter a valid agency code from the PC agency table into the field and resubmit the transaction.

NOTE: Any problems concerning error messages and appropriate responses should be discussed with the AM014 Systems supervisor in the Planning and Analysis Unit of the Louisiana Property Assistance Agency.

**B. Agency Inventory Master File Report**

This report contains all the current and updated items on the state master file listing of inventory for an agency and is received upon request from the agency property manager to the Louisiana Property Assistance Agency director. If many transactions have occurred during a period of time, a special request may be submitted for this report other than annually. This report may be requested in any of the formats shown on Exhibit 3 of these rules. See §313.C.

**C. Inventory Classification Codes**

The Louisiana Property Assistance Agency director or his designee will send, as deemed necessary by said director, an updated listing of approved classification codes for items of moveable property to all agency property managers of record.

There will be no charge for this service. Upon special request from the agency property manager for this listing, a fee sufficient to cover costs will be assessed to the agency.

**§319. Agency Reporting Requirements: Summary**

**A. Reports from Head of Agency**

1. New agency or agency reorganization - notification of new property manager and domicile, §301.A.
2. Request for more than one agency property manager, §301.A.
3. Notification when agency property manager ceases to function/replaced, §301.B.
4. Notification when property is not located or destroyed, etc., §305.D.

**B. Reports from Agency Property Manager**

1. Receipt for annual premium for faithful performance of duty bond, §303.
2. Requisitions for State of Louisiana identification tags, §309.B.
3. Request for authorization not to tag an item, §309.E.
4. Copy of current agency property location index, §311.A.
5. Louisiana Property Control Transmittal Form - monthly, §311.B.
6. Request for Louisiana Property Control Transmittal Forms, §311.B.

7. Request for agency code numbers, §311.B.2.
8. Request for new classification code number, §311.B.6.
9. Thirty days notice prior to annual inventory, §313.B.
10. Request for state master file listing of inventory using Inventory Procedure I, §313.C.
11. Discrepancy report using Inventory Procedure I, §313.F.8. and §313.F.9.
12. Certification of annual property inventory using Inventory Procedure I, §313.F.11.
13. Request for state master file listing of inventory using Inventory Procedure II, §313.G.2.
14. Discrepancy report using Inventory Procedure II, §313.G.9 and §313.G.10.
15. Certification of annual property inventory using Inventory Procedure II, §313.G.12.

**§321. Acquisition by Transfer from State Surplus Property**

**A.** Surplus property from state agencies is normally retained for the inspection of state agencies at least 45 days before it is sold at public bid or auctioned or scrapped.

**B.** The purpose for displaying surplus and idle items at the state surplus property warehouse is for transferring those items to an agency where a need exists, thereby reducing expenditures for additional items.

**C.** The agency property manager or his designated representative shall select the item which the agency needs. A value less than the expected price from public sale of the item shall have been established for each item in the possession of the State Surplus Property Unit of the Louisiana Property Assistance Agency and the receiving agency shall be billed for that value when the item has been received by the receiving agency. Payment to the Louisiana Property Assistance Agency shall be within 30 days.

**D.** The agency property manager shall use the Louisiana Property Control Transmittal Form (DA 206 - Rev., 1-85) to input acquisitions by transfer from State Surplus Property (acquisition code: 7) into the state master file listing of agency inventory.

**§323. Responsibility of the Division of Administration Budget Office**

The Division of Administration Budget Section shall provide the Louisiana Property Assistance Agency with the name and budget number of each new agency, each abolished agency, and information concerning consolidation or other change of status of

an agency. The status change of an agency shall also include those agencies that operate with revolving funds as non-budget units. This information shall be provided on a timely basis so that the inventory of state owned property can be kept accountable.

### **§325. Regulations and Orders by the Commissioner**

The commissioner shall have power and authority to make necessary and reasonable regulations and orders to carry out the provisions of these regulations when it serves the best interest of the state, in addition to specific authorization contained in this Section.

## **Chapter 5. State Property Disposition Regulations**

### **§501. Inventory Disposition Authority**

A. No property of any agency shall be sold to any person or legal entity or otherwise alienated, or be transferred, assigned or entrusted to any other agency or to any officer or employees of any other agency without the written permission of the commissioner through an approved state property transaction form BF-11 (exhibit 7).

B. An approved state property transaction form BF-11 shall be used as the authority to sell, transfer, scrap, dismantle, loan out or otherwise remove an item from the state master file listing of agency inventory.

C. The state property transaction form BF-11 must be approved by the Louisiana Property Assistance director or his designee prior to any transfer or disposition of state owned property. In no case shall property be destroyed prior to this approval. Requests to transfer or dispose of computer equipment must be approved by the director of State Purchasing or his designee prior to approval by the Louisiana Property Assistance Agency director. Requests to transfer or dispose of telecommunications equipment must be approved by the director of the Office of Telecommunications or his designee prior to approval by the Louisiana Property Assistance Agency director.

D. No agency property manager or head of the agency shall authorize the transfer of any items of surplus property to the State Surplus Property Unit of the Louisiana Property Assistance Agency without a prior approved BF-11 for each item and a scheduled delivery date from the State Surplus Property director or State Auto Delivery/Maintenance/Operations director or their designees. Items which arrive with unapproved BF-11's at the State Surplus Property or State Auto Delivery/Maintenance/Operations warehouses for disposition will be returned to the shipping agency for proper compliance to these regulations. When more than one item is to be transferred to State Surplus Property, sold "as is, where is," or traded-in, one BF-11 per item is required unless specific exception is authorized by the director of State Surplus Property or of State Auto Delivery/Maintenance/Operations respectively. When more than one item is to be removed with disposition of interagency transfer, inventory adjustment, stolen, not located, scrapped, or dismantled for parts, one BF-11 may be used for up to 99 items with the necessary information on an attached sheet. §503.D.3.

E. The agency property manager must either see to the delivery to the designated State Surplus Property warehouse of items approved for transfer to surplus or contact the State Surplus Property director or State Auto Delivery/Maintenance/Operations director to schedule pickup of these items. In either case, the property manager must clearly mark each item with the BF-11 number by which the item was approved for transfer. Items scheduled for pickup must be located in an easily accessible area.

F. Whenever an agency property manager has knowledge or reason to believe that any property of the agency is lost, stolen, damaged, or destroyed through vandalism, fire, windstorm, or other acts of God, he shall immediately notify the head of the agency. The head of the agency shall immediately notify the commissioner, through the Louisiana Property Assistance Agency di-

rector or his designee, and follow up with a written report. The Louisiana Property Assistance Agency director or his designee shall make an investigation and take necessary action as provided for in R.S. 39:330.

### **§503. State Property Transaction Form DA BF-11 (Revision of 4/85)**

A. The BF-11 is the means of an agency receiving written approval for the disposition of any and all items of state property from the agency (exhibit 7). Use only the latest revision of the form BF-11 (§503).

B. The BF-11 is the request from an agency property manager and is not, in any case, to be considered an approval for any action until a copy is received by the agency property manager with Section II - Division of Administration Use Only, completed and signed as approved. Entries are to be made in type or print only, except for signatures.

C. The agency property manager shall enter the originating date of the request.

#### **D. Section I—Report and Evaluation**

1. The agency property manager shall complete (check) one of the boxes indicating his recommendation for disposal of the item.

2. The agency property manager shall enter the complete title and mailing address of the reporting agency and the agency control number consisting of the five digit agency number, a fiscal year number (e.g. "00, 01, 02, 03, 04, 05, 06, 07, 08, or 09"), and the proper sequence number of the respective BF-11 for that agency (the first BF-11 for each fiscal year will be "00001," the second will be "00002," etc.).

3. The common name of the article, the make and model, and the manufacturer (if known) shall be completed. The quantity of items for which disposition is requested on this BF-11 must be noted. See §501.D concerning number of items allowed per BF-11. When preparing one BF-11, listing multiple items for disposition, the agency property manager must prepare an attachment indicating subnumbers for each item listed (exhibit 8). The first item listed should be shown with the BF-11 number only (e.g. BF-11 No. 189171); the second item should be shown with the BF-11 number plus "01" (e.g. BF-11 No. 18917101); the third item should be shown with the BF-11 number plus "02" (e.g. BF-11 No. 18917102), etc.

4. The agency property manager shall enclose with the BF-11 request for transferring vehicles and trailers to the Louisiana Property Assistance Agency director or his designee the following items:

a. Motor Vehicle Condition Report DA 121, revised 6-76 (exhibit 9).

b. Certificate of Title (endorsed and notarized).

NOTE: DO NOT ENTER THE RECEIVER OF TITLE.

The registration certificate must be delivered with the vehicle when transferred.

5. The agency property manager shall enter additional remarks giving justification for requests to scrap, dismantle, make an inventory adjustment, or remove as not located, and identifying the condition of items to be transferred to surplus or sold "as is, where is". Pictures must be attached for sale "as is, where is" items, a police report for stolen items, and a memorandum of justification for trade-ins.

6. The five digit agency number and tag number must be entered in the required section. If the item(s) to be disposed of is (are) not active on agency inventory, this must be indicated in the remarks section of the BF-11 and an appropriate classification code must be listed for each item.

7. The following headings on the information form shall be

completed for items active on agency inventory utilizing the state master file listing of agency inventory:

- a. serial number (up to 22 digits),
- b. property location,
- c. acquisition date, and
- d. acquisition cost.

8. The description of the physical storage location of the item shall be explicit. The contact person and his telephone number for pickup of transfer items shall be entered by the agency property manager.

9. The section entitled "Reimbursement Request" must be checked if applicable. Note: Specific documentation may be required by Louisiana Property Assistance Agency director or his designee showing the specific item was purchased with participating federal funds and the percentage, or with other funds requiring reimbursement, prior to release of the reimbursement to the agency. Normally, state agencies are not eligible for any reimbursement for surplus property proceeds.

10. The designated section must be signed by the agency property manager with his name and title typed or printed.

#### E. Section II—Division of Administration Use only

1. The disposition stated in this section is binding upon the agency property manager. If it is different than that requested by the agency property manager, the manager may proceed to dispose of the item in the manner prescribed in Chapter 3 or request that the BF-11 be voided. Disapproval of the BF-11 will require resubmittal of the item in the manner prescribed by the Louisiana Property Assistance Agency director or his designee under the "Remarks" section.

2. Approval of a BF-11 Form will constitute grounds for deactivation of the listed property item(s) on the state master listing of the agency's inventory. The item will be deactivated on-line by Louisiana Property Assistance Agency personnel. However, if property items designated for transfer to surplus are later not available for such transfer or if the agency property manager requests and approval is given for voiding a BF-11, the affected property items will be reactivated on the agency inventory.

#### F. Section III

This Section is completed when the item is received at the State Surplus Property warehouse. The agency property manager must keep on file all BF-11s completed in this section as evidence that responsibility for the items listed has been transferred to State Surplus Property.

#### G. Section IV—Receiving Agency

1. For all BF-11s with disposition of interagency transfer, the agency property manager for the reporting agency must enter the name, full address (attention: property manager) and agency property control number of the receiving agency in Section IV of the BF-11. Once the BF-11 has been approved and the receiving agency property manager has been acknowledged receipt of the item, Louisiana Property Assistance Agency personnel will remit a copy of the receipted BF-11 to the reporting agency property manager to be kept on file as evidence of transfer of responsibility for the item. A fee may be assessed to the receiving agency in accord with established policies approved by the commissioner governing the operations of the Louisiana Property Assistance Agency.

2. For every BF-11 with disposition of transfer to surplus or sale "as is, where is", this section is completed by the State Surplus Property Unit of the Louisiana Property Assistance Agency when the item is transferred to another agency. The receipt of the receiving agency is completed by the agency representative responsible for pickup of the item where he physically receives the item on behalf of the receiving agency.

### **§505. Disposition by Transfer to Surplus or Sale "as is, where is"**

A. The agency property manager shall submit, within the

week it becomes known, each idle or surplus item within his agency for disposition request utilizing a State Property Transaction Form BF-11.

B. These regulations of the commissioner shall govern the condemnation and disposition of state property when it is determined that certain items of property are of no use to the agency or to the state.

C. Property transferred to the Louisiana Property Assistance Agency of the Division of Administration may be assigned for use in other agencies in accord with established policies of the Division of Administration when the commissioner deems it to be in the best interest of the state. A fee may be assessed to the receiving agency in accord with established policies approved by the commissioner governing the operations of the Louisiana Property Assistance Agency. Said property may, in accord with Division of Administration policies and Louisiana Revised Statutes 39:330(b) be sold to political subdivisions, municipalities, or religious, charitable, or educational organizations when the commissioner deems it to be in the best interest of the state. To purchase such property, said subdivisions, municipalities and/or organizations must:

1. Follow agency listing procedures established by the Louisiana Property Assistance Agency director with the approval of the commissioner.

2. Place purchase items in use within the subdivision, municipality, and/or organization within 90 days of purchase, and

3. Maintain purchase items in use for subdivision, municipality, and/or organizational purposes for at least 18 months from date of purchase.

Exceptions to this regulation in individual instances require written approval from the Louisiana Property Assistance Agency director or his designee. Purchasing subdivisions, municipalities, and/or organizations shall make available to Louisiana Property Assistance auditors upon request all necessary records and documentation supporting compliance with these requirements.

D. Property owned by the state for more than six months and of no use to the state or agencies may be considered for disposition to the public.

E. The Louisiana Property Assistance Agency director or his designee may sell property "as is, where is" when it is determined to be in the best economical interest of the state.

F. The Louisiana Property Assistance Agency director shall deposit the proceeds from transfer or sale of property at public bid to the Louisiana Property Assistance Agency revolving fund.

1. Originating purchase from any percentage of participating federal funds—For equipment with a unit acquisition cost of less than \$1,000, the Louisiana Property Assistance Agency will retain 20 percent of the proceeds received from sale of the item and the percentage of the remainder which corresponds to the percentage of federal funding in acquisition of the item will be refunded to the agency if the program is still active. There will be no refund if the program has been discontinued. For equipment with a unit acquisition cost of \$1,000, or more, \$100, or ten percent of the total sales, whichever is greater, will be retained by the Louisiana Property Assistance Agency for handling expense and the remainder will be refunded to the agency. Unless contractual or legal disposition requirements specify otherwise, agencies will be reimbursed 80 percent of the proceeds received by the Louisiana Property Assistance Agency for any item originally purchased by other grants, funds, etc. which require reimbursement.

NOTE: The agency's use of the reimbursed percentage of federal funds must be documented for the legislative auditor.

2. Originating purchase from state revolving fund—The agency transferring the item shall be reimbursed at least 80 percent of the proceeds received by Louisiana Property Assistance Agency for the item.

3. Sale of farm produce—The cost to the agency for bid services rendered by Louisiana Property Assistance Agency shall be up to five percent of the proceeds of the sale.

4. Sale of state owned timber—The cost to the agency for bid services shall be up to five percent of the proceeds of the sale.

5. As an exception to the general state property disposition regulations, state agencies may sell their livestock at any authorized public auction or sale. A BF-11, any documentation pertaining to the sale, and a check for the full amount of the sale proceeds, should be sent to the Louisiana Property Assistance Agency immediately after the sale. The livestock will then be removed from the state master listing of inventory for the agency if such is required.

**§507. Regulations and Orders by the Commissioner**

The commissioner shall have power and authority to make necessary and reasonable regulations and orders to carry out the provisions of these regulations when it serves the best interest of the state, in addition to specific authorizations contained in this Part.

**Chapter 7. Agencies with Integrated Inventory Control Systems and Miscellaneous Exceptions**

**§701. Qualifications**

A. The commissioner shall have the authority to allow certain agencies which have utilized their own data processing facilities for their inventory control systems and those agencies which initiate data processing facilities for this purpose to maintain and use those systems provided those inventory systems can meet the requirements of R.S. 39:321 through 332 and these State Property Control regulations.

B. A prerequisite to receive written permission from the commissioner through the Louisiana Property Assistance Agency director is that the existing system must be integrated into other systems within the agency through data processing interfaces and not be a 'stand alone' system. 'Stand alone' inventory systems shall be converted to the State Property Control AM014 System. The Office of Information Services of the Division of Administration shall make that determination through an examination of those agencies which apply to the commissioner through the Louisiana Property Assistance Agency director for permission to continue to use their own data processing facilities for agency inventory control.

C. Those agencies which receive written permission to utilize their own data processing facilities for inventory control are excluded from utilizing the Louisiana Property Control Transmittal Form DA 206, Rev. 1-85.

D. These regulations must be met in full unless the head of the agency applies to the commissioner through the Louisiana Property Assistance Agency director for a specific exclusion from a requirement and receives written permission from the commissioner when he deems it to be in the best interest of the state.

**§703. Agency Inventory Master File Interface**

A. Those agencies which receive written permission from the commissioner through the Louisiana Property Assistance Agency director to utilize their own data processing facilities for inventory control shall coordinate through the Office of Information Services of the Division of Administration and complete the following conversion programs for transferring the agency master file information.

B. If the agency has not previously listed inventory on the AM014 Louisiana Property Assistance System, the agency shall transfer to the Division of Administration, Louisiana Property Assistance Agency Inventory Control System (AM014) at the Baton Rouge computer center the agency's inventory master file with the same data and field length as required when using the Louisiana Property Control Transmittal Form (DA 206, Rev. 1-85) through a computer tape-to-tape conversion. If the agency has previously listed inventory on the AM014 Louisiana Property Assistance Sys-

tem, Louisiana Property Assistance Agency will provide the agency with a computer tape of inventory to be used in establishing the agency system.

C. Each subsequent month, the agency shall submit a like formatted computer tape showing all acquisition and change transactions for the preceding month involving the agency inventory master file. Each acquisition/change transaction tape must be submitted in the following format:

1. IBM standard tape with a record length of 150 characters blocked with a blocking factor of 23,400 characters.

2. Standard labels. Each tape must contain an external label corresponding exactly to the internal label. The external label must be affixed to the outer ring of the tape case.

3. Density of 1,600.

4. "AM14DATA" is the data set name. The data set name must be followed by nine spaces, giving a total of 17 characters to the total data set name. Each tape must be accompanied by a typed note containing the tape number, the number of records on the tape and the name of the agency submitting the tape. Transaction format and instructions for a property acquisition transaction (See §311.B.1 through §311.B.17) are:

ELEMENT NAME	COLUMNS	INSTRUCTIONS
Transaction Code	1-2	Value = "P1"
Filler	3-5	Value = "99X"
P.C. Agency Code	6-10	Required, Valid agency code
Tag Number	11-15	Required, Numeric
Filler	16-16	Spaces
Acquisition Code	17-17	Required, Valid Code
Classification Code	18-24	Required, Valid Code
Location Code	25-28	Required
Tag Location	29-29	Required, Valid Code
Agency Use	30-34	Optional
BF-11 Number	35-42	Required with acquisition code of 1 or 7; not allowed with any other acquisition code; Valid BF-11 number
Serial Number	43-64	Optional
Acquisition Cost	65-76	Required, numeric
Purchase Order No.	77-89	Optional
Acquisition Date	90-95	Required, Valid date
Make	96-110	Optional
Model	111-125	Optional
Model Year	126-127	Optional, numeric
Filler	128-150	Spaces

Transaction format and instructions for a property change transaction (See §311.B.1 through §311.B.4) are:

ELEMENT NAME	COLUMNS	INSTRUCTIONS
Transaction Code	1-2	Value = "P2"
Filler	3-5	Value = "99X"
P.C. Agency Code	6-10	Required, Valid agency code
Tag Number	11-15	Required, active numeric tag number
Filler	16-16	Spaces
Acquisition Code	17-17	
Classification Code	18-24	
Location Code	25-28	
Tag Location	29-29	
Agency Use	30-34	
BF-11 Number	35-42	Change not allowed
Serial Number	43-64	
Acquisition Cost	65-76	
Purchase Order No.	77-89	
Acquisition Date	90-95	
Make	96-110	
Model	111-125	
Model Year	126-127	
Filler	128-150	Spaces

Disposition and removal of items from inventory may only be accomplished by submission and approval of a BF-11. (See §503.)

**§705. Inventory Classification Code System**

All state agencies shall utilize the inventory classification code

system established by the Louisiana Property Assistance Agency director or his designee for the coded numbers which identify each item of inventory. Any agencies currently not utilizing the Louisiana Property Assistance Agency inventory classification code system shall convert the items on the agency inventory master file to said classification code system. This conversion shall be coordinated by the Office of Information Services between the agency and the Louisiana Property Assistance Agency.

**§707. Reporting Requirements**

The head of the agency and the agency property manager(s) shall comply to the reporting requirements of these regulations with the exception of §311.B, §319.B.5, and §319.B.6, which relate to the use of the Louisiana Property Control Transmittal Form. This form will not be used when an agency has received permission in writing to utilize their own data processing facilities. Computer tapes will be submitted on a monthly basis instead of the transmittal form.

**§709. Non-Exclusion from State Property Control Regulations**

These regulations, effective 02/20/86, Chapters 1 through 7 (§101. through §709.) supercede all previous regulations and exceptional permissions, both written and verbal. Any exclusion request shall be submitted to the commissioner, through the Louisiana Property Assistance Agency director, for consideration. Any exclusion from these regulations must be approved in writing, by the commissioner.

EXHIBIT 1  
PUBLIC EMPLOYEES BLANKET BOND



FIDELITY AND DEPOSIT  
COMPANY OF MARYLAND

A STOCK COMPANY—ESTABLISHED 1890—BALTIMORE, MD. 21203

(Herein called Surety)

No. 87 49 643

DECLARATIONS



ITEM 1. Name of Obligor:

GOVERNOR OF THE STATE OF LOUISIANA

ITEM 2. Name of Insured:

STATE PROPERTY MANAGERS, AS DESCRIBED AND DESIGNATED IN  
LOUISIANA LEGISLATIVE ACT NO. 115 of 1964

ITEM 3. Bond Period: from the beginning of.....December.....31.....1973.....  
Month Day Year  
to 12 o'clock night on the effective date of the cancelation or termination of this Bond as an entirety.

ITEM 4. Table of Limits of Liability:

INSURING AGREEMENT 1—Honesty Blanket Bond Coverage.....	\$.....Nil.....
INSURING AGREEMENT 2—Honesty Blanket Position Bond Coverage.....	\$.....Nil.....
INSURING AGREEMENT 3—Faithful Performance Blanket Bond Coverage.....	\$.....Nil.....
INSURING AGREEMENT 4—Faithful Performance Blanket Position Bond Coverage.....	\$.....25,000.00.....

ITEM 5. The liability of the Surety is subject to the terms of the following riders attached hereto:

ITEM 6. The Obligor and the Insured by the acceptance of this Bond give notice to Surety terminating or canceling prior bond(s) No.(s).....  
such termination or cancelation to be effective as of the time this Bond becomes effective.

Countersigned by: *John J. Peter*  
Authorized Representative

RECEIVED  
INSURANCE SECTION  
DIVISION OF ADMINISTRATION

DEC 10 1973  
AM 7:32 PM  
10 11 12 1 2 3 4 5 6

P111—SM, 3-68 177796  
Revised to May, 1958  
(SB 5463)

INVOICE

INVOICE DATE	INVOICE NUMBER	CUSTOMER NO.
2/14/85	023258	007427

0050



# Wright & Percy Insurance

521 LAUREL STREET, P. O. BOX 3809 BATON ROUGE, LA 70821-3809 PH (504) 387-  
GENERAL INSURANCE AND CONTRACT BONDS

William H. Wright Jr., Pres

STATE OF LA.  
P. O. BOX 94095  
BATON ROUGE,  
LA 70804

AMOUNT REMITTED \$ \_\_\_\_\_

FOR PROPER CREDIT — PLEASE DETACH AND RETURN THIS UPPER PORTION WITH YOUR PAYMENT

TOMER NO. 007427 023258 WRIGHT & PERCY INSURANCE 521 LAUREL ST. BATON ROUGE, LA

EFFECTIVE DATE	EXPIRES DATE	POLICY NO.	DESCRIPTION	AMOUNT
3/31/84	12/31/85	8749643	BONDS - FIDELITY	
	NEW LINE		FIDELITY BOND	
			INSTALLMENT PREMIUM	11.00

#510. LOUISIANA STATE EMPLOYEES  
RETIREMENT SYSTEM  
PUBLIC EMPLOYEES BLANKET BOND

PREMIUMS ARE DUE AND PAYABLE THE DATE POLICY BECOMES EFFECTIVE. PAYMENTS MADE  
WITHOUT INDICATING INVOICE NUMBER WILL BE APPLIED TO THE OLDEST BALANCE.

TOTAL AMOUNT DUE 11.00

DIV. OF ADMIN. CONTROL SECT.



CHECK VOID  
180 DAYS FROM DATE

STATE OF LOUISIANA  
DEPARTMENT OF THE TREASURY  
BATON ROUGE, LOUISIANA 70804  
LA STATE EMPLOYEES RETIREMENT CHECK NO. 5720661233

CONTROL NO. 825346

TO AMERICAN BANK AND TRUST  
OF NEW ORLEANS  
NEW ORLEANS, LA.

DATE 04-01-85

\$11.00

PAY EXACTLY THE SUM OF  
PAY TO THE ORDER OF  
VENDOR NO. 32121

\*\*\*\*\*11 DOLLARS AND 00 CENTS

WRIGHT & PERCY INSURANCE  
P O BOX 3809  
BATON ROUGE LA 70821

*Angela Carter*

Treasurer, State of Louisiana

0065000601 01001 237 11



**LOUISIANA PROPERTY CONTROL TRANSMITTAL**

DA 206  
Rev 1-85

<b>ACTION CODES</b> (Col. 21)	Acquisitions — all types changes (to existing records) — 2	<b>CODE NO.</b> (Col. 17)	<b>ACQUISITION CODES</b> (Col. 17)	<b>ACQUIRED:</b> 0 — New 1 — By Transfer from Other Agency 2 — By Birth 3 — From Federal Surplus 4 — By Donation 5 — Agency Manufacture 6 — By Loan 7 — From State Surplus	<b>TAG LOCATION</b> (Col. 29)	0 — Under Cover 1 — Top 2 — Bottom 3 — Back 4 — Left Side 5 — Right Side 6 — Door Post 7 — Desk Panel 8 — Log 9 — Front	<b>Date</b> Prepared By
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01	02	03	06	11	16	17	18	25	29	30	35	111	43	126
P	9	9	X											
ACTION CODE	AGENCY CODE	TAG	ACQ CODE	PURCHASE ORDER NUMBER	ACQ CODE	CLASS CODE	LOCATION	MAKE	TAG LOC	AGENCY USE	BF-11 NUMBER	MODEL	SERIAL NUMBER	MODEL YEAR

01	02	03	06	11	16	17	18	25	29	30	35	111	43	126
P	9	9	X											
ACTION CODE	AGENCY CODE	TAG	ACQ CODE	PURCHASE ORDER NUMBER	ACQ CODE	CLASS CODE	LOCATION	MAKE	TAG LOC	AGENCY USE	BF-11 NUMBER	MODEL	SERIAL NUMBER	MODEL YEAR

01	02	03	06	11	16	17	18	25	29	30	35	111	43	126
P	9	9	X											
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01	02	03	06	11	16	17	18	25	29	30	35	111	43	126
P	9	9	X											
ACTION CODE	AGENCY CODE	TAG	ACQ CODE	PURCHASE ORDER NUMBER	ACQ CODE	CLASS CODE	LOCATION	MAKE	TAG LOC	AGENCY USE	BF-11 NUMBER	MODEL	SERIAL NUMBER	MODEL YEAR

01	02	03	06	11	16	17	18	25	29	30	35	111	43	126
P	9	9	X											
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01	02	03	06	11	16	17	18	25	29	30	35	111	43	126
P	9	9	X											
ACTION CODE	AGENCY CODE	TAG	ACQ CODE	PURCHASE ORDER NUMBER	ACQ CODE	CLASS CODE	LOCATION	MAKE	TAG LOC	AGENCY USE	BF-11 NUMBER	MODEL	SERIAL NUMBER	MODEL YEAR

**EXHIBIT**



State of Louisiana  
DIVISION OF ADMINISTRATION  
LOUISIANA PROPERTY ASSISTANCE AGENCY

EDWIN W. EDWARDS  
GOVERNOR

LOUIS W. AMEDEE  
DIRECTOR

(Should be on Agency Letterhead)

STEPHANIE L. ALEXANDER  
COMMISSIONER

TO: Commissioner, Division of Administration  
ATTENTION: LOUISIANA PROPERTY ASSISTANCE DIRECTOR  
FROM:  
SUBJECT: NOTIFICATION OF INVENTORY/REQUEST FOR PRINTOUT

You are advised, by this letter, that our agency will conduct our annual physical inventory beginning \_\_\_\_\_. This notification is being submitted at least thirty (30) days prior to the date inventory is to begin in accordance with the State Property Control Regulations and Louisiana Revised Statutes Title 39:328.

Our agency is requesting, by this letter, the following number of copies of our updated printout of property on file:

AGENCY NAME: \_\_\_\_\_  
AGENCY NUMBER \_\_\_\_\_ SUB-AGENCY NUMBER(s): \_\_\_\_\_

INDICATE NUMBER REQUIRED FOR EACH TYPE INVENTORY LISTING

<u>PRINTOUT BY:</u>	<u>NO. REQUIRED:</u>	<u>PRINTOUT BY:</u>	<u>NO. REQUIRED</u>
TAG #:	_____	AGENCY USE FOLLOWED BY TAG #:	_____
PROPERTY LOCATION:	_____	AGENCY USE FOLLOWED BY LOCATION:	_____
CLASS. CODE:	_____		

DATE: \_\_\_\_\_ SIGNED \_\_\_\_\_  
NAME PROPERTY MANAGER \_\_\_\_\_

AGENCY: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
TELEPHONE: \_\_\_\_\_

"An Equal Opportunity Employer"  
P O BOX 94095, CAPITOL STATION 70804 9095  
TELEPHONE (504) 312 6849 (Line) 421 6849



State of Louisiana
DIVISION OF ADMINISTRATION
LOUISIANA PROPERTY ASSISTANCE AGENCY

EDWIN W. EDWARDS
GOVERNOR

(Should be on Agency Letterhead)

LOUIS W. AMEDEE
DIRECTOR

STEPHANIE L. ALEXANDER
COMMISSIONER

TO: Commissioner, Division of Administration

ATTENTION: LOUISIANA PROPERTY ASSISTANCE DIRECTOR

FROM:

SUBJECT: CERTIFICATION OF ANNUAL PROPERTY INVENTORY

I hereby certify that the complete physical inventory and the agency inventory master file listing dated \_\_\_\_\_, in the dollar amount of \$ \_\_\_\_\_, are in accord with the exception of any attached discrepancies and represent a true and accurate accounting to the best of my knowledge in accordance with the provisions of the Louisiana Revised Statutes Title 39:324 and 325 and Chapter 313.F.11 and 313.G.12 of the State Property Control Regulations 02/86.

DATE SUBMITTED: \_\_\_\_\_ AGENCY #: \_\_\_\_\_ SIGNED \_\_\_\_\_
Property Manager

SIGNATURE WITNESS: \_\_\_\_\_ AGENCY ADDRESS \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

TOTAL DOLLAR AMOUNT ON MASTER FILE LISTING: \$ \_\_\_\_\_

Minus 1st and 2nd previous years discrepancies listed in suspense location, Dollar Value: \$ \_\_\_\_\_

Minus 3rd previous year discrepancies dollar value (to be removed from inventory by BF-11 as "Not Located" \$ \_\_\_\_\_

ADJUSTED TOTAL DOLLAR AMOUNT OF INVENTORY: \$ \_\_\_\_\_

Total Dollar Amount of Current Year Discrepancies: \$ \_\_\_\_\_

Total number of items on Inventory Master File Listing: \$ \_\_\_\_\_

ATTACHMENTS:

- Current year discrepancy report
Previous 1st and 2nd years discrepancy reports
BF-11's for 3rd previous year discrepancies, removal-"Not Located"
Copy of paid annual invoice or check for Faithful Performance Bond
Copy of Last Page of Print-out.
Copy of Agency Internal Procedures.

cc: Legislative Auditor

"An Equal Opportunity Employer"
P O BOX 94095, CAPITOL STATION 70804-9095
TELEPHONE (504) 342-6849 (TDD) 421-6849



EXHIBIT 6

Description					Tag No.		Tag Loc.		
Prop. Loc.	Serial			Acq. Date	Acq. Cost		Class Code	Agcy. No.	Agency Use
LOCATION CHANGES								Make	
DATE	TEMPORARY LOC.	PERM. LOC. (SEND CHANGE CARD)	ASSIGNED TO OR RECEIVED BY:					Model Year	
								DISPOSITION	
								Date	
								How Disposed	
								BF-11 Auth. No.	
								Auth. By	
DA 3776 (BF-13) Rev. 11-84									

Originating Date

STATE PROPERTY TRANSACTION

SECTION I. REPORT AND EVALUATION

The following described state-owned property is surplus to the needs of this agency and is reported for disposal. A separate BF-11 form for each article to be transferred to surplus or sold "as is, where is" is required.

RECOMMENDED DISPOSAL

- Transfer to Surplus, Sale "As Is", "Where Is", Scrap, Inventory Adjustment, Interagency Transfer, Dismantle for Parts, Not Located, Trade-In, Stolen

Reporting Agency

LEASE TYPE OR PRINT

Reporting Agency Control Number

Article

Quantity

Make and Model

Manufacturer

FOR MOTOR VEHICLE, SUBMIT CONDITION REPORT FORM DA 121, TITLE AND PINK SLIP

Submit additional information and justification if scrap or dismantle for parts; include police report if stolen; identify condition for transfer to surplus; include pictures for sale "as is, where is."

Complete as much of the following coding information as possible. The number of digits required in each field is indicated in parentheses below the heading.

Table with columns: Agency No., Sub., Tag Number, Classification Code, Serial Number, Property Location, Acq. Date, Acq. Cost

Storage Location (city, address, building, etc.) Contact Person Reimbursement Request (attach documentation)

Signature of Property Manager Phone No. [A.C. ]

Name and Title (Type or print) Other (specify)

SECTION II. DIVISION OF ADMINISTRATION USE ONLY

Disposition Requested is: APPROVED, DISAPPROVED. Remarks

Signed Title Date

SECTION III.

Relocated to: STATE SURPLUS PROPERTY WAREHOUSE Received by Date

SECTION IV. RECEIVING AGENCY

Receipt of the above property is hereby acknowledged. Signature of Property Manager Date Remarks

TRANSFER IS AUTHORIZED TO THE FOLLOWING RECEIVING AGENCY:

Agency Property Control No.

THIS SECTION FOR DIVISION OF ADMINISTRATION USE ONLY

Receiving Agency

Sale No.

Amount

Invoice No.

Sold To



EXHIBIT 9

Form DA 121  
Rev. 6-76

STATE OF LOUISIANA  
DIVISION OF ADMINISTRATION  
PROPERTY ASSISTANCE AGENCY  
P. O. Box 94095 Baton Rouge, LA 70804-9095

LOG #: \_\_\_\_\_  
KEYS: IGNITION \_\_\_\_\_  
TRUNK \_\_\_\_\_

**CONDITION REPORT FOR MOTOR EQUIPMENT**

STATE AGENCY \_\_\_\_\_

Year & Make \_\_\_\_\_ SERIAL # \_\_\_\_\_

Model \_\_\_\_\_ Body Type \_\_\_\_\_ Requisition # \_\_\_\_\_ Mileage \_\_\_\_\_

Vehicle # \_\_\_\_\_ Color \_\_\_\_\_ Engine: V-8 ( ) 6 cyl. ( ) Other ( ) \_\_\_\_\_

**CONDITION REPORT** (USE: GOOD, FAIR, POOR)

VEHICLE BODY CONDITION \_\_\_\_\_

CONDITION	CONDITION	CONDITION	DATE LAST REPAIRED
Paint _____	Body _____	Air Conditioner _____	
Battery _____	Heater _____	Clutch _____	
Upholstery _____	Glass _____	Differential _____	
<b>TIRES</b>		Radiator _____	
L. Front _____	R. Rear _____	Steering P ( ) _____	
L. Front _____	L. Rear _____	Brakes P ( ) _____	
PARE _____	JACK _____	Radio _____	
ENGINE CONDITION _____			
Transmission: STANDARD ( ) AUTOMATIC ( ) OVERDRIVE ( )			
Transmission Condition _____			

\_\_\_\_\_

If vehicle cannot be delivered to Baton Rouge, give reason and vehicles' location.

Signature of person whose vehicle assigned to: \_\_\_\_\_  
(PRINT) NAME ADDRESS TELEPHONE #

REPORT SUBMITTED BY: \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_\_

ATTACH A COPY OF DA 121 TO YOUR REQUISITION FOR NEW VEHICLES ONE CONDITION REPORT FOR EACH "TRADE-IN" VEHICLE LISTED ON YOUR REQUISITION. "TRADE-INS" CANNOT BE SUBSTITUTED! F11, ORIGINAL DA 121, TITLES, AND PINK SLIP MUST BE MAILED TO PROPERTY CONTROL. PLEASE ENDORSE AND NOTARIZE THE CERTIFICATE OF TITLE, DO NOT COMPLETE THE ASSIGNMENT OF TITLE ON THE BACK OF THE TITLE.

Phillip B. Collins  
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 December 1985 *Louisiana Register*, the Louisiana Board of Examiners for Nursing Home Administrators announces the adoption of the following rule, effective February 20, 1986:

**LAC 46:XLIX.503.A.5**

An applicant must have successfully completed 60 or more semester hours of college credit in an accredited institute of higher learning, with an overall C average. Fifteen of the 60 hours must be in any combination of the following courses: accounting, business law, economics, general health care, gerontology, management, marketing, nutrition, physical science, psychology, and sociology.

Winborn E. Davis  
Executive Director

**RULE**

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

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

**SUMMARY**

The Office of Family Security proposes to revise work referral policy in Non-WIN parishes to exempt all persons under age 18 from Work Referral. These persons currently must be referred to Employment Security unless otherwise exempt.

Work referral in Non-WIN parishes is not mandated by state or federal law. The following change is being initiated by the Office of Family Security to reduce the AFDC error rate and thus reduce potential sanction and loss of federal funds.

**FINAL RULEMAKING**

In Non-WIN parishes, all persons under age 18 are exempt from Work Referral.

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, is adopting the following rule in the Food Stamp Program.

**SUMMARY**

The Office of Family Security was notified by the United States Department of Agriculture, Food and Nutrition Service (USDA, FNS), that the voluntary quit amendments to the final rule issued in the *Federal Register* of October 3, 1984, Volume 49, Number 193, Wednesday, contain a technical error. The Office of Family Security is hereby amending its rule published in the *Louisiana Register*, Volume 11, Number 1 of January 20, 1985 to correct this error.

**FINAL RULEMAKING**

Effective December 16, 1985 in the case of an applicant household, if the voluntary quit was without good cause, the household's application shall be denied and sanction imposed for 90 days starting from the date of the quit.

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, proposes to adopt the following rule in the Support Enforcement Program:

**RULE**

Effective 3/1/86 the Department of Health and Human Resources, Office of Family Security will begin charging an application fee of \$25 to each non-AFDC applicant who applies for child support services as mandated and allowed by Federal Regulation 45 CFR 302.33 and 302.51.

This application fee will not be charged to former AFDC payees if they apply for services during the five month period following closure of the AFDC grant.

When the Support Enforcement Regional Office takes the application, the regional office will collect the fee. When the contracted office of the district attorney takes the application, the office of the district attorney will collect the fee, deposit it with the department, and receive an incentive equal to the non-federal share of the fee.

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, proposes to adopt the following rule in the Support Enforcement Program.

**RULE**

Effective 3/1/86 the Department of Health and Human Resources, Office of Family Security will begin charging an application fee of \$122.50 to Non-AFDC payees who apply for full-service Internal Revenue Services (IRS) Collection. IRS charges the Support Enforcement Program \$122.50 for each full-service case referred to them whether or not collection is successful. Full service IRS eligibility and the agency agreement to reimburse the secretary of the Treasury for collection costs are outlined in 45 CFR 303.71.

Cases are eligible for IRS certification if 1) there is a court or administrative order for support, 2) the amount to be collected under the support order is at least \$750 in arrears, 3) at least six months have elapsed since the last IRS full service referral, 4) the IV-D agency, the client, or the client's representative shall have made reasonable efforts to collect the support through the state's own collection mechanisms and 5) there is an application for services specified under 45 CFR 302.33.

In establishing that reasonable collection efforts have been made, the agency is required to file a statement of collection actions taken, why they failed, and why further state action would be unproductive.

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

**RULE**

**Department of Natural Resources  
Office of Conservation  
Pipeline Division**

Pursuant to authority delegated under the laws of the State of Louisiana, and particular under Paragraph 17 of Subsection C

of Section 4 of Title 30 of the Louisiana Revised Statutes of 1950, after due notice having been given and all legal delays observed, after public hearing held under Docket Number PL 86-1 in Baton Rouge, Louisiana, on the third day of January, 1986, and after publication of intent as required by the Administrative Procedure Act, R.S. 49:950 et seq., the rules and regulations for the construction and operation of carbon dioxide pipelines are adopted by the commissioner of conservation as being necessary for the regulation of carbon dioxide pipelines in accordance with R.S. 30:4C(17).

A copy of these rules and regulations may be obtained by writing Mariano G. Hinojosa, Office of Conservation, Pipeline Division, Box 94275, Baton Rouge, LA 70804-9275, by calling 504/342-5505 or by coming in person to Room 231 of the State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

Herbert W. Thompson  
Commissioner of Conservation

**RULE**

**Department of Public Safety and Corrections  
Office of State Fire Marshal**

As Fire Marshal for the State of Louisiana, I hereby adopted the following administrative ruling.

The first part of that administrative ruling amends the provisions of LAC 17-4:4 to read as follows:

**LAC 17-4:4 Plans and Specifications for a New Building**

4.4 As of September 1, 1986 the plans and specifications for every structure built or remodeled in the State of Louisiana must be drawn in accordance with the requirements of the 1985 edition of the Life Safety Code of the National Fire Protection Association and for all high rise buildings, Section 506 of the special provisions for high rise buildings of the Standard Building Code of the 1985 edition of the Southern Building Code Congress International, Inc.

The remainder of LAC 17-4:4 will remain the same.

Pursuant to that Change, LAC 17-4:2 General Provisions must be changed so that the current Section 2.2 will now be labeled 2.3, current Section 2.3 will be labeled 2.4, 2.4 labeled 2.5, 2.5 labeled 2.6 and a new LAC 17-4:2.2 will read as follows:

All inspections of buildings constructed or remodeled after September 1, 1986 will be made utilizing the requirements set forth in the 1985 edition of the Life Safety Code of the National Fire Protection Association and Section 506 Special Provision for High Rise of the Standard Building Code of the 1985 edition of the Southern Building Code Congress International, Inc.

As a result, Section 2.3 shall be amended to read as follows:

2.3 All inspections of buildings constructed or remodeled between September 1, 1981, and September 1, 1986, will be made utilizing the requirements set forth in the 1981 edition of the Life Safety Code of the National Fire Protection Association and Section 506 Special Provisions for high rise of the Standard Building Code 1979 edition of the Southern Building Code Congress International, Inc.

Carrol L. Herring  
State Fire Marshal

**RULE**

**Department of Public Safety and Corrections  
Office of State Police  
Criminal Records Unit**

Pursuant to the provisions of R.S. 15:587, as amended, the Bureau of Criminal Identification and Information (Criminal Rec-

ords Unit), announces it will begin collecting a \$10 processing fee to offset the costs of conducting a criminal record search for the purpose of screening applicants for employment or license.

This fee will not be charged to law enforcement agencies conducting criminal investigations, applicants for full-time employment with a bona fide criminal justice agency, or to applicants for employment at race tracks.

Payments of the processing fee shall be made in the form of a cashier's check or money order payable to the Louisiana Bureau of Criminal Identification and Information Fund and payment shall accompany the request for such information.

Collection of the processing fee shall begin on February 20, 1986 and shall be applied to all requests received on and after that date.

Wiley D. McCormick  
Deputy Secretary

**RULE**

**Department of Public Safety and Corrections  
Office of State Police  
Training and Education Section**

The Louisiana State Police announces user fees effective February 20, 1986, for the training academy facilities pursuant to R.S. 40:1375 (C) according to the following schedules:

Louisiana State Police Training Facility

RATES		
Tiered rooms	50 person capacity	\$ 20 per hour 50 per day
Flat rooms	60/75 person capacity	25 per hour 75 per day
Auditorium	250 person capacity	50 per hour 150 per day
Gymnasium		50 per hour 150 per day
Volleyball room		20 per hour 50 per day
Library		15 per hour 30 per day
Gym classroom		15 per hour 40 per day
PEI classroom		15 per hour 30 per day
Dorm rooms		10 per day per occupant 50 per week per occupant

Wiley D. McCormick  
Deputy Secretary

**RULE**

**Department of Transportation and Development  
Office of Systems Management**

Flight Operations Manual Revision Number 1

Pursuant to the authority vested in the Office of the Secretary by R.S. 2:6 and 36:509F(3), the Department of Transportation and Development (DOTD) will publish a revision to the *State of Louisiana Flight Operations Manual*, in order to establish new procedures for use of the DOTD aircraft pool.

The previous rule published by the Office of the Governor, Division of Administration, entitled "Fiscal Policy and Procedure Memorandum Number 67, Uniform Policy for Travel in State

Owned Aircraft," is superseded and cancelled by this revision to the Flight Operations Manual.

The contents of Revision Number 1, 6.101 Scheduling Procedures, are reflected below.

## 6.101 SCHEDULING PROCEDURES

### I. Authorized use of Aircraft

#### A. For state benefit:

1. Aircraft shall be used only when the interest of the State of Louisiana is being served.

a. Official state business: Any state officer or state employee may utilize the aircraft operated by the DOTD for general transportation purposes in the conduct of official state business, in connection with the function of the department of the state officer or employee.

b. Any statewide elected official who determines that personal or political usage of state-owned or operated aircraft is necessary in performing the duties of his/her office and should, therefore be conducted at public expense will be billed for such service at the published rate. All provisions and policy shall be applicable to travel in state operated aircraft.

c. In order to effect the provisions described above, all passengers in DOTD operated aircraft will provide specific information on the purpose of their travel at the time of reserving space and/or during check-in procedures.

#### B. Classes of travelers

##### 1. State Officer

a. Statewide elected officials, governor, lieutenant governor, attorney general, secretary of state, state treasurer, superintendent of education, commissioner of agriculture, commissioner of elections, commissioner of insurance.

b. Duly elected members of the Louisiana Legislature.

c. Department head as defined by Title 36 of the Louisiana Revised Statutes (secretary, deputy secretary, undersecretary, and the equivalent positions in higher education and the offices of elected officials). For the purpose of this policy, the speaker of the House of Representatives and the president of the Senate shall be considered as being equivalent to secretary of their respective chambers. No additional levels of the chambers shall assume department head status for the Legislature without prior written approval of the commissioner of administration.

2. State employee: All employees below the level of state officer.

3. Advisors and consultants who are called upon to contribute time and services to the state who are not otherwise required to be reimbursed through a contract for professional, personal, consulting services in accordance with R.S. 39:1481 et seq.

4. Members of boards, commissions, and advisory councils required by federal or state legislation or regulation.

##### 5. Sponsored travelers

a. Industrial inducement prospects, when accompanied by a sponsoring state officer or employee when engaged in official state business.

b. Spouses of state officials, to the level of secretary of departments, when accompanied by the sponsoring state officer, and when engaged in official state business. Spouses may only be transported on DOTD operated aircraft on a space-available basis. The provisions of this part shall not apply to the spouse of the duly elected governor of the State of Louisiana, when same is performing travel instead of, or on behalf of the governor, and thus is engaged in official business of the state.

c. Other persons performing official state business who have prior written approval for travel from a sponsoring state traveler or from the commissioner of administration.

6. Sponsoring state traveler: The state officer or employee

that assumes the responsibility and charges for the travel of a sponsored traveler in DOTD operated aircraft.

#### C. Executive transport aircraft

1. The primary purpose of the state executive transport aircraft fleet is to assist state officials, both elected and appointed, and others involved with appropriate business matters of the state, by easing the burden of travel. State aircraft can provide transportation when travel is required to locations which are difficult to reach or which involve time-consuming ground transportation or other problems. Travel to locations where direct commercial service is available should be scheduled only when there is significant savings in travel time or where there are other important advantages. The executive transportation fleet is to augment, rather than compete with, commercial services.

2. Agency or department heads (sponsors) may request the usage of the executive transport aircraft and they may also authorize other state employees to use the aircraft when they deem it serves an appropriate purpose. If approved by the sponsor, passengers other than state employees may travel on state aircraft in connection with appropriate business matters.

3. Reservations of executive transport aircraft should be made through the designated agency or department air transportation scheduler. If state executive transport fleet aircraft are to be used, the sponsor's scheduler or representative will coordinate travel needs with the Department of Transportation and Development (DOTD), Office of Flight Operations (OFO) flight scheduler.

#### II. Appointment of the Agency Schedulers

Each agency or department that anticipates use of DOTD/OFO aircraft for air transportation services will designate a responsible individual as the permanent air transportation scheduler and a second responsible individual as the alternate scheduler. These internal agency schedulers are to coordinate with the DOTD/OFO scheduling section to help achieve the most effective use of the state fleet of aircraft and helicopters. The primary reasons for assigning an internal scheduler for each agency are: to reduce the number of parties contacting the DOTD/OFO schedulers, to promote flight coordination within agencies, to simplify the scheduling procedure, and to assure proper authorization of flight requests. Ideally, the air transportation scheduling assignments should be given to two individuals who are centrally located in the agency and within the same office. These scheduling duties would be additional duties assigned to established positions with the current organization.

##### A. Responsibility of the agency scheduler

The permanent scheduler will be the agency's primary contact with the DOTD/OFO on the subject of flight scheduling and availability. He/she will be responsible for arranging flights, forwarding alterations or cancellations, assigned internal priorities, maintaining records and keeping the alternate scheduler well versed on the system's operations. On the other hand, the alternate scheduler should be prepared to fill in for the permanent scheduler in the case of sickness, personal leave, vacation or any similar circumstances.

Each agency scheduler will be responsible for obtaining and permanently recording the information on the Internal Flight Request Form provided by DOTD/OFO for each flight reservation.

This information is necessary for completion of the trip ticket and passenger manifest and will be given to the DOTD/OFO scheduler when requesting a flight.

##### B. Flight scheduling guidelines

1. Sufficient notice should be given to allow optimum aircraft utilization. As a basic guideline, all flights should be requested not later than 24 hours in advance of the desired departure time. All flights should be requested before 12 noon on the preceding

business day. Normally, flights and crews are scheduled by the DOTD/OFO during the afternoon of the preceding business day. Exception: Saturday through Monday flights are scheduled on Thursday. Exceptions to the guidelines will be subject to the availability of an aircraft and crew. Pilots cannot be scheduled for duty over 14 hours in a 24 hour period and must have a minimum of 10 hours rest since the termination of the previous flight duty period.

2. For the sponsor's consideration, the best available commercial alternative will be provided by the DOTD/OFO scheduler when a trip involves a significant repositioning of the aircraft without payload or a location that is well served by airlines. A few minutes difference in travel between office and state hangar vs. office and commercial flight should not be considered justification to opt for state aircraft. Also in the interest of optimum fleet utilization, spare seats will be filled upon coordination with the trip sponsor, who should make every reasonable effort to accommodate.

3. When scheduling conflicts exist, priority will be given to travel locations where there is infrequent or no commercial service or locations that are otherwise difficult to reach. Prior to a flight request, a conscientious determination of priority, by all users, is imperative if the system is to accomplish the desired scheduling objectives.

The following definition explains the various classification of priority.

*Routine*—Alternative means of public air transportation are not available within 30 minutes of the requested departure times.

*Priority*—Alternative means of public air transportation are not available.

*Top Priority*—Response by state aircraft is essential.

*Emergency*—Response by state aircraft is mandatory; e.g. disaster, emergency medical service, etc.

If an internal priority is not declared at the time the flight is requested, the requirement will be considered to be *routine*.

All conflicts will be discussed and settled with the trip sponsors or their designated scheduler. Sponsors should be alert to the needs of others and plan their travel needs to best use the aircraft and crews.

### C. Flight scheduling procedures

1. All flight requests will be made to the DOTD/OFO flight scheduler at 504-342-7912 or 7913, who will enter the request along with the agency internal priority on a tentative schedule. This tentative schedule will be confirmed the afternoon of the last business day prior to the flight. If an adjustment in time is necessary to accommodate flight scheduling, the DOTD/OFO scheduler will advise the agency scheduler of the necessary changes at that time. A passenger manifest will be prepared prior to each flight. The sponsor or his representative must sign the manifest/trip ticket and is responsible for verifying the flight purpose thereon. At the conclusion of the flight, disposition of manifests/trip tickets will be determined by the agency of department operating the aircraft.

All passengers are requested to be present at the aircraft at least 10 minutes prior to planned departure time. This will allow the pilot to depart on schedule and meet all subsequent schedules on time. The cooperation of each passenger is needed in order to avoid inconvenience to other passengers. If a passenger is unavoidably delayed in arriving at the airport, a call to the DOTD/OFO scheduler, or the pilot if away from home base, is requested prior to scheduled departure time. If no contact is received from the passenger, the standard procedure for the pilot will be to proceed (if all other passengers are present or if passengers are scheduled to be picked up at the next stop) not later than 30 minutes after scheduled departure time.

2. In order to provide a means of confirming flight requests a week or more in advance, the following applies:

a. Request early confirmation from the DOTD/OFO scheduler.

b. Verify the agency internal priority under item II. B, 3.

c. Understand that there is a possibility that an aircraft may be chartered to meet the flight request if a state aircraft is not available.

d. The charges for use of charter aircraft will be billed directly to the user agency.

3. Flight cancellation

a. Flight cancelled by DOTD/OFO: On some occasions, it may be necessary to cancel scheduled flights. The DOTD/OFO scheduler will immediately contact the agency scheduler and attempt to arrange alternate transportation. If the agency so desires, the DOTD/OFO scheduler can usually arrange for a charter flight.

b. Flight cancelled by the passenger: Cancellations of reserved flights shall be made, at least, 24 hours in advance of scheduled departure time. Later cancellations may result in a cancellation charge of \$50 being assessed against the agency unless sufficient justification for the late cancellation is provided to the undersecretary of DOTD.

4. Phone contacts

During normal business hours (7:45 a.m. to 4:30 p.m.)

DOTD/OFO Scheduler 504-342-7912

Flight Operations Manager 504-342-7913

Nights and Weekends: Home Phone Pager

OFO Scheduler 504-774-2149

Director of Flight Operations 504-292-4394 504-377-0917

D. Rate structure and billing procedures

In order to ensure full disclosure and complete accountability of the use of state aircraft, each agency must identify the purpose of the flight.

Official state business travel is defined as travel via state aircraft to conduct business for the State of Louisiana.

1. Rate schedule for DOTD/OFO aircraft.

Users of aircraft operated by DOTD/OFO shall be charged in accordance with the following rates as recommended by the secretary of transportation and approved by the governor:

a. Twin Engine Turbo Prop - \$200 per agency flight hour to destination and return.

b. Twin Engine (Reciprocating Engine) - \$120 per agency flight hour to destination and return.

c. Single Engine \$60 - per agency flight hour to destination and return.

d. Rotary Wing Single Engine - \$200 per agency flight hour to destination and return.

e. A minimum charge of \$100 per agency flight will be collected for all flights which generate less than \$100 in per hour charges. A \$15 per hour, per pilot, per agency charge will be collected for ground waiting times.

f. A cancellation charge of \$50 may be assessed against the agency if the agency does not notify the DOTD scheduler of a cancellation, at least, 24 hours prior to scheduled departure time.

2. Routing

For maximum utilization of aircraft, a user may be routed via points other than those requested, but will not be charged for other than the point to point flight hours of the route requested. Since more than one user may travel on the same flight, each user will be billed according to their respective requested routings.

3. Billing

The DOTD/OFO will bill each user on a monthly basis. Each user will receive an invoice which will identify the date of the flight, aircraft number, manifest number, passenger names, point of or-

igin and point of destination, any special changes, the total flight hours and the respective charges.

It is the responsibility of each agency to expeditiously handle any charges for air travel. Failure by an agency to meet its payment obligations shall result in the loss of flight privileges on DOTD aircraft.

Make all checks payable to: State of Louisiana, Department of Transportation and Development, Box 94245, Capitol Station, Baton Rouge, LA 70804-9245.

Robert G. Graves  
Secretary

## RULE

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Seafood Division, Louisiana Department of Wildlife and Fisheries, has adopted rules governing the Experimental Fisheries Program. This program is authorized under R.S. 56:571 A,B,C, and the authority to promulgate rules and regulations was delegated to the secretary of the department by Act 331 of 1978. The rules are as follows:

#### Experimental Fisheries Program

Permits under Louisiana law, only gear which is legally sanctioned may be used in a fishery. All other types of gear require a permit. Permits will be issued to persons who are interested in the development of new fisheries designed to harvest underutilized species, and to persons who are interested in the development of experimental gear and equipment to harvest fish and other aquatic species. The purpose of permits is to:

1. Allow the permittee to experiment with new gear which might not meet the requirements of existing statutory law.
2. Allow the department to closely supervise fisheries which are not sanctioned by statutory law, which may conflict with established fisheries, or which may use gear prohibited by statutory law in other fisheries.

The following points will delineate the criteria which will be used in the issuance of permits:

1. Permits will not be issued for any species unless the department is satisfied that harvesting will not adversely affect that species. In no instance shall permits be issued for threatened or endangered species, or for fisheries or gear types which are specifically prohibited by law.
2. Possession of a permit does not exempt the bearer from laws or regulations except for those which may be specifically exempted by the permit.
3. Holder of the permit must have the permit in possession at all times when using permitted gear or harvesting permitted specie(s). Permit holder must be on board permitted vessel when operating under conditions of permit. No permit is transferrable without written permission from the department secretary.
4. The department reserves the right to observe the operations taking place under a permit at any time and permittee may be required to provide food and lodging on the permitted vessel for an observer at the request of the department.
5. The bearer of a permit must report monthly the catch taken as a result of the permit. This report must contain a suitable measure of total catch, of effort, and of other parameters which may be required by the department.
6. A permit does not entitle the bearer the exclusive harvest of the resource, although at the discretion of the department, a permit may entitle the bearer to exclusive harvest of a certain area but this privilege may be of limited duration and may be lost once management regulations specific to the fishery or gear are promulgated.
7. Information gained by the department through the is-

suance of a permit is not privileged and will be disseminated to the public.

8. Permit requests for experimental gear must include complete descriptions of the gear and methods used, including drawings or pictures, the specie(s) to be fished, and the area to be fished. All potential permittees must request an appointment. Proof of ownership of the proposed permitted vessel(s) must be provided at the time of appointment, and the person requesting a permit must show proof that all applicable license have been applied for before a permit is issued. Proof of bonafide residency is also required at this time.

9. Permits will be issued for only such time to allow the department to properly evaluate the gear or methods being used. The department may withdraw any permit in order to conduct its own evaluation of the gear, or fishery: may effect management regulations which render any permit inoperative; or may extend any permit as a means of regulating the fishery until such time the fishery comes under statutory laws.

10. When a permit is issued for an underutilized specie(s) or for the development of a new fishery, only the permitted specie(s) can be harvested. All other species must be returned to unrestricted waters with a minimum of handling. No other fish on board the permitted vessel must have the head and caudal fin (tail) intact.

11. All permits must be applied for and/or granted from January 1 to July 31 of each year. All permits expire December 31 following the date of issuance. All permits must be returned to the department by January 31 following expiration.

12. Each applicant for a permit under this program will be assessed an administrative fee of \$50 per permit at the time of appointment. Each applicant who is a resident of Louisiana will be required to post a performance fee deposit, bond or cashier's check in the amount of \$1,000, payable by cashier's check. All non-residents must post a performance fee deposit, bond or cashier's check in the amount of \$4,000, also payable by cashier's check. These deposits are required upon application and are valid until December 31 of each year.

13. The permitted boat used in the program must have a distinguishing sign so that it may be identified. The sign shall have the word "EXPERIMENTAL" printed on it in at least six inch high letters, on a contrasting background, so as to be visible from low flying aircraft or from any other vessel in the immediate vicinity.

14. When permitted gear is on board permitted vessel or in possession of permittee, permittee and vessel are assumed to be operating under conditions of the permittee. No gear other than permitted gear may be on board or in possession of permittee under provisions of the permit.

15. A report must be received by the department no later than 30 days following the last day of each month. If any permittee does not report monthly as required, his permit shall be suspended. If no report is received by January 31 following suspension, the deposit is forfeited.

16. All permittees must notify department prior to leaving port to fish under permitted conditions and immediately upon returning from permitted trip. The department must be notified by calling a designated phone number. Commonly accepted passive gear, i.e., eel pots, may be exempt from this requirement.

17. If citation(s) are issued to any permittee regarding conditions regulated by the permit, all permittee's permits will be revoked and the permittee may lose all rights and privileges to participate in the program. If found guilty, the deposit is also forfeited.

18. The secretary reserves the right to limit the number of permits issued each year. When the number is limited, permits will be granted on a first come, first served basis.

J. Burton Angelle  
Secretary

# Notices of Intent

## NOTICE OF INTENT

### Department of Agriculture Office of Agro-Consumer Services Agricultural Commodities Commission

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:3405, the Department of Agriculture, Agricultural Commodities Commission, is hereby giving notice of its intention to adopt the amendments detailed below. The Agricultural Commodities Commission has scheduled a meeting for Thursday, March 6, 1986 at 10 a.m. in House Committee Room 5, State Capitol, Baton Rouge, LA. Comments may be forwarded to Manning Broussard, Director, Box 44456, Baton Rouge, LA 70804. All interested persons will be afforded an opportunity to submit views or arguments at the commission meeting.

Amend the following definitions contained in LAC 7:XXVII.14701:

*Bid contract* means an agreement between a producer and a purchaser under which the purchaser examines samples of rice and extends to the producer an offer to purchase the rice at a price based on the quality of the sample.

*Confirmation date* means the date on which the bid contract was confirmed.

*Confirmed* means the bid contract has been agreed to. A bid contract is confirmed when the producer and the purchaser agree to the quantity and price of the rice to be sold.

*Delivery date* means the date on which the purchaser is required to take delivery of the rice, either under the provisions of Subchapter 0 of this Chapter or under the provisions of a written agreement between the producer and the purchaser.

*Grain* means corn, wheat, oats, rye, soybeans, barley, milo and grain sorghum.

*Purchaser* means any person who purchases rice from a producer under a bid contract.

Add the following definitions to LAC 7:XXVII.14701:

*Applicant* means any person making application for a license to engage in any of the activities regulated under the Act or anyone who requests official grain inspection services and/or grain weighing services of the department.

*Fee* means any charge imposed by a warehouse, directly or indirectly, for care of agricultural commodities belonging to any person other than the warehouse owner, including but not limited to base price adjustments, storage, handling, dockage, commission, drying, and/or conditioning fees or any fees as listed on the latest approved schedule of fees (LAC 7:XXVII.14728(D)) for official grain inspections and weighing services provided by the department.

LAC 7:XXVII.14703 should be amended to include Subsection P:

P. Appointed members of the commission shall be entitled to receive a per diem of \$40 and to be reimbursed for mileage expenses in accordance with the same travel regulations applying to state employees.

LAC 7:XXVII.14707(A)(23) should be amended to read as follows:

23. Grain dealer applicants only:

a. Aggregate amount paid to producers during applicant's most recent fiscal year.

b. Name of person on grain dealer's staff who is certified as a grain sampler and/or grader.

Amend LAC 7:XXVII.14707(B)(1) to read as follows:

1. The financial statement shall be prepared by an accountant who is not a full-time employee of the applicant and who meets at least one of the following:

a. a certified public accountant;

b. a graduate of an accredited four-year college or university with a degree in accounting; or

c. has passed the examination administered by the National Society of Public Accountants.

LAC 7:XXVII.14707(B) should be amended to include Paragraphs 5 and 6:

5. The financial statement must be prepared and signed by an accountant, as defined in LAC 7:XXVII.14707(B)(1), and must be presented in accordance with generally accepted accounting principles.

a. Financial statements shall include contracts covering commodities which have not been delivered. Contracts covering commodities which have not been delivered to the licensee or applicant must be brought to market in the financial statement. Contracts on commodities which have not been delivered to the licensee or applicant may be made a part of the financial statement by means of a footnote to the statement.

b. Fixed assets must be presented at cost on financial statements.

6. Only one financial statement shall be required for a chain of warehouses covered by a single warehouse license.

LAC 7:XXVII.14709(A) should be amended to include the following:

10. The applicant for a grain dealer license does not have a staff member who is certified as a grain sampler and grader.

Amend LAC 7:XXVII.14723 to include Subsections K and L:

K. Each grain dealer shall adopt and post in a prominent place a policy for sampling and grading grain within 72 hours from the time the grain is delivered to the grain dealer.

L. No grain dealer license shall be issued unless the grain dealer staff includes a certified grain sampler and grader.

Amend the title of Subchapter E to read as follows:

### Subchapter E. Assessments and Fees

Add LAC 7:XXVII.14728 to the existing rules and regulations:

#### §14728. Fees: Amount, Time of Payment

A. Fees are due and payable upon receipt of invoice from the department. A late payment shall be assessed for all invoices paid after 30 days from the date of the invoice. The amount which shall be assessed shall be 10 percent of the outstanding balance.

B. Applicable fees shall be charged for each request for the department to provide official inspection service or weighing service.

C. Schedule of Fees:

1. The regular hours shall be 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Holidays and all other hours shall be considered as overtime. The following shall be designated as holidays: New Years Day, Mardi Gras, Good Friday, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day, Election Day (every two years), and any other day the Governor proclaims as a legal holiday.

2. The hourly rate shall be \$25 per hour. Overtime hours shall be billed at \$15 per hour plus inspection fee assessed in quarter-hour increments.

3. Mileage shall be billed at the rate of 20.5 cents per mile traveled.

4. Official Services (Including sampling except as indicated):

Online D/T sampling inspection service (sampling, grading and certification), per regular hour ..... \$25  
Overtime hourly rate, per hour ..... \$40

Unit Inspection Fees:

Hopper car, per car ..... \$20  
Boxcar, per car ..... \$15  
Truck/trailer, per carrier ..... \$10  
Barge, per 1,000 bushels ..... \$ 2.50

Submitted sample inspection ..... \$ 6

1/Reinspection, same as original inspection when based on new sample.

1/Reinspection, based on file sample:

Truck/trailer, per sample ..... \$ 5  
Boxcar, per sample ..... \$ 7.50  
Hopper car, per sample ..... \$10  
Barge, per sample ..... \$25

Factor determination, per factor (not to exceed full grade fee) ..... \$ 5

Class X weighing hourly rate, regular hours ..... \$18.50

Class X weighing hourly rate, overtime hours ..... \$33.50

Class Y weighing, barge, per 1,000 bushels ..... \$ 2

1No charge if grade change from original inspection.

Service requests not covered by above fees will be assessed the applicable hourly rate stated herein.

The following FGIS supervision fees will be assessed in addition to other fees:

Factor only, max. 2 factors ..... \$ .30

Factor only, excess 2, the applicable carrier or sample fee applies:

Railcars, inspect or weigh ..... \$ 1.60

Truck/trailer, inspect or weigh ..... \$ .50

Barge, inspect or weigh ..... \$10.25

Warehouseman's sample ..... \$ .50

Submitted sample ..... \$ .50

Reinspection ..... \$ .50

Other, i.e., sample only ..... \$ .50

Stowage, other than vessel ..... \$ .30

Class X ..... \$10.25

Class Y ..... None

Amend the title of Subchapter H to read as follows:

#### **Subchapter H. Grading; Sampling; Out-of-Condition Commodities**

Amend LAC 7:XXVII.14735 to read as follows:

#### **§14735. Elevators: Official Grades and Sampling**

A. All agricultural commodities shall be graded and sampled in accordance with official USDA grading standards, as detailed in "The Official United States Standards for Grain" handbook.

B. Procedures that result in equivalent results to USDA procedures are acceptable.

C. Requirements for Certification as a Elevator Grain Sampler and/or Grader:

1. All persons interested in being certified to grade or sample grain for an elevator must submit an application on a form which shall be provided by the commission.

2. All applicants must pass an examination which shall be given by the department. The examination fee shall be \$5 and must

be submitted with the application. If the applicant successfully completes the examination, he will be required to pay a \$25 fee in order to be certified.

3. Each person that has been certified and whose certification has not been revoked or suspended may renew that certification by submitting an application to renew with a fee of \$25.

4. All certifications shall expire on December 31 of each year and shall be renewed annually.

D. One elevator representative may be certified as grader and sampler as long as the representative is responsible for subordinate graders and samplers.

E. The commission shall be required to provide each grain dealer with a copy of all changes to USDA standards prior to the effective date of such changes.

Add LAC 7:XXVII.14736 which shall read as follows:

#### **§14736. State Official Grain Inspections**

Standards established in "Regulations Under the United States Grain Standard Act, As Amended", USDA, Federal Grain Inspection Service (CFR, Title 7, Chapter VIII, Pt. 800 (Section 800.0 to 800.219), 801 (Section 801.1-801.12), 802 (Section 802.0 to 802.13), and 810 (Section 810.201 to 810.555), shall apply to all Department of Agriculture grain inspections.

Amend LAC 7:XXVII.14741 to include Subsection P:

P. A sample of each lot of grain which contains damage in excess of seven and one-half percent shall be:

1. maintained for five days from the original grade date; and

2. maintained in separate containers.

Amend LAC 7:XXVII.14745(A) to read as follows:

A. Each licensee shall permit any officer or authorized representative of the commission or the commissioner to enter all locations listed on the application for license and inspect, examine, and/or audit all contents, facilities, equipment, records, books, accounts, samples, and grading and sampling practices relating thereto at any time during normal working hours, with or without notice.

Amend LAC 7:XXVII.14749(E) to include Paragraph 3:

3. Place licensee on probation.

Subchapter 0 should be added to Chapter 147 and should read as follows:

#### **Subchapter 0. Prompt Payment**

#### **§14757. Prompt Payment for Rice**

A. Each purchaser shall take possession of the rice which is the subject of the bid contract no later than the twentieth day after the confirmation date unless the producer and the purchaser agree in writing that the purchaser shall take possession of the rice on a different date.

B. If the purchaser does not take possession of the rice on or before the delivery date, the purchaser shall pay all storage and related charges for the storage of the rice after the delivery date.

C. Each purchaser shall pay for the rice purchased from each producer under a bid contract no later than the tenth calendar day after the delivery date.

D. If the purchaser does not make payment as required in Subsection E, the purchaser shall pay the producer interest on the purchase price at the legal rate of interest as established in Civil Code Article 2924.

E. The provisions of this Subchapter shall apply to each transaction in which a purchaser buys rice from a producer under a bid contract.

Bob Odom  
Commissioner

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Agriculture Commodities  
Commission**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
These amendments will not require any implementation costs to state or local governments.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
These amendments will not have any impact on revenue collection since the fee schedule is the same as the one which is currently being used and was approved by USDA. Therefore, these amendments will have no impact on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
These amendments will not have an economic benefit which will directly affect persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
These amendments will not have any effect on competition and employment.

Richard Allen  
Assistant Commissioner

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT  
Department of Agriculture  
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, the Department of Agriculture, Dairy Stabilization Board, is hereby giving notice of its intention to adopt the amendments detailed below. Comments may be forwarded to Bob Simon, Director, Dairy Stabilization Board, Box 44456, Baton Rouge, LA 70804. All interested persons will be afforded an opportunity to submit views or arguments.

Amend existing rules and regulations to include Section 16112 in Chapter 161 of the Louisiana Administrative Code:

**§16112. Investigative Hearings**

A. Investigative hearings shall be for the purpose of investigating conditions of the dairy industry and compliance by the industry with the Act, and regulations, including monopoly practices, disruptive trade practices, price wars, and unfair methods of competition.

B. Investigative hearings may be held upon the call of the board. Such hearings may be held in any part of the state.

C. The chairman, the vice-chairman, a member designated by the chairman, or a hearing officer designated by the board who need not be a member of the board, shall preside at investigative hearings. All witnesses shall be sworn or shall make affirmation.

D. Investigative hearings conducted by the board shall be open to the public.

E. If the board determines that evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person, it shall afford such person, upon request, an opportunity to appear as a witness; receive and dispose of requests from such persons to subpoena additional witnesses; and afford such person, or his attorney, upon request the opportunity to examine or cross-examine witnesses.

F. The director, upon approval of the chairman or vice-chairman, is authorized to sign and issue subpoenas which require the attendance and giving of testimony by persons who may possess any knowledge concerning any offense under investigation at an investigative hearing or for investigative purposes. The subpoena shall set forth reasonable grounds therefor, and shall order the person to appear at a designated time and place. The director may also order the issuance of a subpoena duces tecum as described above.

G. Whenever any person summoned under this regulation neglects or refuses to obey such summons or to produce books, papers, records or other data, or to give testimony as required, the board may apply to the judge of the district court for the district within which the person so summoned resides or is found, for an attachment against him as for a contempt.

H. The chairman, vice-chairman or director may determine who shall be present during the examination and may order all persons excluded, except counsel for the person subpoenaed.

I. A subpoena may be served by any person authorized by law to serve civil process, or by any agent of the board, and the return made in writing by any such person shall be accepted as proof of service.

J. The board is the sole judge of the pertinency of testimony and evidence adduced at such hearings.

K. The attorney for the board and that of any public agency which may be participating in the investigation shall have the right to be present at all hearings and shall have the right to examine or cross-examine any witness.

L. Witnesses at investigative hearings may be accompanied by their own counsel.

M. A copy of this regulation shall be made available to any witness and a copy shall be delivered at the time of making service, to each person upon whom a subpoena is served; in addition thereto each person upon whom a subpoena is served shall be informed in writing that the board suggests that he consult his attorney and that his attorney should attend the hearing to advise him.

N. The board may, in its discretion, issue a report upon the conclusion of any such investigative hearing.

O. As a result of such investigations, the board may initiate adjudicatory proceedings against licensees, may refer matters to other public agencies and may take any other appropriate action.

P. Investigative hearings may be conducted jointly with other interested public agencies.

Q. It shall not be necessary to publish any advance notice of any investigative hearing and it shall be necessary that subpoenas disclose the general nature of the investigation.

R. At all investigative hearings the testimony shall be recorded stenographically or otherwise. Upon payment of the costs thereof, and when authorized by the board, a witness may obtain a transcript copy of his testimony given at a public session.

Bob Odom  
Commissioner

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
This amendment will not require any implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
This amendment will not have any impact on the collection of revenues.



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

This amendment will not have any economic benefit on persons directly affected by this amendment.

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

This amendment will not have any effect on competition or employment.

Richard Allen  
Assistant Commissioner

Mark C. Drennen  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of Agriculture Office of Animal Health Services Livestock Sanitary Board

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:2093, the Department of Agriculture, Livestock Sanitary Board, is hereby giving notice of its intention to adopt the amendments detailed below. The Livestock Sanitary Board has scheduled a meeting for Monday, March 10, 1986, at 9:30 a.m., in the conference room at 12055 Airline Highway, Baton Rouge, LA. Comments may be forwarded to Dr. W. B. Fairchild, Director, Livestock Sanitary Board, Box 1951, Baton Rouge, LA 70821. All interested persons will be afforded an opportunity to submit views or arguments at the board meeting.

Add the following definitions to LAC 7:XXI.11701:

*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.

LAC 7:XXI.11745(F)(2)(b), LAC 7:XXI.11745(F)(2)(c), LAC 7:XXI.11745(F)(2)(d) and LAC 7:XXI.11745(F)(2)(e) should be amended as follows:

b. The referendum would give all producers of cattle in the parish an opportunity to vote for or against the referendum which would require all cattle to be tested for brucellosis and any herd which has one or more reactors on more than one herd test would have to be adult vaccinated for brucellosis and tested according to the herd plan and adult vaccination agreement. In the absence of a herd plan the herd would have to be tested at intervals of 180 days or less.

c. If a majority of the eligible cattle producers vote in favor of the referendum, all producers of cattle in the area shall be required to test all their cattle and adult vaccinate any infected herds as described in LAC 7:XXI.11745(B)(1).

d. The following herds would be exempt from the testing requirements:

- i. certified brucellosis free herds; and
- ii. dairy herds identified as having negative brucellosis ring test.

e. The following infected herds would be exempt from mandatory adult vaccination:

- i. herds of registered cattle; and
- ii. herds of cattle comprised of all calfhood vaccinated cows.

The title of LAC 7:XXI.11749 should be amended to read as follows:

#### **§11749. Governing the Testing and Vaccination of Cattle and the Movement of Cattle from Brucellosis Quarantined Herds**

LAC 7:XXI.11749(A) should be amended to include Paragraph 3:

3. Any brucellosis infected herd which has one or more reactors on more than one herd test would be required to be adult vaccinated against brucellosis and will be tested on a schedule established in an approved herd plan or be tested at intervals of 180 days or less. The herd will be tested and continue to be classified as infected and under quarantine until it has passed one complete negative test not less than 30 days following the date the last reactor was removed from the herd, and, in addition, a second negative herd test no less than 120 days from the date the last reactor was removed from the herd.

The title of Section 11753 should be amended as follows:

#### **§11753. Governing the Testing of Cattle and the Movement of Cattle from Tuberculosis Quarantined Herds and the Establishment and Maintenance of all Tuberculosis Accredited Herd**

LAC 7:XXI.11753(A)(7) should be amended as follows:

7. Herds in which *mycobacterium bovis* infection has been disclosed shall remain under quarantine and must pass two tuberculin tests at intervals of at least 60 days and one additional test after six months. The minimum quarantine period shall be ten months from slaughter of lesion reactors.

Bob Odom  
Commissioner

#### **Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Livestock Sanitary Board**

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 impact on the collection of revenues.

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

These amendments will not have any economic benefit on persons directly affected by these amendments.

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

These amendments will not have any effect on competition or employment.

Richard Allen  
Assistant Commissioner

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**  
**Department of State Civil Service**

The State Civil Service Commission will hold a public hearing on March 5, 1986 for the purpose of considering proposed amendments to Civil Service Rules 17.11(c), 17.17 and 17.24(c) and (e) and the adoption of the newly proposed Rule 17.27.

The hearing will begin at 8:00 a.m. and will be held at the Republic Tower Building, 5700 Florida Boulevard, 12th floor Commission Room, Baton Rouge, LA.

Consideration will be given to the following:

**CHAPTER 17**

Amend Rule 17.11(c) to read:

(c) Pay reductions shall not exceed three pay steps.

**EXPLANATION**

This simplifies the rule and allows only three pay steps, instead of a possible maximum of six, to be cut as a layoff avoidance measure.

**CHAPTER 17**

Amend Rule 17.17 to add subsections (d) and (e).

(d) Employees whose official domicile is "statewide" shall, for the purpose of offers of displacement, be considered domiciled in the parish in which they officially reside.

(e) Employees who live and work outside of Louisiana shall, for the purpose of offers of displacement, be considered domiciled either in the parish in which they have an official residence, or at their department's central headquarters. The employee must use the parish of his official residence, if he has one.

**EXPLANATION**

Subsections (d) and (e) have been added because the layoff rules did not address the bumping rights for employees whose domicile is "statewide" and those who work outside of Louisiana.

**CHAPTER 17**

Amend 17.24(c) to read:

(c) The names of laid off or displaced permanent employees on the department preferred reemployment lists shall be ranked in the order of length of state service they had at the time of the layoff. Among those whose length of State service is identical, all shall be considered to have the same ranking. The employee with the most state service for a given class and availability shall be given the first offer.

**EXPLANATION**

The last sentence has been added to clarify the present intent of the rule.

Amend Rule 17.24(e) to read:

(e) When a former or otherwise affected employee is offered reemployment to a permanent position following certification from a department preferred reemployment list, his name shall be removed from the list from which certified and from all other such lists applicable to equivalent or lower level positions in the career field of the position offered, but shall remain on such lists applicable to higher level positions.

**EXPLANATION**

The words "is offered" have been added to the first sentence to mean that a person's name will be removed from a department preferred reemployment list(s), for the positions stipulated in this Subsection, whether he accepts, declines, or fails to respond to the offer.

**CHAPTER 17**

New rule - Rule 17.27 Movement of Employees After Layoff.

An appointing authority may, upon submitting written justification and getting prior approval of the director, position change, within any given class, employees after a layoff if the efficiency of

agency operations requires it. Such movement of employees shall not circumvent rehiring from the department preferred reemployment list.

**EXPLANATION**

Since the end result of the bumping process cannot always be foreseen, this rule would allow rapid change which may be necessary after a layoff. For example, an appointing authority could "swap" individuals in positions due to needed expertise in a certain unit(s) or due to long commutes resulting from the layoff. Whenever feasible, choices in position changes should be based on seniority. For example, if employees are bumped resulting in some having long commutes, if the efficiency of operations is not impaired, the senior employees should be given the choice of taking the most desirable or shortest commute. Employees may only be position changed within the class to which they were displaced and assigned duties of their post-layoff class. The department preferred reemployment list cannot be circumvented, e.g., no employee can be reassigned to a different class, including a lateral one, if a department preferred list exists for that class. Also, employees cannot be moved to vacancies after a layoff if these vacancies could have been offered in the bumping process, but were not.

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

Herbert L. Sumrall  
Director

**NOTICE OF INTENT**  
**Department of Commerce**  
**Board of Architectural Examiners**

Under the authority of R.S. 37:144 and in accordance with the provisions of R.S. 49:950 et. seq., the Board of Architectural Examiners gives notice that rule making procedures have been initiated to amend the following rules so that said rules will provide:

**LAC 46:I.317.C. (formerly Rule 1.15)**

Out of the funds of the board, each board member shall be compensated at a rate of \$100 for each day in attending board meetings and hearings, attending NCARB regional and national meetings, issuing certificates and licenses, reviewing examinations, necessary travel, and discharging other duties, responsibilities, and powers of the board. In addition, out of said funds each board member shall be reimbursed actual travel, meals, lodging, clerical, and other incidental expenses incurred while performing the duties, responsibilities, and powers of the board, including but not limited to performing the aforesaid specific activities.

**LAC 46:I.501.B (formerly Rule 2.2)**

Applications shall be made on a form, furnished by the board, which indicates the applicant has completed an internship of practical working experience, as defined by NCARB and as outlined by the intern development program administration by NCARB. The application must include a complete and approved intern development program record from NCARB for final review and approval by the board.

Repeal: All rules in effect prior to the 1984 revisions (printed in the *Louisiana Register* of October 20, 1984) are hereby repealed.

The primary purpose of the proposed amendment to LAC 46:I.317.C (formerly Rule 1.15) is to clarify the board's policy on per diem payments to its members, including that board members are authorized to receive \$100 per day in per diem, and the primary purpose of LAC 46:I.501.B (formerly Rule 2.2) is to clarify the requirement that the application for examination include a

complete and approved internal development program record from NCARB for final review and approval by the board. The repeal of the rules effective prior to the 1984 revision completes the comprehensive revision made in 1984, and makes no changes not anticipated in the 1984 revision.

Interested persons may submit written comment on these proposed rule amendments through March 11, 1986, to Mary "Teeny" Simmons, Executive Director, Board of Architectural Examiners, 1987 Dallas Drive, Baton Rouge, LA 70806.

Mary "Teeny" Simmons  
Executive Director

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

**Rule Title: LAC 46:I.317.C and LAC 46:I.501.B**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There are no implementation costs/savings to the state or local governmental units from the change in documentation to be submitted by applicants.  
The additional per diem payments will cost the Board \$3,600 per year. This amount will be paid from the board's own self generated revenues.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
Board members are directly affected in that the amount of per diem which they receive is clarified. The board has money available to pay the per diem, and no increase in fees or other self generated funds is anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There is no effect on competition or employment.

Mary "Teeny" Simmons  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Amend Nonpublic School Standards  
6.116.13 and 6.116.15

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 amendments to the Nonpublic School Standards, (Revised 1985) relative to secondary summer schools as follows:

- 1. Standard 6.116.13, page 44 (attendance): Delete the standard as written and insert in lieu thereof the following:
  - (1) 70 hours for one-half unit new credit;
  - (2) 47 hours for removal of one-half unit deficiencies.
 (The local system may impose a stricter minimum attendance policy.)
- 2. Standard 6.116.15, page 44 (time requirement): Delete the standard as written and insert in lieu thereof the following:
 

"Daily time requirements are as follows:

	Length of Summer School Total Hours
New subjects	90
Repeated subjects	60

(Any deviation from the above time allotments must be approved by the State Department of Education.)

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

James V. Soileau  
Executive Director

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

**Rule Title: Amend Standards 6.116.13 and 6.116.15 of  
Nonpublic School Standards**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There are no estimated implementation costs or savings to state or local governmental units. The proposed policy change, if adopted, will restore the nonpublic secondary summer school requirements to what they were previously.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There are no estimated effects 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)  
This policy could possibly cause teachers to seek summer employment in nonpublic rather than public schools since there would be less teaching time required in the nonpublic schools.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
This policy could possibly cause teachers to seek employment in nonpublic rather than public schools, since there would be less teaching time required in the nonpublic schools.

Joseph F. Kyle  
Deputy Superintendent  
For Management and Finance

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Reduction in Force Policy -  
Special School District Number 1

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 Reduction in Force Policy as presented by Special School District Number 1.

**REDUCTION IN FORCE POLICY -  
SPECIAL SCHOOL DISTRICT NUMBER 1**

When conditions, such as a significant enrollment decline, the loss of federal or special state funds, the discontinuance of special programs or projects necessitate a reduction in force greater than what can be accommodated through attrition and appropriate reassignments, it shall be the policy of Special School District Number 1 through the State Board of Elementary and Secondary Education to accomplish the reduction in force utilizing the following priorities and procedures. All possible alternatives to the layoffs of employees will be explored and used prior to implementation of the reduction in force policy. Reduction in force will be made on an individual school basis. As appropriate and when possible,

administrative, supervisory and classified personnel positions will be reduced proportionately with the reductions in the number of teaching positions. The basic considerations in making decisions regarding the reduction in force will be both the administration and maintenance of a quality, balanced educational program and services for the students of Special School District Number 1. Therefore, it is understood that in making decisions regarding the reduction in force of certificated and classified personnel in the various areas of employment, persons with the skills necessary to provide a balanced educational program and to maintain and operate the school system must be retained.

#### Teacher and Other Certificated Personnel

When reductions in force are necessary in the teaching and other certificated personnel categories, the first layoffs will be made from the personnel who have been employed as contracted substitutes. If further reduction in force is necessary, Special School District Number 1 will then consider layoffs among regular or permanent contract teachers and other certificated personnel. Non-tenured personnel will be considered for layoff before considering tenured employees. The layoff of teachers and other certificated personnel in permanent non-tenured and tenured categories will be based on the following criteria, in the priority as listed:

1. The personnel needs of each school to operate a balanced educational program.
2. Certification in the area(s) for which one is employed.
3. Whenever the above criteria are equal, seniority, the determining factor, will be defined as:
  - a. contractual teaching and/or administrative experience in Special School District Number 1.
  - b. accrued years of experience in a school system acquired prior to the transfer of programming by that school system to the administrative control of SSD Number 1.

Employees with the least seniority in the system will be in the first to be laid off when reduction in staff becomes necessary.

4. Academic preparation, including majors and minors in subject areas, grade levels or administrative areas, educational degrees and additional units of college or university credit.

5. In areas where there are an insufficient number of personnel currently employed as regular, contractual employees, appropriately certified to meet the needs of the school system, attempts will be made to find the needed personnel from among those scheduled for layoff, provided that such personnel can obtain temporary certification and be willing to take the courses necessary to become fully certified in the area of need will be retained.

6. Total years of previous experience and attendance records are other factors that will be given consideration.

#### Other Policy Provisions Governing Reduction in Force for Teachers and Other Certificated Personnel

1. A year's seniority is determined by the length of the work year for that job classification. Full-time, regular employees will be given credit for seniority on an accumulative basis for all full years and one-half years worked in an appointed classified or certificated job classification.

2. Board-approved leave *with pay* will count toward seniority.

3. Seniority begins to accrue with initial date of board appointment to SSD Number 1.

4. Layoff time will not terminate continuous service, but seniority will not accrue during these periods. (A tenured teacher who has been laid off and reemployed within three calendar years shall be reinstated as a tenured teacher. A probationary teacher who was laid off and reemployed within three calendar years shall be given credit for prior service up to two years for the time already served as a probationary teacher for purposes of determining when

he/she is eligible to be considered for tenure. S.B.E.S.E. Common Policy Manual 3.02.39.n)

#### Classified Personnel

Reduction in force of classified management level and other areas of classified employees will be based on state Civil Service policies.

#### Other School Personnel

Reduction in force of teacher aides and other personnel will be administered separately from teaching personnel and will be based on seniority.

Seniority will be determined on the basis of employment with Special School District Number 1 as follows:

1. Seniority in position.
2. Seniority, defined as:
  - a. Total years of employment in SSD number 1.
  - b. Accrued years of experience in a school system acquired prior to the transfer of programming by that school system to the administrative control of SSD Number 1.

#### General and Specific Notices

A timely, general notice will be given to all employees at a specified school when it has been determined that reduction in force is necessary at that school. Subsequently, individual employees in the affected areas will receive an individual written specific notice of layoff.

#### Recall Procedures

Employees who are laid off because of reduction in force, will have their names placed on a recall list for a period of three years from the effective date of the original layoff. However, an employee who is qualified or who can become qualified in another category before the ensuing school year may displace an employee who has less seniority. If the employee fails to obtain necessary qualifications before the ensuing school year, the displaced employee shall be recalled.

Employees who have been laid off will be offered employment as vacant positions occur for which they are qualified at any Special School District Number 1 school. Layoff will not impact the tenure status of an employee. Employees will be recalled in reverse order of their layoff i.e., the last person terminated will be the first recalled. It shall be the responsibility of employees on the recall list to inform the personnel office, *in writing*, of changes of address.

The employee will accept or reject the re-employment offered in writing within 14 calendar days after receipt of notification by certified mail, return receipt requested. If the appointment is accepted, the employee will receive a contract within 20 days of receipt of the employee's reply to the superintendent of Special School District Number 1 or at the regular time for mailing contracts, whichever comes first. If the employee rejects the appointment or offer of a position at the work site where he/she was employed prior to the layoff and in the same or equivalent position to what was held before layoff or does not respond according to procedure, the name of the employee will be removed from the recall list.

Any employee laid off will be given the option of employment in any other Special School District Number 1 school in a comparable capacity for which he/she is fully certified when that position is currently held by an employee with less seniority with Special School District Number 1.

#### Appeal

Employees who wish to appeal the application of the reduction in force policy may do so by utilizing the State Board of Elementary and Secondary Education's grievance procedure.

#### Other Provisions Governing Employees on Layoff

Employees on Board-approved leaves of absence will be treated in the same manner as other regularly employed person-

nel insofar as application of the reduction in force policy is concerned.

Employees placed on layoff may engage in other employment or become eligible to receive unemployment insurance benefits, as provided by law.

The accumulated sick and annual leave of an employee placed on layoff will not be cancelled, but will remain credited to the employee upon the employee's return to regular employment.

An employee recalled to a position after having been placed on layoff shall be placed on the appropriate salary schedule at the same step for which the employee is qualified. An employee accepting assignment to a lesser position will be placed in the pay grade for that lesser position on the same step which the employee had under previous employment, or at the level appropriate to the employee's years of experience.

A 12-month employee will be permitted to use accumulated annual leave time immediately preceding the employee's effective date of layoff.

Re-employment rights will be terminated under the following conditions:

1. The employee resigns or retires.
2. The employee does not report to work within seven calendar days after the stated date of re-employment and has no valid reason for failing to report to work.
3. The employee has been on layoff for a period of time equal to the employee's category seniority time, or for three years, whichever is the lesser.
4. Non-maintenance of certification in the area of previous assignment.

Exclusiveness and Saving Provision Regarding Reduction in Force Policy

This reduction in force policy is the only procedure that may be used in a reduction in force. Any issues arising from the application of this reduction in force policy will be considered under the provisions of this policy.

If any provision of this policy or the application thereof is held invalid, such invalidity shall not affect other provisions of this policy which can be implemented without the invalid provisions and to this end the provisions of this policy are hereby declared severable.

Any and all provisions of this policy shall yield to existing state law, whether statutory or not, when held to be in conflict with said law or laws.

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

James V. Soileau  
Executive Director

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

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
No costs (savings) expected from the adoption of this written policy rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
No effect on revenue collections from the adoption of this written policy rule.

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

No costs and/or benefits to any affected groups from the adoption of this written policy rule.

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

No effect on competition and employment from the adoption of this written policy rule.

Joseph F. Kyle  
Deputy Superintendent  
For Management and Finance

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

FY87 Special Education Plan

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 FY87 Special Education Plan and Preschool Incentive Grant for P. L. 94-142 as amended by P. L. 98-199.

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

James V. Soileau  
Executive Director

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

**Rule Title: Adoption of Louisiana Annual Sp. Ed. Program Plan and the Preschool Incentive Grant (1987)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Estimated savings to the State Education Agency FY87:  
P.L. 94-142, Part B \$19,584,000  
P.L. 94-142, Preschool Incentive 580,720  
TOTAL \$20,164,720
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Adoption of this rule and subsequent approval by the U.S. Department of Education would increase state revenues in the amount indicated above.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
Adoption of this rule would provide approximately \$15,667,200 (80 percent) of the \$19,584,000 (P.L. 94-142, Part B) to local school systems to assist in the implementation of their special education programs.  
Preschool incentive, with an estimated funding of \$580,720, will be used to provide local educational agencies with inservice training, technical assistance, and program support.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
Twenty-one administrative and 57 support positions would be refunded which are essential for the coordination of local, state, and federal guidelines mandating services for exceptional students. The effect on employment for local school

personnel is substantial. Local school systems employ needed personnel with flow-through monies allocated based on approval of their local P.L. 94-142, Part B application

Two preschool incentive positions that are essential for the administration of local and state programs will be re-funded.

Joseph F. Kyle  
Deputy Superintendent  
For Management and Finance

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Southern University Board of Supervisors

The Southern University Board of Supervisors proposes to revise its bylaws and regulations in their entirety. Interested persons may secure a copy of the text of the proposed bylaws and regulations by written request to Henrietta H. Vessel, executive secretary to the Board of Supervisors of Southern University, Box 10879, Baton Rouge, LA 70813.

Joffre T. Whisenton  
President

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Bylaws and Regulations

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Estimated implementation costs would be approximately \$2,565.00. This cost would be incurred in printing the revised bylaws and regulations.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
None.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
None.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
None.

Joffre T. Whisenton  
President

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Elections and Registration

The Department of Elections and Registration advertises its intent to adopt rules establishing criteria to be used in the determination of polling place accessibility for the elderly and handicapped as required by the Federal Voting and Access for the Elderly and Handicapped Act, Public Law 98-435.

Inquiries concerning these rules may be addressed to Marie Brewer, Elections Research Analyst, Department of Elections and Registration, Box 14179, Baton Rouge, LA 70898.

Interested persons may attend a public hearing schedule for March 10, 1986 at 10 a.m. in House Committee Room 6, State Capitol.

Jerry Fowler  
Commissioner of Elections

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Voting Accessibility for the Elderly and Handicapped

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
It is estimated that most polling places can be altered for approximately \$15. However, many police juries will have no cost because they will move polling places to accessible buildings. They will also combine precincts into one accessible location. By moving polling places to public buildings which are accessible and by combining precincts at one accessible location, police juries may save the cost of precinct rental and the payment for multiple deputy custodians. Over the long run, police juries may see a reduction in the cost of elections.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
None.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
None.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
None.

George H. Guidry, Jr.  
Assistant Commissioner

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Office of the Governor Division of Administration

Notice is hereby given that the Division of Administration proposes to adopt the following rules pertaining to the Equipment Lease-Purchase Program for the State of Louisiana.

#### Rule 1. Authority

The Division of Administration is hereby enacting the following rules and regulations in accordance with Act 578 of the 1985 Regular Session (LSA-R.S. 39:1780-1790).

#### Rule 2. Definitions

A. *Applicable purchasing agency* shall mean the Division of Administration except as provided in LSA-R.S. 39:1572.

B. *Equipment lease purchase contract* means the lease purchase contract in the form approved by the State Bond Commission and the commissioner of administration between the state and nonprofit lessor.

C. *Exempt agency* means those agencies set out at LSA-R.S. 39:1572 which are not required to procure goods and services through the Division of Administration, Office of State Purchasing.

D. *Lessee* shall mean the State of Louisiana through the Division of Administration.

E. *Nonprofit lessor or lessor* means a public corporation or public trust organized pursuant to state law having for its beneficiary the state.

F. *Non-exempt agency* means those agencies which are mandated by law to procure their goods and services through the Division of Administration, Office of State Purchasing.

G. *Procurement period* means that period of time as established by the equipment lease purchase contract in which the state may procure selected equipment under the State Equipment Lease Purchase Program. Any equipment not purchased within this time period will be removed from said program.

H. *Purchase Order* means a written agreement confirming

all terms, conditions, delivery date and price acquired by bids received by State Purchasing or exempt agency.

I. *Release Order* means a written agreement purchasing from a state contract confirming all terms, conditions, delivery date and prices to be issued by exempt or non-exempt agencies.

J. *Selected equipment* means the equipment, as determined by the applicable purchasing agency, and approved by the Division of Administration, which shall be the subject of a lease purchase contract.

K. *Selected vendor* means a supplier, manufacturer, retailer, wholesaler, dealer, or other source for selected equipment which has been selected by the applicable purchasing agency pursuant to state law.

L. *Trustee bank* means the bank which the nonprofit lessor selects to administer the funds, make payments to selected vendors, accept payment from the state on the equipment lease purchase contract and which performs all the necessary and required functions for the administration of this program.

M. *Using agency* means that agency which will receive the selected equipment after it is procured and will be ultimately responsible for the lease payment under the equipment lease purchase contract.

#### Rule 3. Request to lease purchase equipment

A. *Appropriation Bills*: An agency wishing to participate in the State Equipment Lease Purchase Program must provide the Division of Administration, Budget Office a list of equipment being requested. The equipment listing shall be on the standard budget request forms. These forms are to be submitted with the agency's budget request on December 5th each year. The Budget Office will review the request and make a funding recommendation. The Budget Office shall have the sole responsibility of determining which pieces of equipment will be recommended for this program and will notify the agency in the "Notification of Appropriation Letter" if such equipment is recommended for funding through this program.

Equipment purchased through this program shall not be included in the agency's appropriation but shall be accounted for separately. Acquisition cost of the equipment shall be reflected in future appropriations as lease purchase payments as set forth in Rule 8.

B. *Capital Outlay Bill*: An agency wishing to participate in the program for Capital Outlay equipment shall provide the Division of Administration, Budget Office a list of equipment being requested. The equipment listing shall be on the standard Capital Outlay forms. These forms are to be submitted with the agency's Capital Outlay request by November 1 each year. The Commissioner's Office, Office of Facility Planning and Control and the Budget Office shall review the request and recommend funding. The Office of Facility Planning and Control shall notify the using agency of the programs funded through this means. Acquisition cost of the equipment shall be reflected in future appropriations as lease purchase payments as set forth in Rule 8.

#### Rule 4. Generation of Equipment List

The Division of Administration shall compile a list of the equipment selected for acquisition under this program. This list is to be compiled from the items of equipment recommended by the Budget Office to appear in the agency's appropriation, in either the General Appropriations Bill, Ancillary Appropriations Bill and/or the Capital Outlay Bill. The list with the approximate purchase price shall be submitted to the nonprofit lessor selected to purchase the equipment. Upon approval by the legislature the nonprofit lessor shall then take the necessary steps to generate the revenues to procure the equipment contained on said list.

#### Rule 5. Substitutions to the Equipment List

The Division of Administration within the procurement pe-

riod, with the prior written approval of the Joint Legislative Committee on the Budget, may elect to substitute one or more other items of equipment for such selected items on the equipment list, provided the inclusion thereof shall not cause the estimated aggregate purchase price to exceed the original estimated aggregate purchase price, and any substitution made must be for equipment in the same category group.

The using agency requesting such a substitution shall make such request in writing to the Division of Administration prior to the termination of the procurement period stating the item, estimated cost, and economic life of the item to be substituted and the item being substituted, and the reason such substitution is being requested. The Division of Administration shall notify the using agency of its decision in writing and in a timely manner.

#### Rule 6. Procurement of the Selected Equipment

After the using agency has had the selected equipment approved and funded said agency shall adhere to the following procedure. This procedure shall not be construed to change, affect, increase, or in any fashion relieve the agency of the requirements of law, rules and regulations, or executive orders relative to the procurement of goods and services.

A. *Release Order*: All agencies are instructed to issue release orders for items on state contract in the same manner and comply with the same requirements, except for the following requirements:

1. On release order forms where it specifies "Invoice to:" it should specify the using agency. A copy of said release order should be sent to: American Bank and Trust Company, Four United Plaza, 855 United Plaza Boulevard, Suite 302, Baton Rouge, LA 70809. Attention: J. Michael Brouillette, Vice President and Trust Officer.

2. A statement on the Release Order must specify that "This order will be paid for by LPFA Funds."

3. Coding Lines on Release Order should specify:  
Non-FACS (Capital Outlay or General Appropriations)  
LPFA Fund  
Act 758

4. Distribution of Release Order:  
White copy to Vendor  
Blue Copy to State Purchasing (except exempt agencies)  
Accounting Office of Agency  
State Accounting  
Delivery Point (Receiving Location)  
LPFA through the Trustee Bank  
Risk Management  
Budget Office

B. *Requisition*: All non-exempt agencies must submit to State Purchasing a requisition outlining the complete specifications for the item that has been approved in accordance with these rules and regulations in order for State Purchasing to purchase said item.

1. A statement must be on the requisition that states "This purchase will be paid for by LPFA funds." Bid proposals must also require that the bidder must specify what the manufacturer's recommended maintenance requirements are and what warranty period the bidder is offering.

2. Coding lines must specify:  
Non-FACS (Capitol Outlay or General Appropriations)  
LPFA Fund  
Act 758

If an agency is exempt under LSA-R.S. 39:1572 (a) or (b) —said agency shall conduct the bidding, but must do so in accordance with law and all applicable rules and regulations, including

the requirements contained herein, and any applicable executive orders.

C. Purchase Orders: State Purchasing or the Exempt Agency will issue the Purchase Order after bids are opened and evaluated and determine that the lowest responsive and responsible bidder has not bid in excess of the amount approved for the procurement in question by the Budget Office, and utilizing the same distribution of said Purchase Order as outlined in "A" above.

In the event that all bids are in excess of the amount approved by the Budget Office, State Purchasing or the exempt agency must notify the Budget Office, and shall not make an award on such solicitation unless the Budget Office approves, in writing, the obligation of additional funds. If the Budget Office denies the obligation of additional funds, then said solicitation shall be cancelled in writing with the reason for cancellation noted.

#### Rule 7. Delivery and Acceptance of Equipment

A. The using agency shall be responsible for accepting delivery of the equipment from the vendor and inspecting the equipment to determine if the equipment complies with the specifications and is in satisfactory condition. If an acceptance period is involved a certificate of acceptance shall not be transmitted to the nonprofit lessor until such time that a successful acceptance period has been concluded.

B. Upon acceptance, the using agency shall transmit to the Trustee Bank either the purchase order or release order, whichever is applicable, the invoice and a cover letter advising said Trustee Bank that the equipment has been accepted and the Trustee Bank may make payment. Said acceptance letter must adhere to the format as set out in Attachment A to these rules and regulations.

C. All invoices submitted to the Trustee Bank for payment must have the following items: 1. original invoice, 2. pink Purchase Order copy (or appropriate copy), 3. a completed receiving report, 4. approved equipment list highlighting the item being purchased, and 5. the cover letter reflecting acceptance.

Exceptions are listed with each item below:

1. Original Invoice—The original invoice must always be submitted unless it has been lost. In this case, a copy will be accepted only if it has been signed and dated and "A true certified copy of the original invoice" appears on the face of the invoice.

2. Pink Purchase Order Copy (or appropriate copy)—When submitting a complete payment request (when all items on the purchase order are being paid for at one time), the pink copy must be attached. When submitting a partial payment request, a copy of the pink purchase order must be attached to the payment. When the final payment is to be made then submit the original copy.

3. Receiving Report—The receiving report must be completely filled out indicating the item(s) received, quantity of each item, date received, and the authorized receiving agent's signature. When a purchase order is paid in partials, the final payment request must show where all the merchandise has been received, highlighting the item(s) submitted for payment at that time.

4. Equipment List—It must be attached to each payment highlighting the item(s) being purchased. It is not necessary to send the complete list, just the page that the item applies.

5. Cover Letter—Indicate total approved for payment for each invoice with letter of acceptance.

#### Rule 8. Payment for Selected Equipment

The trustee bank for the nonprofit lessor shall disburse the necessary funds for the purchase of the equipment. Thereafter, the Division of Administration as lessee, shall be responsible for remitting the necessary lease payments to the trustee bank.

The lease payments shall be funded in the General Appropriations Bill in a special supplemental appropriation under the Division of Administration. The lease payments for items of equip-

ment which were scheduled to be purchased by General Fund Direct will be appropriated directly to the special supplemental appropriation.

The lease payments for items of equipment which were scheduled to be purchased with federal funds, dedicated funds, or self-generated funds will be appropriated to the respective using agency to be transferred to the Division of Administration for the necessary payments to the trustee bank.

The lease payments for items of equipment which were scheduled to be purchased through the Capital Outlay Bill will be appropriated directly to the special appropriation under the Division of Administration.

The trustee bank will provide to the Division of Administration prior to the first day of January each year, a schedule listing the amount of lease payment required for each item of equipment. The Division of Administration shall invoice the using agencies for lease payments funded by means other than the State General Fund - Direct no later than 30 days prior to the actual lease payment. For lease payments funded by the State General Fund - Direct, the Division of Administration shall issue a memo invoice to the respective using agencies.

#### Rule 9. Insurance on Equipment

During the term of the lease purchase contract applicable to the individual pieces of equipment, the using agency shall maintain at its expense property insurance on the equipment for the replacement value of the equipment or the remaining outstanding lease payments owed by the using agency for said equipment, whichever is greater. The policy shall contain a loss payable clause as to make losses payable to the Division of Administration as lessee, the Louisiana Public Facility Authority as owner, or such other nonprofit corporation owner as may be applicable, Mitsubishi Trust and Banking Corporation, New York, New York as Letter of Credit Bank, or such other Letter of Credit Bank which may be applicable, and American Bank and Trust Company, Baton Rouge, Louisiana, as Trustee, or such other trustee bank which may be applicable, as their respective interest may appear. Using agency shall contact the Division of Administration prior to insuring said equipment to determine said beneficiaries and their respective interest.

The policy shall also contain any and all additional requirement of the applicable equipment lease purchase contract, by and between the Division of Administration and the nonprofit lessor. Insurance Coverage shall be requested through the Office of Risk Management and such request shall be made no later than 90 days prior to the estimated date of receiving the equipment.

The using agency shall furnish the Division of Administration, State Accounting Office, Accounting Services, duplicate certificates of insurance evidencing the required insurance coverage. The Division of Administration, State Accounting Office, Accounting Services shall send the certificate of insurance to the nonprofit lessor and the trustee bank as required by the applicable lease purchase contract.

#### Rule 10. Maintenance of Equipment

The using agency shall at all times during the lease, at using agency's expense, maintain, preserve and keep the equipment in good repair and working order in full and complete accordance with the selected vendor's specifications. The using agency shall furnish proof that the equipment is being maintained in such a fashion, upon request, to the Division of Administration.

#### Rule 11. Title to the Selected Equipment

Title to the selected equipment shall be retained by the nonprofit lessor until such time as the equipment is paid for in accordance with the equipment lease purchase contract, at which time title shall be transferred to the using agency.

#### Rule 12. State Master Listing of Inventory

The using agency through its bonded property manager



shall enter and maintain the equipment of the State Master Listing of Inventory (AM014) with an Acquisition Code of 6 (loan) and the classification code of 5262550 (L.P.F.A Equip. - D. of A.) in the Classification Code Column during the term of the lease. The using agency shall use its agency number assigned for property control and whatever tag number the using agency desires. The acquisition date shall be the date the using agency receives the equipment. The acquisition cost shall be the actual cost of the equipment when purchased by the trustee bank. The item of property shall be fully and properly described in the Make and Model Columns so as to facilitate identification during each annual inventory of movable property by the using agency.

Upon transfer of title of the equipment to the state, at termination of the lease term or at any time an option to purchase is elected, the Acquisition Code shall be revised to 0, and the Identification Code of 526255 shall be changed to the proper classification code for the piece of equipment in question. All other requirements of entering and maintaining the equipment of the State Master Listing of Inventory shall be as set forth in the State Property Control rules and regulations.

#### Rule 3. Taxes

The purchase of the selected equipment by the nonprofit lessor is exempt from state and local sales tax to the same extent as the state would be if the state was during the actual procurement, all in accordance with R.S. 39:1784 B.

Interested parties may submit comments on the proposed rule through March 15, 1986 to Kevin P. Torres, Administrative Counsel, Division of Administration, Box 94095, Baton Rouge, LA 70804. Phone (504) 342-7154.

Stephanie L. Alexander  
Commissioner of Administration

#### ATTACHMENT "A"

American Bank and Trust Company  
Four United Plaza  
855 United Plaza Boulevard  
Suite 302  
Baton Rouge, Louisiana 70809  
Attention: J. Michael Brouillette  
Vice President and Trust Officer

Dear Mr. Brouillette:

This letter should serve as notification of acceptance of the following described property by this agency under the State Equipment Lease-Purchase Program. The attached invoice in the amount of \$\_\_\_\_\_, is hereby submitted to you for payment in full.

Acceptance is hereby given for the following:

(property description)

If you should have any questions please advise.

Sincerely

#### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Procedures for Equipment Leases

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

The implementation of the proposed rules will require new procedures for acquiring and accounting for equipment; however, the cost of implementing these changes is anticipated to be negligible and should be absorbed within normal operating appropriations.

Also the implementation of the rules will provide the

mechanism by which agencies may acquire equipment through lease purchase agreements and thereby spread the cost over a period of years. The total cost will increase but the financing charges should be less than other term purchase means.

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

There will be no estimated effect on revenue collections.

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

There will be no estimated costs and/or benefits to directly affected persons or nongovernmental groups.

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

There will be no estimated effect on competition and employment.

Darrell W. Hunt  
Executive Assistant Commissioner

Mark C. Drennen  
Legislative Fiscal Officer

#### NOTICE OF INTENT

##### Office of the Governor Division of Administration

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Division of Administration intends to amend Chapter 7, Request for New or Substitute Positions - PPM No. 33 to incorporate a new form BA-8, 10/76 and as follows:

#### Title 4 Administration

##### Part V. Policy and Procedure Memoranda Chapter 7. Request for New or Substitute Positions - PPM No. 33

##### §701. Purpose

A. It is the purpose and intent of this memorandum to incorporate a revised form, BA-8, 10/76.

B. This revised form, BA-8, 10/76, will be used, without exception, to request authorization for any new position not authorized in the executive budget and also to request authorization for any substitution of previously approved positions on the personnel position control.

##### §703. Instructions

A. In utilizing the revised Form BA-8, 10/76, a request for new positions will be executed as follows:

Column 1. Classification or Title

Column 2. Organizational Unit or New Position (Functional Section or Unit)

Column 3. Date of Occupancy

Column 4. Monthly Salary

Column 5. Cost for Remainder of Current Year

Column 6. Justification - Explain in detail

B. For substitution of previously approved positions:

Column 1. Classification or Title

Column 2. Organizational Unit or New Position (Functional Section or Unit)

Column 3. Date of Occupancy

Column 4. Monthly Salary

Column 5. Cost for Remainder of Current Year

Column 6. Justification - Explain in detail

Column 7. Title or Position to be Replaced

Column 8. Organizational Unit (Functional Section or Unit)

C. A separate Form BA-8 must be completed for each and every request submitted for the commissioner's approval and must

also indicate whether the position affected is classified (C) or unclassified (U).

D. It must be emphasized that the approval of a classification substitution in no manner changes the numerical position of the control. Approval of a substitution automatically cancels and eliminates the substituted position from the authorized personnel position control in the executive budget and replaces it with the approved change. Under no circumstance will the substituted position be retained on the adjusted control. Also, the approval of a new position automatically advances the numerical position of the control.

E. The personnel position control block must be completed before approval can be granted. In the column "number" the agency must designate the current personnel control by incumbents and vacancies. This will include all previously authorized changes.

F. If the request for change represents a new position, the total adjusted personnel control will show a numerical increase of one position. If the request represents a substitution of a previously budgeted position, the adjusted personnel control will remain the same. In all cases the control block must be completed.

G. In the second block headed "funds - pro rata - amount", the agency will disclose the source of funds intended to defray the additional salary expense. If the cost is to be borne by a joint state-federal participation, indicate the pro rata cost of each source. If the funds are derived from other sources, e.g., self-generating, etc., explain in detail on the reverse side of the form.

H. This memorandum supersedes Policy and Procedure Memorandum No. 3 and all memoranda and manuals in conflict herewith are superseded.

I. Form BA-8 should be duplicated by your agency as future needs arise.

Interested persons may present their views on the proposed action, in writing, until March 7, 1986, at the following address: Darrell Hunt, Executive Assistant Commissioner; Box 94095; Baton Rouge, LA 70804-9095. He is the person responsible for responding to the inquiries about this proposed action.

Stephanie L. Alexander  
Commissioner of Administration

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Amends PPM 33**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
No implementation costs are associated with the proposed rule change.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no estimated effect on revenue collections of state or local government units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
There are no estimated costs and/or economic costs and/or economic benefits to directly affect persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no estimated effect on competition and employment.

Darrell W. Hunt  
Executive Assistant  
Commissioner

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Office of the Governor  
Division of Administration**

In accordance with the provisions of R.S. 49:950 et seq. (the Administrative Procedure Act), notice is hereby given that the Division of Administration intends to repeal the following:

**Title 4: Administration**

**Part V. Policy and Procedure Memoranda**

**Chapter 11. State Employees Group Insurance Program  
- PPM Number 40**

The aforementioned policy and procedure memoranda was published in the *Louisiana Register* as follows: Volume 1, Number 2, Page 110, (February 20, 1975). The Division of Administration desires to eliminate unnecessary policy and procedure memoranda and since the provisions of Chapter 11, PPM Number 40 are no longer relevant it is being repealed.

Interested persons may present their views on the proposed action, in writing until March 7, 1986 at the following address: Darrell Hunt, Executive Assistant Commissioner; Box 94095; Baton Rouge, LA 70804-9095. He is the person responsible for responding to inquiries about this proposed action.

Stephanie L. Alexander  
Commissioner of Administration

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

**Rule Title: Repeal of PPM Group Insurance**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no cost or savings to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
There are no costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no effect on competition and employment.

Darrell Hunt  
Executive Assistant Commissioner

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Office of the Governor  
Division of Administration**

Notice is hereby given that the Office of the Governor, Division of Administration, under authority of R.S. 39:241 and R.S. 44:32 intends to amend LAC 4:I.301, "Uniform Fee Schedule for Copies of Public Records," as published August 20, 1982, in Volume 8, Number 8, Page 411, of the *Louisiana Register*.

LAC Title 4. Administration  
Chapter 3. Fees

**§301. Uniform Fee Schedule for Copies of Public Records**

- A. Copies of public records furnished to a person so re-

questing shall be provided at fees according to the following schedule.

B. 1. Charges for the first copy of any public records shall be at a minimum 25 cents per page for microfiche reproductions or paper copies up to  $8\frac{1}{2} \times 14$  inches.

2. A two-sided copy shall be considered two pages.

C. Charges for copies of public records on paper larger than  $8\frac{1}{2} \times 14$  inches shall be the same as the actual cost to the agency for copying same.

D. Charges for copies of public records on preprinted computer reports shall be the same rate specified in Parts II and III above. Each agency shall develop a uniform fee schedule for providing printouts of public records stored in a computer data base utilizing routing utility programs. Such uniform fee schedule shall be first approved by the Division of Administration. An estimated cost shall be given for reproduction of public records stored in a computer which require program modification or specialized programs. The requesting party shall be advised of the estimate, and that it is an estimate, but the actual cost for reproduction, including programming costs, shall be charged if it differs from the estimate.

E. Agencies that have an established fee for copying public records that is in excess of those set forth in the rule must justify that fee in writing and have the established fee approved by the Division of Administration.

F. Copies of public records shall be furnished without charge or at a reduced charge to indigent citizens of this state or the persons whose use of such copies will be limited to a public purpose, including but not limited to use in a hearing before any governmental regulatory commission.

G. This schedule does not apply to copies of public records, the fees for the reproduction of which are otherwise fixed by law nor shall this schedule apply to requests for copies from one state agency to another.

Interested persons may submit comments orally or in writing to Darrell Hunt, Executive Assistant Commissioner of Administration, Box 94095, Baton Rouge, LA 70804-9095, (504) 342-7000.

Stephanie L. Alexander  
Commissioner of Administration

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

#### **Rule Title: Schedule for Copies of Public Records**

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

The proposed rule raises the charge per page for copies of public records from a maximum of 15 cents to a minimum of 25 cents per  $8\frac{1}{2} \times 11$ " page. It is indeterminable as to the fiscal impact of this change for the following reasons: (1) The proposed rule makes the change mandatory for all copies and sets exclusions for copies made for indigent citizens and for public utilization; these factors will vary from agency to agency. (2) Lack of agency records reflecting detail of copy costs or services provided at current fee.

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

The proposed rule raises the charge per page for copies of public records from a maximum of 15 cents to a minimum of 25 cents per  $8\frac{1}{2} \times 11$ " page. It is indeterminable as to the fiscal impact of this change for the following reasons: (1) The proposed rule makes the change mandatory for all copies and sets exclusions for copies made for indigent citizens and for public utilization; these factors will vary from agency to

agency. (2) Lack of agency records reflecting detail of copy costs or services provided at current fee.

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

The proposed rule raises the charge per page for copies of public records from a maximum of 15 cents to a minimum of 25 cents per  $8\frac{1}{2} \times 11$ " page. It is indeterminable as to the fiscal impact of this change for the following reasons: (1) The proposed rule makes the change mandatory for all copies and sets exclusions for copies made for indigent citizens and for public utilization; these factors will vary from agency to agency. (2) Lack of agency records reflecting detail of copy costs or services provided at current costs.

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

There will be no effect on competition and employment.

Darrell W. Hunt  
Executive Assistant Commissioner

Mark C. Drennen  
Legislative Fiscal Officer

### **NOTICE OF INTENT**

#### **Office of the Governor Division of Administration Office of Risk Management**

In accordance with R.S. 39:1527, et seq., notice is hereby given that the Office of Risk Management intends to propose the following change:

#### **Title 4**

#### **ADMINISTRATION**

#### **Part V. Policy and Procedure Memoranda**

#### **Chapter 21. Repair and Replacement of Damaged Property Covered Under the State's Risk Management Program-PPM No. 53**

#### **§2101. Responsibilities and Rights**

The Office of Risk Management, Division of Administration, has the responsibility to manage all state insurance, Louisiana State University excepted, covering property and liability exposure through commercial underwriters or by self-insuring. Personnel benefits, group health and life coverage are excepted. In discharging this responsibility, the Office of Risk Management has the right of access to all information relating to the state's Self-Insurance and Loss Control Program. This will be accomplished by affording the Office of Risk Management opportunity of inspections of all locations throughout the state.

The Office of Risk Management has most rights normally afforded a commercial insurance company. Among these rights is the opportunity to inspect any damage to insured property prior to repair or disposal. Therefore, the Office of Risk Management must be contacted before any repairs or disposal of insured, damaged material is accomplished. Submit all appropriate information relative to incurred losses to the Office of Risk Management at the following address: Office of Risk Management, Division of Administration, Box 94095, 2714B Wooddale Boulevard, Baton Rouge, LA 70804-9095; Phone (504) 925-4827-4828.

Interested persons may present their views on the proposed action, in writing, until March 7, 1986, at the following address: Darrell Hunt, Executive Assistant Commissioner, Box 94095, Baton Rouge, LA 70804-9095. He is the person responsible for responding to inquiries about this proposed action.

Stephanie L. Alexander  
Commissioner of Administration

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Amends PPM No. 53**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no additional implementation costs as a result of adopting this policy.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no effects on the revenue collections of state and local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no effect on competition and employment.

Darrell Hunt  
Executive Assistant Commissioner

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

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

Proposed Rulemaking

Effective May 1, 1986, the Department of Health and Human Resources, Office of Family Security, will secure medical support information and secure and enforce medical support obligations as mandated by 45 CFR 306.50 and 45 CFR 306.51 and authorized by RS 46:236.1B(5) if the individual is a Medicaid applicant or recipient or with the consent of the individual if the individual is not a Medicaid applicant or recipient.

Under 45 CFR 306.51, unless the custodial parent and child(ren) have satisfactory health insurance other than Medicaid, IV-D shall petition the court to include health insurance that is available to the absent parent at reasonable cost in new or modified orders for support. Health insurance is considered reasonable in cost if it is employment related or some other group health insurance. A medical support order shall be obtained whether or not health insurance is actually available to the absent parent at the time the order is entered or modification to coverage is immediately possible.

The IV-D agency will take steps to enforce the medical support order if health insurance is available to the absent parent at reasonable cost but has not been secured at the time the order is issued. The IV-D agency has discretion in determining the steps necessary to ensure that the absent parent obtains the required medical insurance.

**COMMENTS**

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

**NOTICE OF PUBLIC HEARING**

A public hearing on the proposed rule will be held on March

5, 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: IV-D Medical Support Enforcement**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Projected savings to the Medicaid program are as follows: \$24,258 in 1985-86, including \$8,749 in state funds; \$890,745 in 1986-87, including \$322,361 in state funds; and \$2,148,267 in 1987-88, including \$777,458 in state funds. The cost of implementation in operating expenses is projected to be \$100 in FY 1985-86, with no cost in the following two years.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
No revenue effect is expected.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
In SFY 85/86, it is projected that 388 IV-D AFDC Medicaid dependents will have private insurance coverage which will represent a \$41.68/month savings in Medicaid amounting to \$24,258. In SFY 86/87, there will be 2,716 affected persons and \$890,745 in Medicaid savings. In SFY 87/88, there will be 5,044 affected persons and \$2,148,267 in Medicaid savings.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
No effects on competition and employment are expected.

Marjorie T. Stewart  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

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

**SUMMARY**

The Medical Assistance Program proposes to amend its therapeutic leave day policy for Intensive Care Facilities for the developmentally disabled (ICF/MR and ICF/H) to clarify the limit on payment of bed reservations for recipients who are hospitalized for acute conditions.

The rule published in the *Louisiana Register*, Volume 11, Number 4, dated April 20, 1985, Pages 349-350 contains a technical error in the last sentence of the eighth paragraph of the rule. This proposed rule corrects the sentence which read "Hospitalization for treatment of an acute condition is limited to 15 days per recipient per calendar year." The new sentence under this rule will read: "Payment for bed reservations in SNF or ICF (ICF-I, ICF-II, ICF-MR) during hospitalization for treatment of an acute condition is limited to 15 days per recipient, per occurrence."

The policy of the Medical Assistance Program has been and

continues to limit payment of bed reservations to 15 days per recipient, per occurrence. This proposed rule will not bring about any change in agency activity.

This rule is authorized under 42 CFR 447.45 and Louisiana's State Plan Agreement with the Health Care Financing Administration.

#### PROPOSED RULEMAKING

Payment for bed reservation in a SNF or ICF (ICF-I, ICF-II, ICF-MR) during hospitalization for treatment of an acute condition is limited to fifteen days per recipient, per occurrence.

#### COMMENTS

Interested persons may submit written comments through March 5, 1986, to the following address: Marjorie T. Stewart, assistant secretary, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

#### NOTICE OF PUBLIC HEARING

A public hearing on this proposed rule will be held on March 5, 1986, in the Louisiana State Public 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: Limits on Bed Reservations for ICF-MR Services**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There is no increase or decrease in cost to the State or local governmental units resulting from this proposed rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There is no effect on revenue collections resulting from this proposed rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
There is no cost or economic benefit to recipients or providers resulting from this proposed rule.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There is no effect on competition and employment resulting from this proposed rule.

Marjorie T. Stewart  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

#### NOTICE OF INTENT

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

The Department of Health and Human Resources, Office

of Family Security proposes to adopt the following rule in the Medical Assistance Program.

#### SUMMARY

The Medical Assistance Program proposes to amend the Lock-In Program to:

- (1) Require a recipient to remain on lock-in status when case closure or discontinuance is less than four months.
- (2) Require a recipient to remain on lock-in status when the recipient's case is closed in one eligibility category and subsequently certified eligible in another category.
- (3) Require a recipient to remain on lock-in status if the recipient's case is discontinued and the recipient remains eligible for Medicaid benefits following the first month of ineligibility.
- (4) Prohibit a recipient, determined to be an overuser of prescription drugs, from selecting physicians and pharmacists who overprescribe or oversupply drugs.
- (5) Require the decision as to the appropriateness of lock-in for a particular recipient to rest with the Office of Family Security's, Medical Assistance Program.
- (6) Require the recipient's choice of providers to be subject to the review and approval of the Office of Family Security's, Medical Assistance Program.
- (7) Allow immediate lock-in of a recipient if in the opinion of the Peer and Utilization Review Committee and the Office of Family Security the immediate health and welfare of the recipient is threatened by misutilization or overutilization of program benefits.
- (8) Require review by the Office of Family Security or the Peer and Utilization Review Committee of a recipient's drug profile after the first quarter of certification, when the recipient was on lock-in status at the time of case closure or discontinuance and is re-certified for benefits after the fourth month of closure or discontinuance. If lock-in is approved by the Peer and Utilization Review Committee and the agency, the recipient may be placed in the lock-in program.

This proposed rule incorporates, the agency's lock-in policy which was published in the *Louisiana Register*, Vol. 6, No. 4, dated April 20, 1980, pages 114-115. Prior policy is being repealed and replaced to remove interagency procedures and incorporate the above described amendments. This rule amends LAC 50:1.705.

This proposed rule addresses the findings of the Health Care Financing Administration's (HCFA) State Medicaid Operations Report for fiscal year 85. This proposed rule is authorized by 42 CFR 431.54.

#### PROPOSED RULEMAKING

### **§705. Exceptions to Certain Requirements**

\* \* \* \*

B. Lock-in of Recipients who Overutilize Medical Services  
Title XIX (Medicaid) recipients, whose records show a pattern of misuse will be placed in a lock-in program in which they are able to receive physician and pharmacy services from specified providers of such services. The lock-in program is described below.

1. The term "lock-in" refers to the mechanism whereby Title XIX recipients are placed in a system in which they are able to receive physician and pharmacy services from a specified provider of such services. The lock-in mechanism ensures against misutilization of Title XIX benefits by recipients and/or providers and serves as an educational device in instructing recipients in the most efficient method of using Title XIX services to ensure maximum benefit to their health.

2. Any recipient who is currently eligible for Title XIX benefits and who has shown a consistent pattern of misutilization of program benefits may be placed into the lock-in mechanism. Mis-

utilization may take the form of overutilizing program benefits or unwise utilization of program benefits.

### 3. Placement of a Recipient on Lock-in.

(a) Potential lock-in recipients will be identified through review of various reports generated by the Medicaid Management Information System, by referral from a provider of services, or by referral from other interested parties, (i.e., general public or local OFS offices). Medicaid Management Information System (MMIS) generated Exception Reports will be reviewed by Peer and Utilization Review Committees if cases referred involve suspected misutilization of pharmacy benefits. Office of Family Security Surveillance Utilization Review (SUR's) staff shall review referral cases in which there appears to be misutilizations of medical benefits other than pharmacy services. The decision as to the appropriateness of lock-in for a particular recipient shall rest with the Office of Family Security's Medical Assistance Program.

(b) If, after reviewing Medicaid Management System Reports, in the opinion of the Peer and Utilization Review Committee or the Office of Family Security (SUR's) staff there appears to be a pattern of misutilization of benefits, the appropriate committee or staff shall contact the involved providers of services by letter to inquire as to the necessity for the treatments or medications believed to be misutilized. A copy of the recipient's Medicaid Management System profile will be forwarded with the letter. If, in the opinion of the appropriate staff or committee, the involved provider offers valid justification for treatments and/or medications provided, no further action toward placing the recipient on lock-in status will be taken. If in the opinion of the appropriate committee or staff the involved provider does not offer adequate justification for services provided or if it appears that the recipient is needlessly receiving like services from more than one provider, the recipient's profile shall be reviewed by the appropriate committee or staff approximately 120 days after the date of the initial clarification letter to involved providers, to determine if the pattern of misutilization has continued.

(c) Upon review of the recipient's profile, after approximately 120 days from the date of the initial letter to involved providers, a determination shall be made as to whether the pattern of misutilization has continued. If there continues to be a pattern of misutilization the recipient shall be placed on lock-in. The 120 day review may be waived, if in the opinion of both the Peer Utilization Review Committee and the agency, the immediate health and welfare of the recipient is threatened by misutilization. In such instances, lock-in may be instituted at the time of inquiry letters to providers. The recipient shall be given timely notice of the decision to lock-in. Such notice shall clearly state the agency's intention to allow the recipient to choose one provider in the pharmacy area and one provider in the physician area and that the Medical Assistance Program will not make payments to physician or pharmacy providers other than those chosen by the recipient subject to agency review and approval. The recipient will also be informed that he will not be receiving his buff-colored medical identification card by mail, but rather must obtain it through the local Office of Family Security. The letter to the recipient will advise the client to contact his local Office of Family Security as soon as possible so that arrangements may be made for him to receive a medical identification card. When the recipient requires a specialist more than one provider of physician services may be chosen. For the purposes of the lock-in program, a state hospital may be listed as a provider of physician services.

(d) Recipients shall be prohibited from choosing physicians and Pharmacists who overprescribe or oversupply drugs. When the agency cannot approve a recipient's choice of provider(s), the lock-in recipient shall be required to make another selection.

(e) The recipient may choose to appeal the lock-in decision. In such instances, the recipient shall be afforded all agency appeal rights.

(f) Recipients shall be required to remain on lock-in status when:

(i) Case closure or discontinuance is less than four months.  
(ii) The recipient's case is closed in one eligibility category and subsequently certified eligible in another category.

(iii) The recipient's case is closed or discontinued and the lock-in recipient remains eligible for Medicaid for any period following the first month of ineligibility.

(g) When a recipient, who was in lock-in status at the time of case closure or discontinuance, is recertified for assistance after the fourth month of closure or discontinuance, the Peer Utilization Review Committee or the agency shall review the recipient's drug profile after the first quarter of receiving assistance. If lock-in is approved by the Peer Utilization Review Committee and the agency, the recipient may be placed in the Lock-In Program.

### 4. Review of Lock-In Status

On at least an annual basis, either the Peer Utilization Review Committee or Office of Family Security SUR's staff shall review the lock-in recipient's medical assistance benefits management profile to determine if progress has been made in alleviating problems the recipient has in misutilizing program benefits. If in the opinion of the appropriate reviewing authority, progress has been made, the committee may choose to recommend the discontinuance of lock-in status. If the Utilization and Review Committee concurs that discontinuance of lock-in is appropriate, written notification shall be forwarded to the recipient. Written notification will indicate the month of eligibility in which a regularly issued buff-colored medical eligibility card will be forwarded to the recipient. The appropriate reviewing authority shall examine the recipient's profile one quarter after lock-in has been discontinued to assure that misutilization or overutilization of program benefits has not resumed. If in the opinion of the appropriate reviewing authority or the Utilization and Review Committee misutilization or overutilization of benefits has resumed, the recipient shall be placed on lock-in status once again and follow-up on the lock-in situation may be required.

Follow-up on cases in which the recipient does not seem to respond to lock-in status by ceasing misutilization of program benefits shall emphasize the importance of proper use of benefits and may include referral to other agencies (i.e., substance abuse clinics). The local office worker shall not have the responsibility to investigate for fraud or possible criminal activity.

### 5. Exclusions From Lock-In

The lock-in mechanism does not prohibit the recipient from receiving the services of any enrolled provider who offers services other than physician and pharmacy. In the area of physician and pharmacy services the following categories are specifically excluded from the lock-in mechanism.

(a) No recipient on lock-in status shall be denied the service of a physician or pharmacist on an emergency basis within program regulations. The Medicaid eligibility card states that an enrolled provider will be reimbursed for such services.

(b) In instances in which a recipient is referred by his lock-in physician to another physician provider, reimbursement shall be made to the physician provider to whom the recipient was referred within program regulations.

### COMMENTS

Interested persons may submit written comments through March 5, 1986, to the following address: Marjorie T. Stewart, assistant secretary, Box 44065, Baton Rouge, LA 70804. She is the person responsible for responding to inquiries regarding this proposed rule. A copy of the proposed rule and its fiscal economic im-

fact 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 March 5, 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: Lock-In Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Total state expenditures under this proposed rule will be unaffected.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There is no impact on revenue collections resulting from this proposed rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
There is no known economic benefit to recipients in the lock-in program resulting from this proposed rule.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There is no effect on competition and employment resulting from this proposed rule.

Marjorie T. Stewart  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

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

**Summary**

This proposed rule amends the reimbursement methodology for inpatient hospital services published in the *Louisiana Register*, Vol. 10, No. 8, Page 623, Dated August 20, 1984. Under this proposed rule, the Medical Assistance Program will limit reimbursement for currently exempt units (neonatal/pediatric intensive care, burn and transplant units) to a per diem limitation for discharges reflecting carve out unit (NICU/PICU/Burn/Transplant) services.

The Medical Assistance Program currently exempts neonatal/pediatric intensive care unit, burn unit and transplant services from the target rate limitation applicable to inpatient hospital services. Reimbursement of NICU/PICU/transplant services is based on allowable costs (routine and ancillary) in accordance with Medicare principles of reimbursement. Reimbursement of burn unit services is the lesser of costs or a per diem limitation based on rou-

tine costs only. All other inpatient hospital services are subject to a cost per discharge limitation.

Effective for cost reporting periods beginning October 1, 1985, reimbursement for these carved out services shall be capped with a per diem limitation based on each hospital's first TEFRA (Tax Equity and Fiscal Responsibility Act of 1982) cost reporting period.

Current budgetary limitations required that the following change be implemented in order that current levels of services in certain other department programs may be maintained. This proposed limit is a modification of the original limit of three times the hospital's target rate published as an emergency rule in the August 20, 1985, *Louisiana Register* Vol. 11, No. 8, Pages 754-755 and notice of intent in the September 20, 1985, *Louisiana Register* Vol. 11, No. 9, Page 898 which was withdrawn due to advisement by the Health Care Financing Administration (HCFA) of its intent to disapprove the change. It was agreed with HCFA, the Joint Legislative Subcommittee on Oversight and providers that a modification of the limit would be submitted.

Emergency rulemaking has been invoked to implement this policy effective for cost reporting periods beginning October 1, 1985. The emergency rule implementing this change was published in the *Louisiana Register*, Vol. 12, No. 1, dated January 20, 1986. This rule is authorized under 42 CFR 447.252 and amends LAC 50:III.8503 to add item D.3.f.

**PROPOSED RULEMAKING**

**Title 50**

**Part III: Medical Assistance Program**

**Subpart F: Payments for Services**

**§8503. Reimbursement Methodology**

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D.3.

\* \* \* \* \*

f. For cost reporting periods beginning October 1, 1985, reimbursement for carve out unit (NICU/PICU/Burn/Transplant) costs noted above shall be limited in accordance with a per diem limitation established for discharges reflecting carve out unit services. The per diem limitation shall be calculated based on costs (routine and ancillary) for such carve out unit discharges derived from each hospital's first cost reporting period under the TEFRA (Tax Equity and Fiscal Responsibility Act) cost per discharge limitation (fiscal years ending September 30, 1983 through August 31, 1984). The base period per diem costs for carve out units shall be trended forward using the target rate percentage for hospital inpatient operating costs established by the Health Care Financing Administration (HCFA). For subsequent fiscal years, the limitation shall be inflated by the applicable target rate percentage. Discharges applicable to these carve out units shall be deleted from the total Medicaid discharges prior to calculation of the target rate limitation. Reimbursement for discharges reflecting carve out unit services shall not exceed the per diem limitation and no incentive payment shall be allowed. The target rate per discharge applicable to all other discharges shall be adjusted to reflect any additional costs carved out as a result of this requirement. The provisions for exceptions and adjustments under this section shall also apply to the per diem limitation for carve out unit reimbursement.

\* \* \* \* \*

**COMMENTS**

Interested persons may submit written comments through March 5, 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 eco-

conomic 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 March 5, 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

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

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

#### **Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Cap "Carve Out" Units**

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

Projected savings for FY 1985-86 based on the savings for costs for carve out services rendered in FY 1985-86 are subject to this limitation. Implementation of this proposed rule will result in the following savings to the Medicaid program: \$3,034,188 in FY 1985-86, including \$1,093,218 in state funds; \$3,166,186 in 1986-87, including \$1,145,842 in state funds and \$3,326,078 in 1987-88, including \$1,203,708 in state funds.

##### 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 \$1,940,970 in FY 85-86; \$2,020,344 in FY 86-87 and \$2,122,078 in FY 87-88.

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

Hospitals with "carve out" units shall be limited in reimbursement for these services. Impact will vary depending on Medicaid utilization with a statewide reduction in revenues of \$3,034,188 in FY 85-86; \$3,166,186 in FY 86-87; and \$3,326,078 in FY 87-88. The average reduction per facility is \$189,537 in FY 85-86; \$197,782 in FY 86-87 and \$207,770 in FY 87-88.

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

There is no known effect on competition and employment.

Marjorie T. Stewart  
Assistant Secretary

Mark C. Drennen  
Legislative Fiscal Officer

#### NOTICE OF INTENT

#### **Department of Health and Human Resources Office of Prevention and Recovery from Alcohol and Drug Abuse**

The Department of Health and Human Resources, Office of Prevention and Recovery from Alcohol and Drug Abuse, proposes to adopt a rule to provide procedures for substantive independent review of the reasons for failing to provide funds to any eligible entity that applies.

In accordance with Section 1916 (c) (5) - Application and Description of Activities of the Title XIX, Part B, Alcohol and Drug Abuse and Mental Health Services Block Grants, of the Public Health Services Act, as amended by Public Law 98-509, the state agrees to establish required procedures for substantive independent review of the reasons for failing to provide funds to any eligible entity that applies. This appeal process was adopted by the emergency rule published in the *Louisiana Register*, Volume 11, Number 12, issued December 20, 1985, page 1132.

Interested persons may submit written comments on the proposed procedures within 15 days of the date of publication at the following address: Vern C. Ridgeway, Assistant Secretary, Office of Prevention and Recovery from Alcohol and Drug Abuse, Department of Health and Human Resources, Box 53129, Baton Rouge, LA 70892.

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

#### **Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Appeals process for ADAMS Block Grant**

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

There are no costs or savings associated with the implementation of this rule.

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

There is no effect on revenue collections of state or local government units with respect to the proposed rule.

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

There are no costs or benefits to directly affected persons or non governmental groups.

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

There is no effect on competition and employment.

Louis Z. Gibson  
Director

Mark C. Drennen  
Legislative Fiscal Officer

#### NOTICE OF INTENT

#### **Department of Public Safety and Corrections Corrections Services**

The Louisiana Department of Public Safety and Corrections, Corrections Services, advertises its intent to amend Department Regulation No. 30-19B - Attorney Visits (Adult and Juvenile Institutions), to establish a criteria for approving paralegal assistants or law clerks to enter the institution to conduct interviews with clients of their supervising attorney, either with the attorney or by themselves.

Interested persons may submit written comments on the proposed amendment at the following address: Cynthia G. Eyre, Chief Legal Counsel, Department of Public Safety and Corrections, Box 94304, Baton Rouge, LA 70804.

C. Paul Phelps  
Secretary



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

**Rule Title: Attorney Visits - Adult & Juvenile Institutions**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no implementation costs to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
There will be no effect on costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no effect on competition and employment.

C. Paul Phelps  
Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Public Safety and Corrections  
Firemen Supplemental Pay**

Notice is hereby given that the Louisiana Department of Public Safety and Corrections, Firemen Supplemental Pay, proposes to adopt rules and regulations regarding the administration of Firemen Supplemental Pay.

Interested persons may submit written comment until 4:30 p.m., April 6, 1986 to James L. Thibodeaux, Finance Manager, Administrative Services, Box 66909, Baton Rouge, LA 70896. A copy of the proposed rules and regulations is available on written request.

James L. Thibodeaux  
Finance Manager

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

**Rule Title: Firemen Supplemental Pay Board of Review - Rules and Regulations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no implementation costs to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
There will be no costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no effect on competition and employment.

J. L. Thibodeaux  
Finance Manager

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Public Safety and Corrections  
Office of Alcoholic Beverage Control**

Notice is hereby given that the Louisiana Department of Public Safety and Corrections, Office of Alcoholic Beverage Control, proposes to adopt the following rule for the implementation of a plan of staggered renewal of retail permits pursuant to Act 736 of 1985.

- 1. Definitions
  - (a) *ABC* means the Office of Alcoholic Beverage Control of the Department of Public Safety and Corrections
  - (b) *Renewal* means the filing of an application for the reissuance of an alcoholic beverage permit held during the previous permit period.
  - (c) *Combined permit* means a single permit for the sale of beverages of high and low alcoholic content.
- 2. Purposes  
This regulation is proposed pursuant to Act 736 of 1985 for the purpose of providing even distribution of the expiration and renewal of alcoholic beverage permits throughout the year.
- 3. Permit for beverages of low alcoholic content at retail; fees  
All retail permits for the sale of beverages of low alcoholic content issued on or after July 1, 1986 shall expire on December 31, 1986. The fee for any such permit issued shall be one-half the annual fee.
- 4. New permits for beverages of high alcoholic and low content at retail; fees  
All new retail permits for the sale of beverages of high and low alcoholic content issued on or after January 1, 1987, shall have an expiration date to be determined by the Office of ABC based on the first letters of the applicant's name according to the following formula:

<b>First Letter of Applicant's Name</b>	<b>Expiration Date</b>
A&D	July 31
B	Aug. 31
C	Sept. 30
E, F, & G	Oct. 31
H, I & J	Nov. 30
K & L	Dec. 31
M	Jan. 31
N, O, P & Q	Feb. 28
R & T	Mar. 31
S	Apr. 30
U, V, W, X, Y & Z	May 31
and non-alphabetical listings	

If the initial permit for the sale of beverages of high alcoholic content is to be issued for a period of more than six months, then the applicant pays the full permit fee. If the initial permit for the sale of beverages of high alcoholic content is to be issued for six months or less, then the applicant pays only one-half of the permit fee. The fee for the sale of beverages of low alcoholic content remains the same regardless of the period for which it is issued.

- 5. Renewal permits for the sale of beverages of high and low alcoholic content at retail; fees

The renewal of a permit for the sale of beverages of high and low alcoholic content at retail issued on or after January 1, 1987 shall be for a period of not less than seven months nor more than 17 months, which period shall be determined by the Office of ABC according to the following plan:

First Letter of Applicant's Name	Duration of Permit	Permit Expires
A & D	07	Jul. 31, 1987
B	08	Aug. 31, 1987
C	09	Sept. 30, 1987
E, F, & G	10	Oct. 31, 1987
H, I, & J	11	Nov. 30, 1987
K & L	12	Dec. 31, 1987
M	13	Jan. 31, 1988
N, O, P & Q	14	Feb. 29, 1988
R & T	15	Mar. 31, 1988
S	16	Apr. 30, 1988
U, V, W, X, Y & Z	17	May 31, 1988

and non-alphabetical listings

The fee for such a permit shall be determined by a proration of the annual fee as provided by statute over the appropriate number of months as shown on the schedule below:

Rate by Months	Beer		Class A		Class B	
	Class A	Class B	Inside	Outside	Inside	Outside
7	17.50	11.75	116.75	58.25	58.25	29.25
8	20.00	13.25	133.25	66.75	66.75	33.25
9	22.50	15.00	150.00	75.00	75.00	37.50
10	25.00	16.75	166.75	83.25	83.25	41.75
11	27.50	18.25	183.25	91.75	91.75	45.75
12	30.00	20.00	200.00	100.00	100.00	50.00
13	32.50	21.75	216.75	108.25	108.25	54.25
14	35.00	23.50	233.50	116.50	116.50	58.50
15	27.50	25.00	250.00	125.00	125.00	62.50
16	40.00	26.75	266.75	133.25	133.25	66.75
17	42.50	28.50	283.50	141.50	141.50	71.00

The fee for a light wine permit shall be the same as for a Class A beer permit.

#### 6. Combined Permits; fees

On or after January 1, 1987 applicants for permits for the sale of beverages both high and low alcoholic content shall be issued a single permit which shall authorize the sale of both types of beverages. The fee for a combined permit shall be the sum of the two separate fees.

#### 7. Renewal deadline; penalties

Applications for the renewal of permits for the sale of beverages of high and low alcoholic content issued pursuant to this regulation shall be due in the Office of ABC not later than 30 days prior to the date of expiration.

Any retail dealer in beverages of high alcoholic content, who fails to file a renewal application and pay the fee therefor timely, shall pay, in addition to other penalties provided by Title 26 of Louisiana Revised Statutes, a delinquency penalty of five percent if the failure is for not more than 30 days, with an additional five percent for each additional 30 days or fraction thereof during which the failure continues.

Any retail dealer in beverages of low alcoholic content, who fails to file a renewal application and pay the fee therefor timely, shall pay a delinquency penalty of 25 percent over and above the regular fee.

Any retail dealer whose application for renewal is filed before the expiration date of the permit may continue business until issuance of the new permit if the previous permit has not been suspended or revoked, or the new permit withheld or denied. If the retail dealer fails to make his renewal application before the date of expiration, the dealer's right to do business may be suspended without notice or hearing.

#### 8. Gross sales

The payment of an additional permit fee by retailers based on the amount of their gross liquor sales as provided in R.S. 26:71 shall continue and shall be assessed on the gross sales made during the existence of the preceding permit. In renewals, where the

previous permit was issued for less than or more than 12 months under Rule 5, a fee of \$100 for each \$100,000 of gross liquor sales, after the deduction of the exempt portion as shown on the following scale, shall be levied according to R.S. 26:71 3(c).

EXEMPTION ON GROSS RETAIL LIQUOR SALES	
Duration of Permit	Amount of Exemption
7 months	\$ 58,333
8 months	66,667
9 months	75,000
10 months	83,333
11 months	91,667
12 months	100,000
13 months	108,333
14 months	116,667
15 months	125,000
16 months	133,333
17 months	141,667

Interested persons may submit written comments until 4:30 p.m., April 6, 1986 to Marian R. Flowers, Executive Assistant, Alcoholic Beverage Control Office, Box 66404, Baton Rouge, LA 70896.

Michael W. Russell  
Assistant Secretary

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Renewal of Permits

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no implementation costs. There will be a slight savings in cost as a result of combining retail beer and liquor or beer and light wine renewal dates which will enable us to print one permit and will require us to visit delinquent outlets once for the renewal of both permits.
- 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, however, this will benefit retailers holding both beer and liquor or beer and light wine permits as they will only have to renew their alcoholic beverage permits once a year rather than one in July and one in January.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There will be no effect on competition and employment.

James L. Thibodeaux  
Finance Manager

Mark C. Drennen  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Department of Public Safety and Corrections Office of the State Fire Marshal

As Fire Marshal for the State of Louisiana, I hereby intend to amend the boiler rules to provide for and maintain safe operating conditions for boilers installed and operated in the State of Louisiana (City of New Orleans excepted). These rules and regulations are excerpts from the American Society of Mechanical Engineers (ASME) new construction codes, and The National

Board of Boiler and Pressure Vessel Inspectors Inspection Code (NBIC). These rules and regulations will provide sufficient guidance to the owners, users and persons making repairs to boilers, without the need for them to maintain the expensive code books. The changes to these rules and regulations includes: the change in responsibility from the commissioner of labor, to the assistant secretary for the Office of the State Fire Marshal; the deletion of the section on miniature boilers, which are new construction code requirements covered by Section I of the ASME Code and can only be accomplished by ASME Certificate holders; the Appendix on Instructions for Riveted Patches, Record of Welded Repair, Procedure Specification and Record of Qualification Test of Welding Procedures and Operators will be referenced to the NBIC, of which each inspector responsible for in-service inspections of the boiler is required to maintain; the fees for in-service inspection and certification placed into the act; and numerous definitions added to clarify their use.

Anyone having any questions with regard to this proposed administrative ruling should contact Plauche F. Villere, Jr. Attorney for State Fire Marshal, 500 Dufossat Street, New Orleans, Louisiana 70115, 504-897-6600 or Carl Thompson, Chief of Boiler Section, 1033 North Lobdell Boulevard, Baton Rouge, LA 70806, 504-925-4911. There will be a hearing in the office of the attorney for the State Fire Marshal on March 5, 1986 at 12 noon at which time and place any person may present their views orally or up until which time they may present their views in writing.

Carrol L. Herring  
State Fire Marshal

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Boiler Inspection Law and Rules and  
Regulations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There is no estimated implementation costs to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There is no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
There is no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
There is no estimated effect on competition and employment.

James L. Thibodeaux  
Finance Manager

David W. Hood  
Legislative Fiscal Analyst

**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 the plan document, effective July 1, 1986, as follows:

Page 6—Schedule of Benefits, under “Deductibles:” delete the following:

“In-patient deductible per day, maximum of five days per admission (waived for accidental injury) ..... \$25”

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 April 1, 1986, at the following address: Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen  
Executive Director

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: In-patient Deductibles**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no costs or savings to state or local governmental units as a result of the implementation of this rule change.  
This rule will increase the costs of the State Employees Group Benefits Program in the approximate annual amount of \$2,578,000. This cost will be in the form of increased benefits paid to or on behalf of plan members and/or their dependents.  
While this increased cost to the program will not require a premium increase immediately, it will be a factor in future rate adjustments.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Revenue collections of state or local governmental units will not be affected by this rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
The plan members of the State Employees Group Benefits Program will realize economic benefits in the approximate annual amount of \$2,578,000 in the form of increased benefit payments.  
While this increased cost to the program will not require a premium increase immediately, it will be a factor in future rate adjustments.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
Competition and Employment will not be affected by this rule change.

James D. McElveen  
Executive Director

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Urban and Community Affairs  
Office of Planning and Technical Assistance**

The Department of Urban and Community Affairs will be amending the FY 1984 LCDBG final statement. The purpose of this intent is to allow the department to utilize \$100,000 plus two percent of the total funds allocated to Louisiana for administrative costs. Section II.E. of the FY 1984 LCDBG final statement will read as follows:

II.E. DISTRIBUTION OF FUNDS BETWEEN GRANTS.  
Figure 1 shows how the funds available will be allocated between the various type grants. Of the total CDBG funds allocated to the

State of Louisiana, up to \$100,000 plus two percent will be used to administer the program.

Interested persons may comment on the proposed amendment in writing through April 1, 1986, at the following address: Colby S. LaPlace, Assistant Secretary, Office of Planning and Technical Assistance, Department of Urban and Community Affairs, Box 94455, Baton Rouge, LA 70804.

Dorothy M. Taylor  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: FY 1984 LCDBG Final Statement**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
The amendment will allow the state to utilize an additional \$100,000 of the federal funds for administrative costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
The effect of this change will be to reduce the amount available for programmatic grant purposes to local government units by \$100,000.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
The amendment will enable the state to utilize more of the federal funds for administration. The amendment is in full compliance with the federal regulations.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
The proposed amendment will not create any effect on competition and employment.

Dorothy M. Taylor  
Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Urban and Community Affairs  
Office of Planning and Technical Assistance**

The Department of Urban and Community Affairs will be amending the FY 1985 LCDBG final statement. The purpose of this intent is to allow the department to utilize \$100,000 plus two percent of the total funds allocated to Louisiana for administrative costs. Section II.E. of the FY 1985 LCDBG final statement will read as follows:

II.E. DISTRIBUTION OF FUNDS BETWEEN GRANTS.  
Figure 1 shows how the funds available will be allocated between the various population categories. Of the total CDBG funds allocated to the State of Louisiana, up to \$100,000 plus two percent will be used to administer the program.

Interested persons may comment on the proposed amendment in writing through April 1, 1986, at the following address: Colby S. LaPlace, Assistant Secretary, Office of Planning and Technical Assistance, Department of Urban and Community Affairs, Box 94455, Baton Rouge, LA 70804.

Dorothy M. Taylor  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: FY 1985 LCDBG Final Statement**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
The amendment will allow the state to utilize an additional \$100,000 of the federal funds for administrative costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
The effect of this change will be to reduce the amount available for programmatic grant purposes to local government units by \$100,000.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
The amendment will enable the state to utilize more of the federal funds for administration. The amendment is in full compliance with the federal regulations.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
The proposed amendment will not create any effect on competition and employment.

Dorothy M. Taylor  
Secretary

Mark C. Drennen  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

The Seafood Division, Louisiana Department of Wildlife and Fisheries, intends to add particular requirements governing the harvest and sale of Spanish Mackerel (*Scomberomorus maculatus*) in Louisiana. This authority is granted under RS 56:326, Louisiana Laws Pertaining to Wildlife and Fisheries, State of Louisiana, Revised 1984 Edition.

Persons who desire to comment on this proposed addition may do so by submitting written comments to Harry Schafer, Chief, Seafood Division, Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895, prior to March, 1, 1986.

J. Burton Angelle  
Secretary

**Fiscal and Economic Impact Statement  
For Administrative Rules  
Rule Title: Impose regulations limiting size of Spanish  
Mackerel caught and sold in Louisiana**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
None - Enforcement will be handled as a part of daily routine.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
None
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
None
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
None

Mary Mitchell  
Chief Fiscal Officer

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission advertises its intent to set the 1986 spring inshore shrimp season at the commission's monthly meeting on May 2, 1986. Louisiana Law RS 56:497A states the season must be opened by May 25.

Interested persons may submit written comments relative to setting of the season until 4:30 p.m. on April 28, 1986 at the following address: Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895, attention Philip Bowman. Additionally the Wildlife and Fisheries Commission will hold a public hearing on setting the spring inshore shrimp season on May 1, 1986 at which time biological information relative to the 1986 shrimp crop will be reviewed and public comment will be received.

J. Burton Angelle  
Secretary

### Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Shrimp Seasons Inside Waters

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be no cost to implement this season as it will be handled along with other regular duties.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
There will be an estimated 40,000 shrimp licenses sold. Using a median cost of \$20 per license would result in revenue in the amount of \$800,000.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
The costs to the affected groups would be the licensing fees of \$800,000.  
The benefits are the estimated \$150 million annual shrimp value at dockside.  
The 1984 season yielded 106,700,000 pounds of shrimp heads on valued at \$143.1 million.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
Approximately 50,000 individuals are influenced by the annual shrimp seasons.

Mary Mitchell  
Chief Fiscal Officer

Mark C. Drennen  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission advertises its intent to amend Rule 33 of the seismic rules and regulations which concern seismic activity in designated red lined oyster seed grounds belonging to the State of Louisiana.

The commission proposes to change the rule to read as follows:

33) Seismic operators making application to work on any designated red lined oyster seed ground belonging to the State of Louisiana will be required to pay the following fees: \$100 per drilled shot hole, or \$1000 per mile, whichever is greater, for reflective or

refractive cable. These fees are to be paid in advance. Fees will be reviewed each January. For use of air guns only the following fees apply. When working in waters from 0 to 5 feet deep, the fee remains \$1000 per mile. In waters from 5 to 10 feet deep, the fee is \$400 per mile. In waters 10 feet and deeper, the fee is \$200 per mile.

Interested parties may submit written comments to Maurice Watson, Ecological Supervisor, Box 15570, Baton Rouge, 70895. Comments will be received until 4:30 p.m., March 20, 1986.

J. Burton Angelle  
Secretary

### Fiscal and Economic Impact Statement For Administrative Rules

#### Rule Title: A specific fee change-Oyster Seed Grounds

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
None.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)  
Prevention of an impending decline in revenue as a result of decreasing seismic activity. This proposal will make it more economical for seismic activity in the coastal waters, thus increasing the effort offsetting the lower charges.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)  
This will reduce the cost/mi. of seismic activity for the seismic companies in certain areas while giving economic incentive to use a less environmentally damaging method of geoseismic exploration.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)  
None on competition: An increase in the number of seismic crews working or in the miles of lines laid will forestall the anticipated layoff of department personnel who are now employed by our Seismic Section.

Mary Mitchell  
Chief Fiscal Officer

Mark C. Drennen  
Legislative Fiscal Officer

# Potpourri

## POTPOURRI

### Department of Agriculture Office of Agricultural and Environmental Sciences Horticulture Commission

The next retail floristry examinations will be given at 10 a.m. daily at the Caddo Bossier Vo-Tech School, 2010 North Market, Shreveport, LA on April 8-11, 1986. The deadline for submitting the application and fee is March 21, 1986.

Further information concerning examinations may be obtained from Craig Roussel, Director, Horticulture Commission, Box 44517, Baton Rouge, LA 70804, phone (504) 925-7772.

Bob Odom  
Commissioner

## POTPOURRI

### Department of Health and Human Resources Board of Electrolysis Examiners

Meetings for the calendar year 1986 will be held at 200 Lafayette Street, DHHR Building, Baton Rouge, LA, at 1 p.m. on the following dates: February 13, 1986, May 8, 1986, July 31, 1986, and October 23, 1986.

Dee R. Goellner  
Chairperson

## 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, March 25, 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 Health and Human Resources Office of Family Security

Beginning with Medicaid claims involving Third Party Liability that are processed on or after May 12, 1986, the Office of Family Security must change its claims payment method for these type claims.

This action will in no way change the intent or application of the original policy governing Third Party Liability situations. Providers have always been instructed by provider manuals, program staff, and on the reverse of medical eligibility cards, that if a Medicaid recipient carries other insurance, the provider must seek payment from the Third Party insurer prior to billing Medicaid program. However, if the provider did not follow these instructions and billed Medicaid prior to securing a determination of the amount of Third Party Liability, federal regulations permitted the agency to pay the full amount allowed under the agency's payment schedule for the claim and later seek reimbursement from any liable third party to the limit of legal liability. This claims payment option is commonly referred to as the "pay and chase" method.

Recent amendments by the Health Care Financing Administration to federal regulations contained in 42 CFR 433.139 require that the Office of Family Security abandon the "pay and chase" method of claims payment for all claims processed on or after May 12, 1986 where probable Third Party Liability is established at the time the claims are filed. These amendments were published as a final rule in the November 12, 1985 (*Federal Register* Volume 50, Number 218, Page 46665). For Medicaid claims processed on or after May 12, 1986, if probable Third Party Liability is established at the time the claim is filed, the agency shall reject the claim and return it to the provider for a determination of the amount of Third Party Liability. When the amount of the Third Party Liability is determined, the agency will then pay the claim to the extent that payment allowed under the agency's payment schedule exceeds the amount of the third party's payment. This

method of claims payment is commonly referred to as the "cost avoidance" method.

The recent amendments to federal regulations contained in 42 CFR 433.139 require that the Office of Family Security utilize the "cost avoidance" method in lieu of the "pay and chase" 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. As the Louisiana State Plan (4.22 and Attachment 4.22-A) relating to Third Party Liability indicates that the Medicaid agency meets all requirements of 42 CFR 433.138 and 42 CFR 433.139, all Medicaid claims involving Third Party Liability processed on or after May 12, 1986, must be processed under the "cost avoidance" method described above.

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

## POTPOURRI

### Department of Natural Resources Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56:700.1 through 56:700.5, and regulations adopted for the fund as published in the *Louisiana Register* on August 20, 1980, notice is given that 118 claims amounting to \$144,737.56 were received during the month of January, 1986. No claims were paid during the month of January, 1986.

The following claims are the subjects of public hearings to be held at the locations indicated:

Friday, February 28, 1986 at 2 p.m. in the St. Bernard Police Jury Office, 8201 West Judge Perez Drive, Chalmette, LA.

CLAIM NO. 85-2971

Barry J. Melerine, of Braithwaite, Louisiana, while in Point Fortuna, St. Bernard Parish, on October 27, 1985, suffered the loss of 135 crab traps, due to the turbulence caused by Hurricane Juan. Amount of Claim: \$1,350

CLAIM NO. 85-2940

Martin A. Kain, Jr., of New Orleans, Louisiana, while trawling on the vessel, "MISS JUANITA," on the west side of Grand Caillou in the Gulf of Mexico, Lafourche Parish, encountered an unidentified submerged obstruction on October 23, 1985, causing damage to vessel and loss of doors. Amount of Claim: \$493.55

CLAIM NO. 85-2926

Michael Russell, of New Orleans, Louisiana, while trawling on the vessel, "MASTER NICHOLAS," in Lake Pontchartrain, Jefferson Parish, encountered an unidentified submerged obstruction on November 6, 1985, causing loss of 50 foot trawl. Amount of Claim: \$759

CLAIM NO. 85-2925

Mike Russell, of New Orleans, Louisiana, while trawling in Lake Borgne, Orleans Parish, encountered an unidentified submerged obstruction on October 4, 1985, causing loss of 50 foot trawl. Amount of Claim: \$695

CLAIM NO. 85-2900

Peter Gerica, of New Orleans, Louisiana, while trawling on the vessel, "MISS LUCY," in Lake Pontchartrain, Orleans Parish, encountered an unidentified submerged obstruction on November 8, 1985, causing damage to 55 foot trawl. Amount of Claim: \$350

CLAIM NO. 85-2898

Raymond C. Gilham, of Metairie, Louisiana, while trawling on a no name 29 foot vessel, in Lake Pontchartrain, Orleans Parish, encountered an unidentified submerged obstruction November 10, 1985, causing damage to net. Amount of Claim: \$185

CLAIM NO. 85-2897

Wayne Abreu, of Yscloskey, Louisiana, while trawling on the vessel, "PIRATE LADY," in Lake Eloi, St. Bernard Parish, encountered an unidentified submerged obstruction on November 11, 1985, causing loss of 1,500 foot fish net. Amount of Claim: \$2,427.12

CLAIM NO. 85-2891

Lester B. Schellinger, Jr., of Chalmette, Louisiana, while trawling in Chef Menteur Pass, Orleans Parish, encountered an unidentified submerged obstruction on October 21, 1985, causing damage to vessel. Amount of Claim: \$503

CLAIM NO. 85-2972

Eugene J. Morales, Sr., of St. Bernard, Louisiana, while trawling on the vessel, "MARK GENIE," in Long Bay, Plaquemines Parish, encountered an unidentified submerged obstruction on November 25, 1985, causing damage to 50 foot trawl and tickler chain. Amount of Claim: \$793.20

CLAIM NO. 85-2994

Raymond C. Gilham, of Metairie, Louisiana, while trawling on a no name 29 foot vessel, in Lake Pontchartrain, Orleans Parish, encountered an unidentified submerged obstruction on November 14, 1985, causing loss of net. Amount of Claim: \$325

CLAIM NO. 85-3051

Leon E. Seghers, of New Orleans, Louisiana, while trawling on the vessel, "MASTER JEFF," in the Lake Pontchartrain, Orleans Parish, encountered an unidentified submerged obstruction on December 11, 1985, causing loss of nets. Amount of Claim: \$685

CLAIM NO. 85-3052

Leon E. Seghers, of New Orleans, Louisiana, while trawling on the vessel, "MASTER JEFF," in Lake Borgne, Orleans Parish, encountered an unidentified submerged obstruction on October 10, 1985, causing loss of 50 foot trawl and tickler chain. Amount of Claim: \$490

CLAIM NO. 85-3053

Leon E. Seghers, of New Orleans, Louisiana, while trawling on the vessel, "MASTER JEFF," in Lake Pontchartrain, St. Tammany Parish, encountered an unidentified submerged obstruction on September 30, 1985, causing loss of 50 foot balloon trawl and tickler chain. Amount of Claim: \$550

CLAIM NO. 85-2801

Michael A. Boudreaux, of LaPlace, Louisiana, while trawling on the vessel, "MISS PRISS," in Lake Pontchartrain, St. Charles Parish, encountered an unidentified submerged obstruction on October 7, 1985, causing damage to trawl and prop. Amount of Claim: \$937.78

CLAIM NO. 85-2548

Stephen C. Byrnes, of New Orleans, Louisiana, while trawling on the vessel, "JENNIFER LYNN," in Lake Pontchartrain, Orleans Parish, encountered an unidentified submerged obstruction on July 8, 1985, causing loss of trawl. Amount of Claim: \$260

CLAIM NO. 85-2582

Kenneth R. Adams, Jr., of New Orleans, Louisiana, while trawling on the vessel, "SHANNA BABY," in Drum Bay, St. Bernard Parish, encountered an unidentified submerged obstruction on July 18, 1985, causing loss of balloon trawl. Amount of Claim: \$748

CLAIM NO. 85-2669

Ben Guerra, Jr., of St. Bernard, Louisiana, while trawling on the vessel, "CAPT. BEN," in Taylor Pass, Plaquemines Parish, encountered an unidentified submerged obstruction on August 20, 1985, causing loss of trawl. Amount of Claim: \$593.88

CLAIM NO. 85-2749

Kenneth Joseph LeFebvre, Jr., of St. Bernard, Louisiana,

while trawling on the vessel, "BAYOU BLUES," in Lake Pontchartrain, encountered an unidentified submerged obstruction on September 17, 1985, causing damage to trawl and boards. Amount of Claim: \$935

CLAIM NO. 85-2761

George A. Barisich, of Barisich, Inc., Violet, Louisiana, while trawling on the vessel, "F.J.G.," in Lake Borgne, encountered an unidentified submerged obstruction on August 24, 1985, causing loss of his trawl. Amount of Claim: \$642.29

CLAIM NO. 85-2763

George J. Franco, of Slidell, Louisiana, while trawling on the vessel, "LA BRINA JO," in Lake Pontchartrain, St. Tammany Parish, encountered an unidentified submerged obstruction on September 4, 1985, causing loss of his trawl. Amount of Claim: \$1,492.76

CLAIM NO. 85-2765

Dennis J. Baldo, of Chalmette, Louisiana, while trawling on the vessel, "CAJUN LADY," in Lake Borgne, St. Bernard Parish, encountered an unidentified submerged obstruction on September 21, 1985, causing loss of trawl. Amount of Claim: \$652.50

CLAIM NO. 85-2766

Charles Robin, Jr., of St. Bernard, Louisiana, while trawling on the vessel, "ELLIE MARGARET," in Breton Sound, St. Bernard Parish, encountered an unidentified submerged obstruction on September 24, 1985, causing loss of balloon trawl. Amount of Claim: \$700

CLAIM NO. 85-2767

James Menner, of Slidell, Louisiana, while trawling on an unnamed 30 foot vessel in Lake Pontchartrain, St. Tammany Parish, encountered an unidentified submerged obstruction on September 24, 1985, causing loss of trawl. Amount of Claim: \$257.06

CLAIM NO. 85-2770

Jules B. Kain, Sr., of Violet, Louisiana, while trawling on the vessel, "CHRIS AND SHANE," in Bayou Grand Caillou, Terrebonne Parish, encountered an unidentified submerged obstruction on September 25, 1985, causing damage to vessel. Amount of Claim: \$3,549.08

CLAIM NO. 85-2782

Charles Robin, Jr., of St. Bernard, Louisiana, while trawling on the vessel, "ELLIE MARGARET," in the Breton Sound, St. Bernard Parish, encountered an unidentified submerged obstruction on September 30, 1985, causing damage to vessel. Amount of Claim: \$3,143.65

CLAIM NO. 85-2786

Kenneth R. Adams, Jr., of New Orleans, Louisiana, while trawling on the vessel, "SHANNA BABY," in the Gulf of Mexico, 3 miles east of Shell Keys, Iberia Parish, encountered an unidentified submerged obstruction on September 8, 1985, causing loss of balloon trawl and chain. Amount of Claim: \$743

CLAIM NO. 85-2796

Richard Luscly, of Reggio, Louisiana, while trawling on the vessel, "RICHARD'S PRIDE," in the Mississippi River Gulf Outlet, St. Bernard Parish, encountered an unidentified submerged obstruction on October 6, 1985, causing damage to vessel. Amount of Claim: \$2,520.50

CLAIM NO. 85-2797

Herman Alfonso, of St. Bernard, Louisiana, while trawling on the vessel, "PANCHO VILLA," in Eloi Bay, St. Bernard Parish, encountered an unidentified submerged obstruction on October 4, 1985, causing loss of two trawls. Amount of Claim: \$2,525

CLAIM NO. 85-2802

Roger Cornwall, of St. Bernard, Louisiana, while trawling on the vessel, "FAMILY AFFAIR," in the Iron Banks, Breton Sound, Plaquemines Parish, encountered an unidentified sub-

merged obstruction on October 7, 1985, causing loss of trawl. Amount of Claim: \$685.82

CLAIM NO. 85-2820

Stephen F. Woodard, of Port Sulphur, Louisiana, while trawling on the vessel, "NANCY M.," in Lake Salvador, Lafourche Parish, encountered an unidentified submerged obstruction on October 9, 1985, causing loss of balloon trawl. Amount of Claim: \$585.34

CLAIM NO. 85-2860

Warren J. Thibodeaux, of New Orleans, Louisiana, while trawling on the vessel, "HONEY SUCKER," in the Gulf of Mexico, Plaquemines Parish, encountered an unidentified submerged obstruction on October 19, 1985, causing damage to vessel. Amount of Claim: \$3,171

CLAIM NO. 85-2815

Warren J. Thibodeaux, of New Orleans, Louisiana, while trawling on the vessel, "HONEY SUCKER," in Breton Sound, St. Bernard Parish, encountered an unidentified submerged obstruction on October 8, 1985, causing loss of trawl. Amount of Claim: \$893

CLAIM NO. 85-2851

Nicholas Gonzales, of Meraux, Louisiana, while trawling on the vessel, "BLUE PERSUASION," in Breton Sound, St. Bernard Parish, encountered an unidentified submerged obstruction on October 17, 1985, causing damage to vessel. Amount of Claim: \$2,500

CLAIM NO. 85-2852

Nicholas Gonzales, of Meraux, Louisiana, while trawling on the vessel, "BLUE PERSUASION," encountered an unidentified submerged obstruction on August 30, 1985, causing loss of trawl. Amount of Claim: \$1,075.46

CLAIM NO. 85-2831

Dennis Mennesses, of St. Bernard, Louisiana, while trawling on the vessel, "CAP. DENNY," in Black Bay, Plaquemines Parish, encountered an unidentified submerged obstruction on October 16, 1985, causing damage to vessel and loss of trawl. Amount of Claim: \$1,064.75

CLAIM NO. 85-2842

William Soulant III, of Slidell, Louisiana, while trawling on the vessel, "WITH-LUV-SON-IN-LAW," in Lake Pontchartrain, St. Tammany Parish, encountered an unidentified submerged obstruction on October 17, 1985, causing the loss of trawl. Amount of Claim: \$775

CLAIM NO. 85-2832

Peter M. Gerica, of New Orleans, Louisiana, while trawling on the vessel, "MISS LUCY," in Lake Pontchartrain, Orleans Parish, encountered an unidentified submerged obstruction on October 10, 1985, causing loss of trawl. Amount of Claim: \$350

CLAIM NO. 85-2810

George B. Anglada, Jr., of Chalmette, Louisiana, while trawling on the vessel, "MISS NADINE," in West Black Bay, Plaquemines Parish, encountered an unidentified submerged obstruction on September 18, 1985, causing damage to the vessel, and to an oyster dredge. Amount of Claim: \$841.27

CLAIM NO. 85-2824

Domingo Rano, of St. Bernard, Louisiana, while trawling on the vessel, "CAPT. MINGO," in the Bay Eloi, St. Bernard Parish, encountered an unidentified submerged obstruction on October 1, 1985, causing loss of trawl. Amount of Claim: \$885.27

Tuesday, March 4, 1986 at 10 a.m., in the Louisiana State University Cooperative Extension Service Office, Greater Lafourche Port Commission Building, Highway 308, Galliano, LA.

CLAIM NO. 85-2849

Robert J. Bruce, of Cut Off, Louisiana, while trawling on

the vessel, "BOBBY JOE," in the Gulf of Mexico, at LORAN-C readings of 27810.2 and 46865.6, Terrebonne Parish, encountered an unidentified submerged obstruction on October 18, 1985, causing loss of 50 foot balloon trawl and damage to vessel. Amount of Claim: \$1,634.50

CLAIM NO. 85-2794

Webb Cheramie, Jr., of Grand Isle, Louisiana, while trawling on the vessel, "MASTER WAYNE I," in the Gulf of Mexico, at LORAN-C readings of 29054.8 and 46869.8, Plaquemines Parish, encountered an unidentified submerged obstruction on September 30, 1985, causing damage to trawl. Amount of Claim: \$1,076.81

CLAIM NO. 85-2808

Pat Collins, Sr., of Lockport, Louisiana, while trawling on the vessel, "P & M," in the Gulf of Mexico, at LORAN-C readings of 27,538.6 and 46,911.0, St. Mary Parish, encountered an unidentified submerged obstruction on October 9, 1985, causing loss of 50 foot balloon trawl. Amount of Claim: \$906.40

CLAIM NO. 85-3025

Leo Pitre, of Golden Meadow, Louisiana, while trawling on the vessel, "CAPT. LEO," in the Gulf of Mexico, at LORAN-C readings of 27851.2 and 46844.1, Plaquemines Parish, encountered an unidentified submerged obstruction on December 3, 1985, causing loss of trawl. Amount of Claim: \$918.01

CLAIM NO. 85-2857

Raleigh Rouse, of Galliano, Louisiana, while trawling on the vessel, "CAPT. ROUSSE," in the Barataria Bay, at LORAN-C readings of 28562 and 46869, Jefferson Parish, encountered an unidentified submerged obstruction on October 20, 1985, causing loss of trawl. Amount of Claim: \$752.93

CLAIM NO. 85-2981

Henry Charpentier, of Cut Off, Louisiana, while trawling on the vessel, "CAPT. HENRY," in East Bay at LORAN-C readings of 28921.2 and 46779.5, Plaquemines Parish, encountered an unidentified submerged obstruction on November 24, 1985, causing damage to vessel. Amount of Claim: \$2,105.13

CLAIM NO. 85-2846

James A. Prudhomme, Jr., of Galliano, Louisiana, while trawling on the vessel, "CAPT. JIM," in Lake Borgne, at LORAN-C readings of 11914.1 and 47045.8, St. Bernard Parish, encountered an unidentified submerged obstruction on September 30, 1985, causing loss of 50 foot trawl. Amount of Claim: \$761.82

CLAIM NO. 85-2847

Jimmy Gisclair of Galliano, Louisiana, while trawling on the vessel, "PATRICK JAMES," in the Gulf of Mexico, at LORAN-C readings of 26842.3 and approximately 2¼ miles off beach south of Grand Cheniere, Cameron Parish, encountered an unidentified submerged obstruction on October 3, 1985, causing damage to 50 foot trawl. Amount of Claim: \$402.98

CLAIM NO. 85-2858

John Wunstall of Galliano, Louisiana, while trawling on the vessel, "GUIDING STAR," in the Gulf of Mexico, at LORAN-C readings of 27471.4 and 46923.7, Iberia Parish, encountered an unidentified submerged obstruction on October 21, 1985, causing loss of trawl and damage to vessel. Amount of Claim: \$5,000

CLAIM NO. 85-2836

David Griffin, of Tee Frank, Inc., Galliano, Louisiana, while trawling on the vessel, "TEE FRANK," in Gulf of Mexico, around Rittle Pass, Terrebonne Parish, encountered an unidentified submerged obstruction on October 11, 1985, causing loss of 60 foot balloon trawl. Amount of Claim: \$1,313.74

CLAIM NO. 85-2932

Isadore Dardar, of Golden Meadow, Louisiana, while trawling on the vessel, "MISS LENA," in Bay Joyeux, Jefferson Parish, encountered an unidentified submerged obstruction on



November 12, 1985, causing damage to vessel. Amount of Claim: \$3,679.76

CLAIM NO. 85-2906

Roger M. Camardelle, of Grand Isle, Louisiana, while trawling on the vessel, "THREE SONS," in Barataria Bay, Jefferson Parish, encountered an unidentified submerged obstruction on November 6, 1985, causing loss of 50 foot net and damage to vessel. Amount of Claim: \$1,400

CLAIM NO. 85-2915

Levy Burnet, of Cut Off, Louisiana, while trawling on the vessel, "CAPTAIN VIE," in Bay des Ilettes, Lafourche Parish, encountered an unidentified submerged obstruction on October 27, 1985, causing damage to vessel. Amount of Claim: \$5,000

CLAIM NO. 85-2979

Antoine Chauvin, of Lady Rowena, Inc., Golden Meadow, Louisiana, while trawling on the vessel, "LADY ROWENA," in Breton Sound, Plaquemines Parish, encountered an unidentified submerged obstruction on November 25, 1985, causing loss of 55 foot trawl with hardware. Amount of Claim: \$1,058.03

CLAIM NO. 85-2878

Ricky L. Lafont, of Cut Off, Louisiana, while trawling on the vessel, "DADDY'S GIRL," in East Cote Blanche Bay, St. Mary Parish, encountered an unidentified submerged obstruction on October 21, 1985, causing loss of trawl and doors. Amount of Claim: \$1,505.60

CLAIM NO. 85-2894

Jason Guidry, of Cut Off, Louisiana, while trawling on the vessel, "CAPTAIN JASON," in Lake Barre, Terrebonne Parish, encountered an unidentified submerged obstruction on October 24, 1985, causing loss of 50 foot balloon trawl. Amount of Claim: \$1,449.75

CLAIM NO. 85-2837

David Griffin, of Tee Frank, Inc., Galliano, Louisiana, while trawling on the vessel, "TEE FRANK," in the Bayou Taylor, Terrebonne Parish, encountered an unidentified submerged obstruction on September 20, 1985, causing damage to vessel. Amount of Claim: \$1,467.95

CLAIM NO. 85-2889

David J. Camardelle, of Grand Isle, Louisiana, while trawling on the vessel, "MR. TRAVIS," in Caminada Bay, Jefferson Parish, encountered an unidentified submerged obstruction on November 7, 1985, causing loss of trawl. Amount of Claim: \$447.80

CLAIM NO. 85-2840

Ulysses J. Guidry, of Galliano, Louisiana, while trawling on the vessel, "SEA BREEZE," in Belle Passe, Lafourche Parish, encountered an unidentified submerged obstruction on October 12, 1985, causing damages to 50 foot trawl. Amount of Claim: \$232.79

CLAIM NO. 85-2839

Ulysses J. Guidry, of Galliano, Louisiana, while trawling on the vessel, "SEA BREEZE," in Shell Keys, Vermilion, Parish, encountered an unidentified submerged obstruction on October 4, 1985, causing damages to trawl. Amount of Claim: \$551.09

CLAIM NO. 85-2754

Wayne Cheramie, of Grand Isle, Louisiana, while trawling on the vessel, "MASTER WAYNE," in the Gulf of Mexico, North-east of Caminada Near the beach of Grande Isle, Jefferson Parish,

encountered an unidentified submerged obstruction on September 20, 1985, causing damage to trawl. Amount of Claim: \$556.56

CLAIM NO. 85-2890

David A. Dardar, of Golden Meadow, Louisiana, while trawling on the vessel, "CAPT. DAVE," in the Gulf of Mexico, south of Penrod Slip, Lafourche Parish, encountered an unidentified submerged obstruction on October 13, 1985, causing damage to two 50 foot trawls, cable and boards. Amount of Claim: \$3,888.10

CLAIM NO. 85-2982

Ivy Lasseigne, of Galliano, Louisiana, while trawling on the vessel, "SKIPPER-ROO," in Barataria Bay, North Grand Terre Island, Jefferson Parish, encountered an identified submerged obstruction on November 29, 1985, causing loss of tri-net with boards and cable. Amount of Claim: \$508.52

CLAIM NO. 85-2806

Nolty Alario of Nolty Alario, Inc., Grand Isle, Louisiana, while trawling on the vessel, "RITA," in the Gulf of Mexico, around Taylor Bayou, Terrebonne Parish, encountered an unidentified submerged obstruction on September 26, 1985, causing loss of trawl and boards. Amount of Claim: \$631.39

CLAIM NO. 85-2959

Calvin A. Cheramie, of Galliano, Louisiana, while trawling on the vessel, "MR. FOX," in Terrebonne Bay, Terrebonne Parish, encountered an unidentified submerged obstruction on November 6, 1985, causing damage to trawl. Amount of Claim: \$412.33

CLAIM NO. 85-2779

Isadore Dardar, of Golden Meadow, while trawling on the vessel, "MISS LENA," in the southeast section of Little Lake, Lafourche Parish, encountered an unidentified submerged obstruction on September 28, 1985, causing loss of 50 foot trawl. Amount of Claim: \$1,241.35

CLAIM NO. 85-2829

David J. Camardelle, of Grande Isle, Louisiana, while trawling on the vessel, "MR. TRAVIS," in the Gulf of Mexico, west of Caminada Pass, Jefferson Parish, encountered an unidentified submerged obstruction on October 10, 1985, causing damage to vessel. Amount of Claim: \$666.75

CLAIM NO. 85-2980

Antoine Chauvin, of Lady Rowena, Inc., Golden Meadow, Louisiana, while trawling on the vessel, "LADY ROWENA," in Belle Pass, Lafourche Parish, encountered an unidentified submerged obstruction on November 30, 1985, causing damage to vessel. Amount of Claim: \$1,566

CLAIM NO. 85-2888

John Reynaud, of Lockport, Louisiana, while trawling on the vessel, "CAPT. JEAN," in Bayou Cholas, Lafourche Parish, encountered an unidentified submerged obstruction on November 5, 1985, causing damage to vessel. Amount of Claim: \$5,000

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 post-marked no later than seven days after the hearing(s).

B. Jim Porter  
Secretary

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